No. 2] **BILL.** [1897.

An Act further to secure the safety of railway employees and pas-engers.

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

Cars fitted with air-brakes to be provided with certain device.

1. All cars fitted with air-brakes shall, within one year from the passing of this Act, be provided with an automatic device in the hose-coupling of such air-brakes, or in the train pipes, so arranged that, after the cars are coupled, the connection between such brakes and the air pump on the locomotive cannot be broken, or the coupling deranged, accidentally or otherwise, without the knowledge of the engineer.

Attachments for box freight cars.

2. All box freight cars built for use on Canadian railways, shall, after the passing of this Act, be of a uniform standard height, and of a capacity not to exceed sixty thousand pounds, to be approved by the Minister of Railways and Canals, and shall be provided with the following attachments for the security of railway employees :—

(*a.*) Outside ladders, on opposite sides of the ends of each car, projecting below the frame of the car and with one step or rung of the ladder below such frame, such ladders to be placed close to the end of the side to which they are attached ;

(*b.*) Arched iron rails, extending from the top of each ladder to a sufficient and firm support, placed at the side of the running board, and so arranged as to assist persons climbing on to the roof by means of such ladders.

Approval of Minister.

2. All such attachments shall be subject to the approval of the Minister of Railways and Canals.

As to cars already built.

3. Every such car already built, which is the property of Canadian railways for use in Canada, shall, within two years after the passing of this Act, be fitted with the foregoing attachments.

Penalty.

4. The penalty for building such cars not fitted in accordance with the provisions of this Act after the date herein mentioned, shall be twenty-five dollars for each car.

Penalty.

5. The penalty for using any such car not fitted or handled in accordance with the provisions of this Act after the date herein provided shall be five dollars a day for every day or trip lasting less than a day, during which it is so used.

Ministe prosecute.

6. The Minister of Railways and Canals shall proceed against any railway company or car builder handling, using or building

such cars contrary to the provisions of this Act, on the information of any credible person.

Compensation if employee is injured.

7. Every employee of a railway company injured while in the discharge of his duty shall, for every day during which he is thereby unfitted for duty, be entitled to compensation from the railway company at the rate of not less than sixty per cent of the current rate of wages for men similarly employed by the company, at the time the injury occurs, to be paid for not more than fifty-two weeks.

If permanently disrbled.

2. Every such employee permanently disabled while in the discharge of his duty, shall be entitled to compensation from the railway company to the amount of not less than three thousand dollars.

If killed.

3. The legal representatives of every employee who is killed, or who dies from injuries received, while in the discharge of his duty, within six months after such injury, shall be entitled to compensation from the railway to the amount of not less than three thousand dollars.

Other recourse not affected.

4. The foregoing provisions as to compensation shall be without prejudice to any further damages which a court of law may adjudge to any such employee or his legal representatives as against any railway company, and shall not be capable of being renounced or given up by such employee by any agreement or contract with the railway company, for value or otherwise, or of being made void by any rules or regulations of the railway.

Right to damages cannot be renounced.

Medical certificates.

5. The certificate of two duly qualified disinterested physicians shall be sufficient to prove permanent disability; and the certificate of the attending physician shall be sufficient to prove unfitness for duty, for a period not exceeding ten weeks, after which time a monthly certificate of a physician named by the company shall be sufficient.

Contributory negligence.

6. The foregoing provisions as to compensation shall be void in the case of any employee whose injury, disablement or death is caused by his own negligence,—the burden of proof of such negligence being upon the railway company; but if such injury, disablement or death occurs in the handling or use of trains, locomotives, cars or appliances which are out of repair, or insufficient, or not in accordance with the provisions of this Act, or if the provisions of section eight of this Act have not been complied with, the railway company shall not be allowed to plead contributory negligence on the part of the employee so injured, disabled or killed.

Number of employees to be sufficient to ensure safety.

8. Every railway company shall at all times employ a sufficient number of telegraph operators, train men, section men and other employees and workmen to safely carry on its business, and to kept its bridges, track, roadway, rolling stock and plant in good condition.

Penalty.

2. If it fails to do so, it shall be held responsible for all injury to life, person, or property in connection with its operations.

No. 2.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act further to secure the safety of railway employees and passengers.

Received and read a first time, Monday, 29th March, 1897.
Second reading, Tuesday, 30th March, 1897.

Mr. CASEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 2.] **BILL.** [1897.

An Act further to secure the safety of railway employees and passengers.

(Reprinted as amended in Committee of the Whole House.)

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

Cars fitted with air-brakes to be provided with certain device.

1. All cars fitted with air-brakes shall, within two years after it is made to appear to the Railway Committee of the Privy Council that a satisfactory device of this kind is in existence, be provided with an automatic device in the hose-coupling of such air-brakes, or in the train pipes, so arranged that, after the cars are coupled, the connection between such brakes and the air pump on the locomotive cannot be broken, or the coupling deranged, accidentally or otherwise, without the knowledge of the engineer.

As to box freight cars.

2. All box freight cars built for use on Canadian railways, shall, after the passing of this Act, be of a uniform standard height of drawbar from the top of the rail, and shall be provided, for the security of railway employees, with outside and end ladders, on opposite corners of each car, projecting below the frame of the car and with one step or rung of the ladder below such frame.

Approval of Minister.

2. Such standard height and such ladders shall be subject to the approval of the Minister of Railways and Canals.

As to cars already built.

3. Every such car already built, which is the property of Canadian railways for use in Canada, shall, within two years after the passing of this Act, be fitted with the foregoing attachments, except as provided in section one.

Penalty.

4. The penalty for building such cars not fitted in accordance with the provisions of this Act after the date herein mentioned, shall be twenty-five dollars for each car.

Penalty.

5. The penalty for using any car not fitted in accordance with the provisions of this Act after the date herein provided shall be five dollars a day for every day or trip lasting less than a day, during which it is so used.

Prosecution.

6. The Minister of Railways and Canals shall proceed against any railway company or car builder handling, using or building such cars contrary to the provisions of this Act, on the

information of any credible person; provided, however, that any other person may institute any proceeding for the recovery of any penalties provided by this Act.

Compensation if employee is injured.

7. Every employee of a railway company injured while in the discharge of his duty shall, for every day during which he is thereby unfitted for duty, be entitled to compensation from the railway company at the rate of not less than sixty per cent of the current rate of wages for men similarly employed by the company, at the time the injury occurs, to be paid for not more than fifty-two weeks.

If permanently disrbled.

2. Every such employee permanently disabled while in the discharge of his duty, shall be entitled to compensation from the railway company to the amount of not less than four years' wages at the rate thereof at the time of the accident.

If killed.

3. The family or dependents of every employee who is killed, or who dies from injuries received, while in the discharge of his duty, within six months after such injury, shall be entitled to compensation from the railway company to the amount of four years' wages at the rate thereof at the time of the accident, but not exceeding in all three thousand dollars.

Acceptance of compensation bars further recourse.

4. If any employee, or the representatives of any employee, accept the compensation provided by this Act, he or they shall have no further claim at law against the company.

Right to damages cannot be renounced.

5. The rights under the foregoing provisions shall not be capable of being renounced or given up by such employee by any agreement or contract with the railway company, for value or otherwise, and the said provisions shall not be made void by any rules or regulations of the railway.

Medical certificates.

6. The certificate of two duly qualified disinterested physicians shall be sufficient to prove permanent disability; and the certificate of the attending physician shall be sufficient to prove unfitness for duty, for a period not exceeding ten weeks, after which time a monthly certificate of a physician named by the company shall be sufficient.

Contributory negligence.

7. The foregoing provisions as to compensation shall be void in the case of any employee whose injury, disablement or death is caused by his own negligence,—the burden of proof of such negligence being upon the railway company; but if such injury, disablement or death occurs by reason of the handling or use of trains, locomotives, cars or appliances which are out of repair, or insufficient, or not in accordance with the provisions of this Act, the railway company shall not be allowed to plead contributory negligence on the part of the employee so injured, disabled or killed.

Negligence of another employee.

8. In any suit for damages by an employee against a railway company, the act, default or negligence of any fellow employee shall not be pleaded or given in evidence on behalf of the company as a defence to such suit.

No. 2.

2nd Session, 8th Parliament, 60 Victoria, 1

BILL.

An Act further to secure the safety railway employees and passengers.

(Reprinted as amended in Committee of Whole House.)

Mr. CASEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 3.] **BILL.** [1897.

An Act to promote the Safety of Railway Employees.

(Reprinted as amended in Committee of the Whole House.)

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

Air brakes on trains.

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

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

Automatic couplers.

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

Qualifications of engine drivers and conductors.

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

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

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

Certificates of service.

3. All railway companies shall within two days from demand, furnish employees with a certificate, specifying the time and nature of service by such employees.

Penalty.

4. Any railway company violating any of the provisions of this Act, shall be liable, on summary conviction, to a fine of not less than ten dollars for each offence, during each day that such offence continues.

No. 3.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to promote the Safety of Railway Employees.

(Reprinted as amended in Committee of the Whole House.)

Mr. MACLEAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 3.] **BILL.** [1897.

An Act to promote the Safety of Railway Employees.

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

Air brakes on trains.

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

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

Automatic couplers.

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

Qualifications of engine drivers and conductors.

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

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

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

Penalty.

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

No. 3.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to promote the Safety of Rail-Employees.

Received and read a first time, Monday 29th March, 1897.
Second reading, Tuesday 30th March, 1897.

MR. MACLEAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 4.] **BILL.** [1897.

An Act to amend the Railway Act.

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

1888, c. 29, amended.

1. *The Railway Act*, chapter 29 of the Statutes of 1888, is hereby amended by inserting the following section immediately after section 246:—

Berths in sleeping cars.

"**246A.** Upper berths in sleeping cars when not occupied or engaged for the night shall not be lowered; and any company violating this provision, after complaint has been made to the porter or conductor, shall be liable to a fine of ten dollars, which may be recovered in any court of competent jurisdiction."

Further amendment.

2. The said Act is hereby further amended by inserting the following section immediately after section 301:—

Railway Co. to make annual return of passes and special rates.

301A. Every company shall, within one month after the first day of January in each year, make to the Railway Committee, under the oath of the president, secretary or chief executive officer of the company, true and particular returns—

(*a.*) Of all annual and trip passes issued by the company during the year next preceding, with the names of the persons to whom they were issued, the reasons why they were issued, and the distance of travel included in the said passes;

(*b.*) Of all special passenger rates given to various organizations, trades or professions, or to any other persons, together with the number of miles of passenger travel included under such special rates.

No. 4.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend the Railway Act.

Received and read a first time, Monday, 29th March, 1897.
Second reading, Tuesday, 30th March, 1897.

MR. MACLEAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 5.] **BILL.** [1897.

An Act to restrict the importation and employment of Aliens.

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

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

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

Such contract to be void.

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

Penalty.

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

Mode of recovery.

As to master of ship landing such immigrant in Canada.

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

Penalty.

Exemptions.

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

Servant of foreigner temporarily residing in Canada.

Skilled workman in new industry.

Actors, artists, lecturers, singers and domestic servants.

Intending settlers.

Immigrants unlawfully landed to be returned.

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

At whose expense.

Payment to informer.

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

No alien labourer to be on public works or to come habitually into Canada

8. No male alien shall be employed in any public works of or in the Dominion of Canada, or come regularly or habitually into Canada, by land or by water, for the purpose of engaging in any mechanical trade or manual labour, for wages or salary, returning from time to time to another country.

9. No person shall employ an alien coming into the Dominion of Canada in violation of this Act: Provided that the provisions of this Act shall not apply to the employmetn of sailors, deck-hands or other employees on vessels, or to railway train hands, such as conductors, brakemen, firemen and engineers, whose duties require their passing over the Canadian boundary to reach the termini of their runs. Employment of aliens. Exception as to sailors and railway men.

10. Any alien who, in violation of this Act or any other Act, secures entry into Canada through mistake, misrepresentation, collusion, deception or fraud, may be taken into custody by the properly authorized immigration officers or customs authorities within thirty days after the facts become known to them, and such alien shall, upon summary conviction, be liable to the penalities hereinafter provided. Arrest of alien coming into Canada in violation of this Act.

11. Any violation of sections eight, nine or ten of this Act shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: Provided always that every person convicted of a violation of this Act shall be sent back to the country whence he came, after he has paid the fine imposed or served the term of imprisonment to which he was sentenced in accordance with the provisions of this Act. Penalties.

12. Sections eight to twelve of this Act, both inclusive, shall not have force or effect until a day to be named by the Governor General by his proclamation. Coming into force of sections 8 to 12.

No. 5.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act to restrict the importation and employment of Aliens.

Received and read a first time, Monday, 29th March, 1897.

Second reading, Tuesday, 30th March, 1897.

MR. COWAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 6.] **BILL.** [1897.

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

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

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

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

Such contract to be void.

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

Penalty.

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

Mode of recovery.

As to master of ship landing such immigrant in Canada.

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

Penalty.

Exemptions.

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

Servant of foreigner temporarily residing in Canada.

Skilled workman in new industry.

Actors, artists, lecturers, singers and domestic servants.

Intending settlers.

Immigrants unlawfully landed to be returned.

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

At whose expense.

Payment to informer.

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

No. 6.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

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

Received and read a first time, Monday, 29th March, 1897.

Second reading, Tuesday, 30th March, 1897.

Mr. Taylor.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 7.] **BILL.** [1897.

An Act to consolidate and amend the law relating to the Election of Members of the House of Commons.

(*A consolidation of the present law respecting Dominion elections, with some amendments and with the addition of provisions substituting provincial laws as to franchises, voters' lists and polling divisions, for the present Dominion Franchise Act.*

An asterisk indicates an amended or a new provision, and new matter is between square brackets.)

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

SHORT TITLE.

Short title

1. This Act may be cited as *The Dominion Elections Act*, 1897.

REPEAL.

Repeal.

2. The Acts mentioned in schedule three to this Act are hereby repealed to the extent mentioned in the said schedule, and the provisions of this Act are substituted for the provisions of the Acts so repealed.

INTERPRETATION.

Interpretation.

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

"Election." "Dominion election."

*(*a*.) The expression [" Dominion election " or] " election " means an election of a member to serve in the House of Commons;

"Provincial election."

*[(*b*.) The expression " provincial election " means an election of a member to serve in the Legislative Assembly, or House of Assembly, or General Assembly of a Province;]

"Elector," "voter."

(*c*.) The expression " elector " or " voter " means any person entitled to vote at an election under the provisions of this Act;

"List of voters," "voters' list."

*[(*d*.) The expression " list of voters " or " voters' list " includes, when provincial lists are referred to, any poll-book or official list of persons entitled to vote at a provincial election;]

"Polling division."

*[(*e*.) The expression " polling division " includes, when a provincial election is referred to, any polling sub-division, polling district or sub-district, or other territorial area, for which there is a separate voters' list;]

"Candidate."

*[(*f*.) The expression " candidate at an election " or " candidate " means any person elected to serve in the House of

Commons at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or the occurrence of the vacancy in consequence of which such writ has been issued: provided that where a person has been nominated as a candidate or declared to be a candidate by others without his consent, nothing in this Act shall be construed to impose any liability upon him unless he has afterwards given his assent to such nomination or declaration or has been elected;]

"Election petition."

*[(*g.*) The expression "election petition" means a petition presented in pursuance of *The Dominion Controverted Elections Act*, being chapter 9 of the Revised Statutes;]

"Judge."

(*h.*) The expression "judge" includes Chief Justice;

"Personal expenses."

(*i.*) The expression "personal expenses," as used in this Act with respect to the expenditure of any candidate in relation to the election at which he is a candidate, includes the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purpose of and in relation to such election;

"Form."

*[(*j.*) The expression "form" means a form in Schedule One to this Act.]

R.S.C., c. 8, s. 2; Ont. 1892, c. 3, s. 2.

QUALIFICATION OF MEMBERS.

Qualification of candidates.

4. Any British subject may be a candidate for a seat in the House of Commons.

2. No qualification in real estate shall be required of any candidate.

R.S.C., c. 8, s. 20, *part.*

Disqualifications.

5. The following persons shall not be eligible as candidates:—

On account of corrupt practices.

(*a.*) Every person disqualified for corrupt practices or other offences by sections 125, 129 or 130 of this Act;

Holding certain offices.

(*b.*) Every person disqualified by section 9 or 10 of the *Act respecting the Senate and House of Commons*, being chapter 11 of the Revised Statutes, by reason of his holding certain offices of emolment or commissions or being interested in a contract or agreement with the Crown;

Contractors with Government.

Members of provincial legislatures.

(*c.*) Every person disqualified by section 1 of the *Act respecting the House of Commons*, being chapter 13 of the Revised Statutes, by reason of his being a member of a Provincial Legislature.

R.S.C., c. 11, ss. 9 and 10; R.S.C., c. 13, s. 1.

Election of disqualified person to be void.

6. If a person declared ineligible by paragraph (*a*) or (*b*) of the next preceding section is nevertheless returned as a member, his election and return shall be null and void.

Votes for member of provincial legislature to be thrown away.

2. If a member of a Provincial Legislature, notwithstanding his disqualification as in the next preceding section mentioned, receives a majority of votes at an election, such majority of votes shall be thrown away, and the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible.

R.S.C., c. 11, s. 11; c. 13, s. 2.

Provincial franchises adopted.

*7. [Subject to the provisions hereinafter contained, the qualifications and conditions necessary to entitle a person to vote at a Dominion election shall be those entitling a person at the time of such election to vote at a provincial election in the electoral district for which the Dominion election is being held or in some part thereof.]

Who shall not vote.

8. The following persons shall be disqualified and incompetent to vote at any Dominion election, whether disqualified and incompetent or not to vote at a provincial election :—

Judges.

(*a.*) The judges of every court now existing or hereafter created whose appointments rest with the Governor General ;

*[(*b.*) Officers and men of the North-West Mounted Police force.]

Persons disqualified by sections 125 and 128.

(*c.*) Persons disfranchised, for corrupt practices, under sections 125 and 130 of this Act ;

Bribed voters. 1894, c. 14.

(*d.*) Persons disfranchised, for taking bribes, under section 15 of the *Act to disfranchise voters who have taken bribes*, being chapter 14 of the statutes of 1894.

R.S.C., c. 8, s. 42, *part* ; 1894, c. 14, s. 15.

Certain officers and others may not vote at election at which they are employed.

9. The following persons shall be disqualified and incompetent to vote at an election for the electoral district for which or for a portion of which they hold their offices or positions, whether disqualified and incompetent or not to vote at a provincial election :—

(*a.*) Returning officers and election clerks, but not deputy returning officers, poll clerks or constables, whether appointed by the returning officer or by a deputy returning officer, employed in connection with the election ;

(*b.*) Any person who at any time, either before or during the election, has been or is employed at the same election or in reference thereto by any person as counsel, attorney, solicitor, agent or clerk at any polling place at any such election, or in any other capacity, and who has received or expects to receive, either before, during or after the said election from any person for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security for any sum of money, fee, office, place or employment.

Exception in case of tie.

2. The returning officer may, nevertheless, as hereinafter provided, vote in the case of an equality of votes between candidates.

The Militia.

*3. [Officers and men employed under *The Militia Act* for continuous service shall not have votes in the electoral district in which they are stationed, or in which they have been stationed at any time since the issuing of the writ of election, unless they were resident therein before being so employed and have not since become qualified to be registered on a list of votes for another electoral district.]

R.S.C., c. 8, s. 42, *part* ; 1887, c. 6, s. 1.

Disqualification under section 112.

10. Every person guilty at an election of the unlawful act mentioned in section 112 is disqualified from voting at such election, whether disqualified or not to vote at a provincial election.

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

WRITS OF ELECTION.

Date and return of writ.

11. Every writ for an election shall be dated and be returnable on such days as the Governor General determines.

Address.

2. It shall be addressed to the person appointed by him as hereinafter provided.

Transmission.

3. It shall be transmitted to such person by mail, unless otherwise ordered by the Governor General.

Form.

4. It shall be in the form A.

R.S.C., c. 8, ss. 3 and 6.

ELECTION OFFICERS.

Returning officers.

12. The person to whom a writ is addressed, as hereinbefore provided, shall be the returning officer at the election to which such writ relates; Provided always, that if the person to whom the writ has been addressed refuses, or is disqualified or unable to act, the Governor General may appoint another person to be such returning officer.

Proviso.

R.S.C., c. 8, s. 3, *part.*

Who shall not act as election officers.

13. None of the persons following shall be appointed returning officers, or deputy returning officers, election clerks or poll clerks :—

(*a.*) Members of the Queen's Privy Council for Canada or of the Executive Council of any Province ;

(*b.*) Members of the Senate or members of the Legislative Council of any Province ;

(*c.*) Members of the House of Commons or members of the Legislative Assembly of any Province ;

(*d.*) Ministers, priests or ecclesiastics of any religious faith or worship ;

(*e.*) Judges of the courts of superior, civil or criminal jurisdiction, or judges of any county or district court, insolvent court or vice-admiralty court ;

(*f.*) Persons who have served in the Parliament of Canada in the session immediately preceding the election, or in the then present session of Parliament ;

*(*g.*) Persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal of any offence or dereliction of duty in violation of this Act, [or of the *Act to disfranchise voters who have taken bribes*, being chapter 14 of the statutes of 1894.]

*[(*h.*) Persons who have been convicted of an offence under the provisions of *The Criminal Code*, 1892, or any amendment thereof.]

R.S.C., c. 8. s. 7 ; 1894, c. 14, s. 15.

Who shall not be bound to act as such.

14. None of the following persons, unless they are sheriffs, registrars, town clerks or assessors, shall be obliged to act as returning officers, deputy returning officers, election clerks or poll clerks, that is to say :—

(*a.*) Professors in any university, college, high school or academy ;

(*b.*) Physicians or surgeons ;

(*c.*) Millers ;

(*d.*) Postmasters, customs officers, or clerks in post offices or customs offices ;

(*e.*) Persons of sixty years of age or upwards ;

(*f*.) Persons who have previously served as returning officers at a Dominion election.

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

Endorsing receipt of writ; oath of returning officer.

15. The returning officer shall, on receiving the writ of election, forthwith endorse thereon the date on which he receives it, and before taking any further action thereon he shall take the oath of office in the form B.

R.S.C., c. 8. s. 9.

Appointment of election clerk.

16. The returning officer, by a commisson under his hand, in the form C, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one first appointed resigns, or refuses or is unable to perform his duties as such clerk.

R.S.C., c. 8, s. 10.

Oath of office.

17. The election clerk shall, before acting as such, take the oath of office in the form D.

R.S.C., c. 8, s. 12.

Duties.

18. The election clerk shall assist the returning officer in the performance of his duties, and act in his stead as returning officer whenever the returning officer refuses or is disqualified or unable to perform his duties and has not been replaced by another.

R.S.C., c. 8, s. 11.

Misfeasance, &c., by election officers.

Penalty.

19. Every officer and clerk who is guilty of any wilful misfeasance or any wilful act or omission in violation of this Act shall forfeit to any person aggrieved by such misfeasance, act or omission, a sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person.

R.S.C., c. 8, s. 105, *part*.

Neglect of duty by election officers.

Penalty.

20. Every returning officer, deputy returning officer, election clerk or poll clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this Act shall, for each such refusal or neglect, forfeit the sum of two hundred dollars to any persons who sues therefor.

R.S.C., c. 8., s. 105, *part*.

Copies of Act and instructions to be sent to the returning officer.

21. One copy of this Act, and of such instructions approved by the Governor in Council as are required to carry out the election according to the provisions of this Act (with a copious alphabetical index prefixed), for the returning officer, and one for each of the deputy returning officers, shall be transmitted by the Clerk of the Crown in Chancery, with the writ of election, to the returning officer.

R.S.C., c. 8, s. 124.

PROCEEDINGS UPON RECEIPT OF WRIT.

Returning officer to obtaining lists of voters, etc.

*__22.__ [Forthwith after the receipt of the writ the returning officer shall obtain from the officers who are the legal custodians thereof the following documents, that is to say: such provin-

cial voters' lists, or such certified copies thereof or extracts therefrom, and such certified copies of by-laws, orders, proclamations or other documents or proceedings defining the several provincial polling divisions situate either wholly or in part within the territory comprised in the electoral district for which the election is to be held, as he deems necessary for the performance of his duties as returning officer; and every such officer who omits or refuses to furnish within a reasonable time any such documents demanded by the returning officer shall incur a penalty not exceeding two thousand dollars and not less than two hundred dollars.]

Penalty for not furnishing them.

Fees.

*2. [The legal custodian from whom any such document is so obtained shall be paid therefor the same fees (if any) as in the case of such document being obtained by a returning officer for the purposes of a provincial election.]

Any person entitled to copy of list on payment of fee.

*33. [The legal custodian of any voters' list shall deliver certified copies thereof, or of any part thereof, as last revised and corrected, to any person applying therefor, on payment therefor of a fee not exceeding the fee (if any) allowed by the provincial law in the like case, and not exceeding in any case ten cents for a printed list or one cent for every two names if the list or part is written.]

R.S.C., c. 8, s. 13; 1890, c. 8, s. 5.

Provincial polling divisions adopted.

***23.** [The polling divisions shall be those established or constituted by or under the laws of the Province for the purposes of provincial elections within the territory comprised in the electoral district for which the Dominion election is held.]

Provincial lists of voters adopted.

Where there are no provincial lists.

***24.** [The voters' lists shall be those prepared for the said polling divisions and in force at the time of such Dominion election under the laws of the Province for the purposes of provincial elections: Provided that where under the laws of the Province no voters' lists are prepared for or used at a provincial election, none shall be prepared for or used at a Dominion election.]

Where under provincial law there are no polling divisions but polling places are fixed.

***25.** [Where for any part of the Province polling divisions are not established or constituted by or under the laws of the Province, but by or under such laws places are fixed where polls shall be held at provincial elections and lists of the voters entitled to vote at such places at such elections have been prepared and are in force, polls shall be opened and held at such places at Dominion elections in that part of the Province, and the voters' lists so prepared and in force shall be the voters' lists for the purposes of such Dominion elections.]

Ont., 1893, c. 4.

Where under provincial law there are no polling divisions.

***26.** [Where under the laws of the province there are no polling divisions for the purpose of provincial elections, the returning officer shall forthwith after the receipt of the writ subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors, adopting so far as he deems it expedient the polling divisions, if any there were, at the last Dominion election; and he shall number or otherwise designate such polling divisions, and fix upon a suitable polling station in each.]

Duty of returning officer as to polling divisions, etc.

*27. [Subject to the other provisions of this Act, the returning officer at a Dominion election shall constitute polling divisions and fix polling places in all cases (if any) where under the laws of the Province it is the duty of a returning officer at a provincial election to do so, and to that end he shall have the same powers as are vested by the said laws in a returning officer at a provincial election.]

Ont., 1892, c. 3, s. 13; R.S.B.C., c. 39, s. 12.

Subdividing polling divisions.

*28. [Where a polling division has more than two hundred qualified voters according to the voters' lists, or in the judgment of the returning officer if there are no voters' lists, the returning officer shall provide for the polling of the votes in such polling division, separate polling stations or rooms adjacent or near to one another and designated by letters of the alphabet in their order, thus: A to M for the one station or room, and N to Z for the other, or as the case may be; and where two stations or rooms are so provided and designated, every voter the initial letters of whose surname is some letter from A to M shall vote in the station or room so designated, and every voter the initial letter of whose surname is some letter from N to Z shall vote in the station or room so designated.

2. [Where the number of voters exceeds four hundred, there shall be three or more such station or rooms, designated by letters in like manner, at which respectively the votes shall be received of voters whose surnames begin with one of the letters by which the station or room is designated.

3. [In such cases the returning officer shall prepare or cause to be prepared from the voters' lists for the polling division a list for each station or room, with the names therein of the voters for such station or room, and he shall appoint a deputy returning officer for each station or room; and if there are voters' lists for the polling division, the returning officer shall deliver to the deputy returning officer in due time a list of the voters for his station or room, such list being certified by the returning officer to be a correct list of all the voters on the voters' lists, whose surnmans commence with any of the letters by which his station or room is designated.]

Case of polling division not wholly within electoral district.

*29. [Where a provincial polling division lies only partly within the electoral district for which the election is to be held, the part thereof within such electoral district shall, for the purposes of that election, form a separate polling division, or may be attached by the returning officer to an adjoining polling division; and the returning officer, if there is a voters' list for such provincial polling division, shall, as soon as possible after the receipt of the writ, prepare from such list a separate voters' list containing the names of the persons entitled to vote in such part of such polling division.]

Ont. 1894, c. 2, s. 5.

PROCLAMATION BY RETURNING OFFICER.

Proclamation by returning officer.

30. Within ten days after the reception of the writ in the electoral districts of Algoma and Nipissing, in the province of Ontario, within twenty days after its reception in the electoral districts of Gaspé and Chicoutimi and Saguenay, in the province of Quebec, and within eight days after its reception in

the other electoral districts of Canada, the returning officer shall, by a proclamation under his hand, issued in the English and French languages in every electoral district in the province of Quebec and in the province of Manitoba, and in the English language only in the other electoral districts, indicate—

(*a.*) The place and time fixed for the nomination of candidates ;

(*b.*) The day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded ;

(*c.*) The several polling stations fixed by him, and the territorial limits to which they respectively apply ;

(*d.*) The time when and the place where the returning officer will add up the number of votes given to the several candidates.

Form.

2. Such proclamation shall be in the form E.

1895, c. 13, s. 3.

Posting up proclamation.

31. Subject to the provisions hereinafter contained, the said proclamation shall be posted up in all the electoral districts, at least eight days before the day fixed for the nomination of candidates.

R.S.C , c. 8, s. 14.

How to be published.

32. The returning officer shall cause the said proclamation to be posted up at four of the most prominent and conspicuous places in each city, town and village (or ward of such city, town or village, when it is subdivided into wards), and at four of the most prominent and conspicuous places in each parish, township or division of parish or township, within the electoral district for which the election is to take place.

R.S.C., c. 8, s. 17.

THE NOMINATION.

Nomination day, how fixed.

33. The Governor General shall, except as hereinafter mentioned, fix the day for the nomination of candidates at the election.

For general election.

*2. At every general election he shall fix one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of Gaspé and Chicoutimi and Saguenay, in the province of Québec.

Exception.

For by-elections.

*[3. If a vacancy occurs in the House of Commons, and, before the issue of a writ for the election of a member to fill the vacancy, another vacancy or other vacancies occur, the Governor General shall fix one and the same day for the nomination of candidates in all the electoral districts for which the said vacancies exist, except in the said electoral districts of Gaspé and of Chicoutimi and Saguenay.]

Exception.

1895, c. 13, s. 1 ; Ont. 1894, c. 6.

Day to be named in the writs.

34. The day so fixed by the Governor General shall be named in the writs of election for the several electoral districts respectively to which such day applies.

R.S.C., c. 8, s. 5.

Nomination and polling days in Gaspé

35. In the electoral districts of Gaspé and Chicoutimi and Saguenay, in the province of Quebec, the returning officers

shall fix the day for the nomination of candidates, and also the day and places for holding the polls ; the nomination in the said electoral districts shall take place not less than fifteen days nor more than thirty days after the proclamation hereinbefore required has been posted up ; and the day for holding the polls shall be not less than fifteen days nor more than thirty days after the day on which the nomination is to take place,—neither the day of nomination nor the day of posting the proclamation being reckoned

and Chicoutimi and Saguenay.

1895, c. 13, s. 2.

36. Whenever from unforeseen accident or delay, or otherwise, the proclamation hereinbefore mentioned cannot be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day appointed by the Governor General, or by the returning officer, as the case may be, the returning officer may fix another day for the nomination of candidates,—which day shall be the nearest day possible after allowing the number of days required by section thirty-one between the posting up of the proclamation and the nomination day ; and in every such case the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which occasioned the postponement of the election.

Postponement of nomination in case of unforeseen event.

R.S.C., c. 8, s. 15, *part*.

37. The place fixed for the nomination of candidates shall be the court house, city or town hall, or some other public or private building, in the most central or most convenient place for the majority of the electors of each electoral district.

Place of nomination.

R.S.C., c. 8, s. 18.

38. The time appointed for the nomination of candidates shall be from the hour of twelve at noon until the hour of two in the afternoon of the day fixed for that purpose.

Hours for nomination.

R.S.C., c. 8, s. 19.

39. Any twenty-five electors, or, in the North-West Territories, four electors, may nominate a candidate or as many candidates as are required to be elected for the electoral district for which the election is held, by signing a nomination paper in the form F, stating therein the names, residence and addition or description of each person proposed, in such manner as sufficiently to identify such candidate, and by causing the said nomination paper to be produced to the returning officer at the time and place indicated in the said proclamation, or ot be filed with the returning officer as hereinafter mentioned.

Form of nomination.

2. Each candidate shall be nominated by a separate nomination paper ; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected.

Each candidate separately.

3. Such nomination papers may also be filed with the returning officer at any other place, and at any time between the date of the proclamation and the day of nomination with the same effect as if produced at the time and place fixed for the nomination ; and at the close of the time for nominating the

Nomination papers may be filed with returning officer at other places and times.

candidates, the returning officer shall deliver to every candidate or agent of a candidate applying therefor a duly certified list of the names of the several candidates who have been nominated; and any votes given at the election for any other candidates than those so nominated shall be null and void.

Votes for candidates not nominated, null.

R.S.C., c. 7, s. 17; c. 8, s. 21.

Consent of candidate.

40. No nomination paper shall be valid and acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the Province in which the election is to be held,—in which case such absence shall be stated in the nomination paper; and unless a sum of two hundred dollars, in legal tender or in the bills of any chartered bank doing business in Canada, is deposited in the hands of the returning officer at the time the nomination paper is filed with him.

Deposit by him.

Evidence thereof.

2. The receipt of the returning officer shall, in every case, be sufficient evidence of the production of the nomination paper, of the consent of the candidate, and of the payment herein mentioned.

Deposit, how to be dealt with.

3. The sum so deposited by any candidate shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected,—otherwise it shall belong to Her Majesty for the public uses of Canada; and the sums so paid and not returned as herein provided shall be applied by the returning officer towards the payment of the election expenses; and an account thereof shall be rendered by him to the Auditor General of Canada.

R.S.C., c. 8, s. 22; 1891, c. 19, s. 2.

Nomination paper to be attested.

41. The returning officer shall require the person, or one or more of the persons, producing or filing as aforesaid any such nomination paper, to make oath before him that he knows or they know that the several persons who have signed such nomination paper are electors duly entitled to vote; and that they have signed it in his or their presence; and that the consent of the candidate had been signed in his or their presence, or that the person named as candidate is absent from the province, as the case may be.

Form of oath.

2. Such oath may be in the form G, and the fact of its having been taken shall be stated on the back of the nomination paper.

R.S.C., c. 8, s. 23.

Return when no more candidates than members to be elected.

42. Whenever only one candidate, or only such a number of candidates as are required by law to be elected to represent the electoral district for which the election is held have been nominated within the time fixed for that purpose, the returning officer shall make his return to the Clerk of the Crown in Chancery that such candidate or candidates, as the case may be, is or are duly elected for the said electoral district,—of which return he shall send within forty-eight hours a duplicate or certified copy to the person or persons elected; and such return shall be in the form H.

R.S.C., c. 8, s. 24.

Report with return.

43. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act.

R.S.C., c. 8,s. 25.

Withdrawal of candidates.

If no more remain than there are members to be elected.

44. Any candidate nominated may withdraw at any time after his nomination, and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and void; and if, after the withdrawal, there remains but one candidate, or no more than the number to be elected, then the returning officer shall return as duly elected the candidate or candidates so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal is filed on the polling day.

R.S.C., c. 8, s. 27.

Death of candidate.

45. If a candidate dies after being nominated and before the close of the polls, the returning officer may fix another day for the nomination of candidates,—which day shall be the nearest day possible after allowing the number of days required by section 31 between the posting up of the proclamation and the nomination day; and in such case the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the death of the candidate having occasioned the postponement of the election.

R.S.C., c. 8, s. 15, *part*.

Granting of poll.

46. If more candidates than the number required to be elected for the electoral district are nominated in the manner required by this Act, the returning officer shall grant a poll for taking the votes of the electors.

R.S,C., c. 8, s. 26, *part*.

PROCEEDINGS BETWEEN NOMINATION AND POLL.

Duties of returning officer.

Notice of poll.

47. On a poll being granted, the returning officer shall,—

(*a*.) Cause to be posted up notices of his having granted such poll, indicating the names, residences and occupations of the candidates nominated, in the order in which they are to be printed on the ballot papers hereinafter mentioned,—which notice shall, as soon as possible after the nomination, be placarded at all the places where the proclamation for the election was posted up, and shall be in the form I;

Deputies.

*(*b*.) Appoint, by a commission under his hand, in the form J, one deputy returning officer for each polling division in the electoral district, who shall, before acting as such, take the oath of office in the form K: [Provided that, as regards the North-West Territories, the returning office may, if he sees fit, dispense with appointing a deputy for any polling district and himself perform the duties of deputy returning officer therein, without taking any oath of office other than that which he is hereby required to take as returning officer;]

List of voters. *(*c.*) Furnish each deputy returning officer with a copy of the voters' list [if there is one,] in the polling district for which he is appointed,—such copy being first certified by himself;

Ballot boxes. (*d.*) Deliver to each deputy returning officer, two days at least before the polling day, a ballot box to receive the ballot papers of the voters;

Ballot papers. (*e.*) Furnish each deputy returning officer with a sufficient number of ballot papers (all being of the same description and as nearly as possible alike), to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers;

Directions for voters. (*f.*) Furnish each deputy returning officer with at least ten copies of printed directions, in the form L, for the guidance of voters in voting,—which printed directions the deputy returning officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in some conspicuous places outside of the polling station, and also in each compartment of the polling station.

R.S.C., c. 7, s. 36, and c. 8, ss. 26 and 30.

Poll clerk. **48.** Each deputy returning officer shall forthwith appoint by commission under his hand, in the form M, a poll clerk, who, before acting as such clerk, shall take the oath in the form N.

R.S.C., c. 7, s. 36; c. 8, s. 32 *part.*

Poll clerk to act as D.R.O. in certain cases. **49.** Whenever a deputy returning officer refuses or is unable to act, the returning officer may appoint another person to act in his place as deputy returning officer; and if no such appointement is made, the poll clerk, without taking another oath of office, shall act as deputy returning officer.

And appoint poll clerk under him. 2. Whenever the poll clerk acts as deputy returning officer, he shall, by a commission in the form O, appoint a poll clerk, to act in his stead, who shall take the oath required by the next preceeding section of this Act.

R.S.C., c. 8, s. 33.

The furnishing of ballot boxes, &c., by Clerk of the Crown in Chancery. **50.** The Clerk of the Crown in Chancery may cause to be made for each electoral district such number of ballot boxes as are required; or may give to the returning officers such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape,—such instructions being first approved of by the Governor in Council.

R.S.C., c. 8, s. 125, *part.*

Ballot boxes furnished by sheriff and registrar. **51.** The sheriff and the registrar of the county or registration division in which the nomination has been held shall, immediately after the granting of the poll, deliver to the returning officer the ballot boxes deposited in their custody in accordance with this Act.

R.S.C., c. 8, s. 69, *part.*

If ballot box is not furnished. **52.** Whenever the returning officer fails to furnish to the deputy returning officer for any polling district the ballot box, within the time prescribed by this Act, such deputy returning officer shall cause one to be made.

R.S.C., c. 8, s. 31.

53. The ballot box shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the box is unlocked. Construction of ballot boxes.

R.S.C., c. 8, s. 30, *part*.

***54.** The ballot of each voter shall be a printed paper, in this Act called a ballot paper, with a counterfoil, showing the names of the candidates alphabetically arranged in the order of their surnames, or, if there are two or more candidates with the same surname, in the order of their first names; and the ballot paper and counterfoil shall be in the form P. Ballot papers, form of.

*[2. Where two members are to be elected for the electoral division and there are more than two candidates, they may, within an hour after the time appointed for the nomination, agree to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names arranged accordingly on the ballot paper.] Names on ballot paper.

3. The ballot and counterfoil shall be printed upon thick writing paper of the following weight: if foolscap paper is used it shall be of a weight of not less than seventeen pounds to the ream; if large post paper is used it shall be of a weight of not less than twenty-nine pounds to the ream. Description of paper to be used.

R.S.C., c. 8, s. 29; 1888, c. 11, s. 4.

55. The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in Her Majesty. Property of ballot boxes, &c.

R.S.C., c. 8, s. 68.

THE POLL.

56. The day for holding the polls shall be the seventh day next after the expiration of the day fixed for the nomination of candidates, that is on the same or corresponding day of the week next after that on which the nomination has taken place, or if such seventh day is a statutory holiday, then on the next following day not being a Sunday or a statutory holiday. Polling day.

R.S.C., c. 8, s. 14, *part*.

57. The poll shall be held in each polling district in a room or building of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after having voted; and one or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper; and a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot paper. Where the poll shall be held. Compartments. Table to be provided.

2. The Clerk of the Crown in Chancery may give to the returning officers such instructions as are deemed necessary as to the mode of making the compartments,—such instructions being first approved by the Governor in Council. Instructions by Clerk of the Crown in Chancery.

R.S.C., c. 8, s. 34 and s. 125, *part*; 1888, c. 11, s. 5.

Hours for polling.

58. The poll shall be opened at the hour of nine of the clock in the forenoon and kept open until five of the clock in the afternoon of the same day, and each deputy returning officer shall, during that time, in the polling station assigned to him, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling station.

R.S.C., c. 8, s. 28, *part*, and s. 35, *part.*

Who may be present in the polling station.

59. In addition to the deputy returning officer and the poll clerk, the candidates and their agents (not exceeding two in number for each candidate in each polling station), and, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open.

Agents authorized in writing.

Provided always, that any agent bearing a written authorization from the candidate shall always be entitled to represent such candidate in preference to, and to the exclusion of any two electors who might otherwise claim the right of representing such candidate under this section.

R.S.C., c. 8, s 36.

Who may act as agents for candidates.

60. Any person producing to the returning officer or deputy returning officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate within the meaning of this Act.

R.S.C., c. 8, s. 37.

As to provisions requiring presence of agents, etc.

61. Whenever in this Act any expressions are used, requiring or authorizing any act to be done, or inferring that any act or thing is to be done, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done ; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in any wise the act or thing done.

R.S.C., c. 8. s. 129.

Candidate may act as his own agent.

62. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, be authorized to attend.

R.S.C., c. 8, s. 127.

Who may not act as agents for candidates.

63. Every returning officer or deputy returning officer of an electoral district, and every partner or clerk of either of them, who acts as agent for any candidate in the management or conduct of his election for such electoral districts, is guilty of an indictable offence.

R.S.C., c. 8, s. 104.

Oath of secrecy.

64. One of the agents of each candidate, and, in the absence of such agent, one of the electors representing each candidate,

if there is such elector, on being admitted to the polling station, shall take an oath to keep secret the names of the candidates for whom any of the voters has marked his ballot paper in his presence, as hereinafter required,—which oath shall be in the form Q.

R.S.C., c. 8, s. 38.

Opening the poll; showing and locking ballot box.

65. At the hour fixed for opening the poll, the deputy returning officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and ascertain that there are no ballots or other papers therein, after which the box shall be locked, and the deputy returning officer shall keep the key thereof.

R.S.C., c. 8, s. 39.

Calling voters.

66. Immediately after the ballot box is locked, as above provided, the deputy returning officer shall call upon the electors to vote.

Voters not to be impeded.

2. The deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that he is not impeded or molested at or about the polling station.

R.S.C., c. 8, ss. 40 and 43, *part*.

Where electors shall vote.

***67.** [Where there is a voters' list] each elector shall, subject to the provisions contained in the next following section of this Act, be entitled to vote only at the polling station of the polling division or one of the polling divisions, upon the list of voters for which his name is entered as such voter, and at no other.

R.S.C., c. 8, s. 43, *part*.

Provision as to election officers or agents entitled to vote.

68. The returning officer, on the request of any elector entitled to vote at one of the polling stations, who is appointed deputy returning officer or poll clerk, or who is named the agent of any of the candidates for a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy returning officer, poll clerk or agent is entitled to vote at such election at the polling station where such elector is stationed during the polling day, and on the production of such certificate such deputy returning officer, poll clerk or agent shall have the right to vote at the polling station where he is placed during the polling day, instead of at the polling station of the polling district where he would otherwise have been entitled to vote : provided that no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such deputy returning officer, poll clerk or agent during the day of polling : provided also that no more than two agents of any candidate shall have the right to vote at any one polling place under such certificates.

Proviso.

Proviso.

Limitation.

2. The returning officer shall not grant such certificate for more than two agents for each candidate at or for each polling district.

Form of oath.

3. Every person so appointed deputy returning officer, poll clerk or agent, and claiming to vote by virtue of such certificate, shall, if required, before voting, take the oath in the form R.

Oath to be filed.

4. Such oath, with the corresponding certificate of the returning officer, shall be filed with the deputy returning officer at the polling station where the person taking it has voted. R.S.C., c. 8, s. 44; 1888, c. 11, s. 6; 1891, c. 19, s. 3.

Voting to be by ballot.

69. The votes shall be given by ballot. R.S.C., c 8, s. 28, *part.*

Voter to state his name, &c.

*__70.__ Not more than one elector for each compartment shall, at any one time, enter the room where the poll is held, and each elector upon so entering shall declare his name, surname and addition, which shall be entered or recorded by the poll clerk in the poll-book provided for that purpose, which shall be kept in the form S; [and in Prince Edward Island he shall also declare the qualification on which he claims the right to vote.]

If entitled to vote, to receive ballot paper.

*2. If such names and addition are found on the list of voters for the polling district of such polling station, [or if such elector is found to be entitled to vote, or if there is no list of voters,] he shall receive from the deputy returning officer a ballot paper, on the back [of the counterfoil] of which such deputy returning officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it, and also a number corresponding to that placed opposite the voter's name in the poll-book.

Questions to be answered and oath to be taken by voter if required.

*3. Such elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, [answer such questions, if any, as by the law of the province he may in the like case at a provincial election be required to answer, and, if required as aforesaid, shall take the oath of qualification in the form T, or, if there are no voters' lists, in the form U,]—which oath the deputy returning officer and poll clerk are each of them hereby authorized to administer.

Oath in P. E. I.

*[4. In Prince Edward Island, if so required by any such person as aforesaid, the oath to be taken shall be in the form of any one or more of the several oaths relative to the qualification of voters applicable to the particular qualification claimed by such voter required by the law in force in that province from the voter at the election of an Assembly member for the Legislative Assembly of the province, the words "House of Commons of Canada" being in such case substituted for the words "Legislative Assembly, and such other changes being made as are required to make the oath applicable to a Dominion election,—which oath the deputy returning officer and poll clerk are each of them hereby authorized to administer.]

Deputy returning officer to instruct elector.

5. The deputy returning officer shall instruct the elector how and where to affix his mark, and how to fold his ballot paper, but without inquiring or seeing for whom the elector intends to vote, except in the case provided for in section 76.

R.S.C., c. 8, s. 45; 1888, c. 11, s. 7. *As to questions and oaths, where there are no voters's lists, see P. E. I.*, 1893, *c.* 1, *ss.* 77, 78, *and Forms L* (1) *et seq., and* 1893, *c.* 2, *Form P.*

Voter refusing to answer or to be sworn.

*__71.__ No voter who has refused to take the oath, [or to answer questions] as aforesaid, when requested to do so, shall receive a ballot paper or be admitted to vote.

R.S.C., c. 8, s. 52.

*72. [Where there is no voters' list, if a deputy returning officer rejects the vote of a person entitled to vote and does so in good faith and believing upon reasonable grounds that such person is not entitled to vote, the deputy returning officer shall not therefor be liable to any penalty.] Deputy returning officer rejecting vote in good faith.

Ont., 1892, c. 3, s. 185.

*73. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, [making a cross with a pencil within the white circular space opposite to the name of the candidate or of each of the candidates] for whom he intends to vote, and shall then fold up the ballot paper so that the initials on the back can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials and the number upon the counterfoil that it is the same which he furnished to the elector, and shall first detach and destroy the counterfoil, and shall then immediately, and in the presence of the elector, place the ballot paper in the ballot box. Mode of voting and marking ballots, etc.

1895, c. 13, s. 4.

74. A voter who has inadvertently dealt with the ballot paper given him, in such manner that it cannot be conveniently used, may, on delivering it to the deputy returning officer, obtain another ballot paper in its place. Elector spoiling his ballot paper.

R.S.C., c. 8, s. 55.

*75. If a person, representing himself to be a particular elector named on the list of voters, [or to be otherwise entitled to vote, where there is no voters' list,] applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form V, and otherwise establishing his identity to the satisfaction of the deputy returning officer, shall be entitled to receive a ballot paper, on which the deputy returning officer shall put his initials, together with a number corresponding to the number entered on the poll-book opposite the name of such voter, and he shall thereupon be entitled to vote as any other elector. Elector in whose name another has previously voted.

2. The name of such voter shall be entered in the poll-book, and a note shall be made of his having voted on a second ballot paper issued under the same name, and of the oath of qualification having been required and made, as well as of any objections made on behalf of any and which of the candidates. Entry in poll-book.

R.S.C., c. 8, s. 54.

76. The deputy returning officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents of the candidates, or of the sworn electors representing them in the polling station, and of no other person, and by placing such ballot paper in the ballot box; and the deputy returning officer shall require the voter making such application, before voting, to make oath of his incapacity to vote without such assistance, in the form W. Voter unable to mark his ballot paper.

Interpreter to be sworn in certain cases.

*2. Whenever the deputy returning officer does not understand the language spoken by any such elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote; [and in case no interpreter is found, such elector shall not be allowed to vote.]

If interpreter cannot be found.

Deputy to enter reasons for marking by him.

3. The deputy returning officer shall enter in the poll-book opposite the names of the voters whose ballot papers have been so marked, in addition to what is required by section 79, the reason why each ballot paper was marked by him.

R.S.C., c. 8, s. 49; R.S.B.C., c. 39, s. 104.

No delay in voting.

77. Every elector shall vote without undue delay, and shall quit the polling station so soon as his ballot paper has been put into the ballot box.

R.S.C., c. 8, s. 47.

Voting more than once in same electoral district forbidden.

78. No person shall vote more than once in the same electoral district at the same election, but each elector may vote for as many candidates as are required to be elected to represent the electoral district for which the election is held.

R.S.C., c. 8, s. 53.

Entry of names of electors voting.

***79.** The poll clerk shall enter in the poll-book to be kept by him as aforesaid, opposite the name of each elector voting, the word "*Voted*," as soon as his ballot paper has been deposited in the ballot box, and he shall enter in the same book the word "*Sworn*" or "*affirmed*" opposite the name of each elector to whom the oath of qualification has been administered, and the words "*Refused to be sworn*" or "*Refused to affirm*" [or "*Refused to answer questions put to him*,"] opposite the name of each elector who has refused to take the oath or to affirm, [or has refused to answer questions which he has been legally required to answer.]

R.S.C., c. 8, s. 51. *As to questions, see P.E.I.*, 1894, *c.* 1, *ss.* 77, 88.

Offences at the poll.

80. Every one who—

(*a.*) forges, counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon, or—

(*b.*) without authority supplies a ballot paper to any person, or—

(*c.*) fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in, or—

(*d.*) fraudulently takes a ballot paper out of the polling place, or—

(*e.*) without due authority destroys, takes, opens or otherwise interferes with a ballot box or packet of ballot papers then in use for the purposes of the election, or—

(*f.*) attempts to commit any offence specified in this section,—

is guilty of an indictable offence, and shall be liable, if he is a returning officer, deputy returning officer or other officers engaged at the election, to a fine not exceeding one thousand

dollars, or to imprisonment for any term less than two years, with or without hard labour, in default of paying such fine,—and if he is any other person, to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding six months, with or without hard labour, in default of paying such fine. R.S.C., c. 8, ss. 48 and 100.

PROCEEDINGS AFTER THE CLOSE OF THE POLL.

Counting votes by deputy returning officers.

81. Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk and the candidates or their agents—and if the candidates and their agents or any of them are absent, then in the presence of such, if any, of them as are present, and of at least three electors,—open the ballot box and proceed to count the number of votes given for each candidate.

Rejecting ballots.

2. In doing so he shall reject all ballot papers which have not been supplied by the deputy returning officer, all those by which votes have been given for more candidates than are to be elected, and all those upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore provided for.

Duty of deputy returning officer, after counting the votes.

*3. The other ballot papers being counted and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused shall be put respectively into separate envelopes or parcels, and all such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, [and shall be sealed also by the agents present in the polling station with their private seals,] and shall be marked with the signatures of any agents present in the polling station who are willing to do so, by writing their signatures across the flap thereof, and the said envelopes and parcels so sealed and marked shall then be put back into the ballot box. R.S.C., c. 8, s. 56, *part*; 1891, c. 19, s. 4.

Objections to ballot papers.

82. The deputy returning officer shall take a note of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection; and the decision of the deputy returning officer shall be final, subject to reversal on recount or on petition questioning the election or return.

To be numbered.

2. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialled by the deputy returning officer.

R.S.C., c. 8, s. 57.

Statement, etc., to be inclosed in ballot box.

83. The deputy returning officer, immediately after the completion of the counting of the votes at the close of the poll, shall make out a statement of the accepted ballot papers, of the number of votes given to each candidate, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and

keep a copy of such statement, and inclose in the ballot box the original thereof together with the list of voters used by him, the poll-book and a certificate in such poll-book, immediately following the name of the person last entered on such poll-book as having voted or applied for a ballot paper, of the total number of persons who voted ; and he shall also inclose in the ballot box such other lists and documents as have been used at such election.

Ballot box to be sealed and delivered.

*2. The ballot box shall then be locked and sealed, [with the seal of the deputy returning officers and the seals of such agents of the candidates as desire to affix their seals,] and shall be forthwith delivered by the deputy returning officer to the returning officer, or to the election clerk, who shall receive it, or to one or more persons specially appointed for that purpose by the returning officer; and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in the form X.

Safe-keeping of ballot boxes.

3. The returning officer, upon the receipt by him of each of the ballot boxes, shall take every precaution for its safe-keeping and for preventing any person other than himself and his election clerk from having access thereto, and shall immediately upon the receipt of each ballot box seal it under his own seal in such a way that it cannot be opened without the seal being broken, and this he shall do without effacing or covering the seal of the deputy returning officer.

Oaths.

4. The deputy returning officer and the poll clerk shall respectively take the oath in the forms Y and Z, which shall be annexed to the statement above mentioned.

1888, c. 11, s. 8; 1891, c. 19, s. 5.

Certificates to candidates or their representatives.

84. The several deputy returning officers, on being requested so to do, shall deliver to each of the candidates, or to their agents or, in the absence of such candidates or agents, to the electors present representing the candidates, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers; and they shall also forthwith after the close of the poll mail to each candidate, by registered letter, to the address stated in the ballot paper, a like certificate.

R.S.C., c. 8, s. 59; 1891, c. 19, s. 6.

Addition of votes by returning officer.

85. The returning officer, at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall proceed to open them, in the presence of the election clerk, the candidates or their representatives, if present, or of at least two electors, if the candidates or their representatives are not present, and to add together the number of votes given for each candidate, from the statements contained in the several ballot boxes returned by the deputy returning officers of the ballot papers counted by them.

Declaration thereupon.

2. The candidate who, on the addition of the votes, is found to have a majority of votes, shall then be declared elected.

R.S.C., c. 8, s. 60.

Casting vote of returning officer.

86. Whenever, on the addition of votes by the returning officer, an equality of votes is found to exist between any two or more of the candidates, and an additional vote would

entitle any of such candidates to be declared elected, the returning officer shall give such additional or casting vote.

R.S.C., c. 8, s. 61.

Adjournment if ballot boxes are missing.

87. If the ballot boxes are not all returned on the day fixed for adding up the number of votes given to the several candidates, the returning officer shall adjourn the proceedings to a subsequent day,—such subsequent day not being more than a week later than the day originally fixed for the purpose of adding up the votes.

Adjournment for other causes.

2. In case any deputy returning officer has not duly inclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if, for any other cause, the returning officer cannot at the day and hour appointed by him for that purpose ascertain the exact number of votes given for each candidate, the returning officer may thereupon adjourn to a future day and hour the said adding up of the number of votes given for each candidate, and so from time to time,—such adjournment or adjournments not in the aggregate to exceed two weeks.

R.S.C., c. 8, s. 62; 1891, c. 19, s. 7.

Provision in case of loss of ballot boxes.

88. If the ballot boxes or any of them have been destroyed, lost, or for any other reason are not forthcoming within the delay fixed as in the first subsection of the next preceding section provided, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the deputy returning officers whose ballot boxes are missing, or on any other person having them, for the lists, statements and certificates, or copies of the lists, statements and certificates, of the number of votes given to each candidate required by this Act, the whole verified on oath; and if such lists of statements, or any of them, or copies thereof, cannot be obtained, he shall ascertain, by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling places, and to that end may summon any such deputy returning officer, his poll clerk, or any other person, to appear before him at a day and hour to be named by him, and to bring all necessary papers and documents with him,—of which day and hour and of the intended proceedings the candidates shall have due notice; and the returning officer may then and there examine on oath such deputy returning officer or poll clerk, or any other person, respecting the mater in question.

Duty of returning officer if statement is not in ballot box.

2. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him, the returning officer shall in the meantime use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling district of such deputy returning officer, and to that end shall have the powers set out in the next preceding subsection.

Return ding to hav majority

3. In any case arising under this section the returning officer shall return the candidate appearing to have the majority of votes, and shall mention specially in this report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement as aforesaid, and the mode by which he ascertained the number of votes given to each candidate.

Not obeying summons, an indictable offence.

4. Any person refusing or neglecting to attend on the summons of a returning officer issued under this section shall be guilty of an indictable offence.

1891, c. 19, s. 8.

Custody of ballot boxes after election.

89. After the close of the election the returning officer shall cause to be deposited in the custody of the sheriff or of the registrar of deeds in the county or registration division in which the nomination was held, the ballot boxes used at the election; and the sheriff or registrar shall, at the next ensuing election, deliver such ballot boxes to the returning officer named for such election.

R.S.C., c. 8, s. 69.

RECOUNT OR FINAL ADDITION BY JUDGE.

Provision for recount or final addition of votes by a judge.

***90.** If, within four days after that on which the returning officer has made the addition of the votes for the purpose of declaring the candidate or candidates elected, it is made to appear, on the affidavit of a credible witness, to the judge of the county court of the county or union of counties, or to the judge of the judicial district in which the electoral district or any part thereof is situated, or in the province of Quebec to a judge of the Superior Court ordinarily discharging his duties in the judicial district in which the electoral district or any part thereof is situated, or in the North-West Territories to a judge of the Supreme Court, that a deputy returning officer at an election in such electoral district in counting the votes—(1) has improperly counted, or (2) has improperly rejected any ballot papers at such election, or (3) that the returning officer has improperly added up the votes,—and if the applicant deposits within the said time, with the clerk of the county or district court or with the prothonotary of the said Superior Court in the said judicial district, or with the clerk of the said Supreme Court, as the case may be, the sum of one hundred dollars, in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs, in connection with the recount or final addition, of the candidate appearing by the addition to be elected,—the said judge shall appoint a time, within four days after the receipt of the said affidavit by him, to recount the votes if the said application is made in relation to either of the first two grounds of application, or to make the final additon if the said application is made in relation to the last-mentioned ground of application, as the case may be.

Grounds for application.

Security for costs.

Time to be appointed.

Notice.

Service of notice.

2. The judge shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to recount the votes, or to make such final addition, as the case may be; and the judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates or their agents may be substitutional, or may be made by mail or by posting, or in such other manner as he thinks fit.

Order of judge to returning officer.

3. The judge shall summon and command the returning officer and his election clerk to attend then and there with the parcels containing the ballots used at such election, or the original statements of the deputy returning

officers, as the case may be, and also with a duly certified copy of the formal order or judgment on any such appeal, as above mentioned, with respect to or in consequence of which such recount or final addition is to take place,—which command the returning officer and his election clerk shall obey.

Who may be present at the recount or final addition.

4. The judge, the returning officer and his election clerk, and each candidate and his agent appointed to attend the recount or final addition by the judge, or in case any candidate cannot attend, then not more than one agent of such candidate, and if the candidates and their agents are absent, then at least three electors, shall be present at the recount or final addition of the votes.

Making final addition or opening packets of ballots and recounting the votes.

*5. At the time and place appointed, and in the presence of the said persons, the judge shall proceed to make such final addition in the manner prescribed by section 85, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open the sealed packets containing—(1) the used ballot papers which have been counted, (2) the rejected ballot papers, (3) the spoiled ballot papers,—and no other ballot papers.

Proceedings to be continuous.

6. The judge shall, as far as practicable, proceed continuously, except on Sunday, with the final addition or recount of the votes, allowing only time for refreshment, and excluding (except so far as he and the persons aforesaid agree) the hours between six o'clock in the afternoon and nine in the succeeding forenoon; and during such excluded time and recess for refreshments, the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such other of the said persons as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents.

During excluded time documents to be under seal.

Mode of proceeding with the recount.

*7. The judge shall, in the case of a recount, proceed to recount the votes according to the rules set forth in section 81 and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate; and upon the completion of such recount, or as soon as he has so ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets.

Powers of judge.

8. The judge shall also, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper certificates or papers were not found therein; and, for the purpose of arriving at the facts, shall have all the powers of a returning officer with regard to the attendance and examination of witnesses.

Casting vote in case of tie.

9. The judge shall forthwith certify the result of the recount or final addition to the returning officer, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes the returning officer shall give the casting vote.

Return not to be made until judge's certificate is received.

10. The returning officer, after the receipt of notice from the judge of the recount or final addition, shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the judge of the result of such recount or final addition; and upon receipt of such certificate the returning officer shall proceed to make his return.

As to costs and disposal of deposit.

11. If the recount or final addition does not so alter the result of the poll as to affect the return, the judge shall order the costs of the candidate appearing to be elected to be paid by the applicant, and the moneys deposited as security for costs shall be paid out to the said candidate on account thereof, so far as necessary ; and the judge shall tax the costs on giving his decision ; and if the deposit is insufficient, the party in whose favour costs are allowed shall have his action for the balance.

*12. [In taxing the costs the judge shall, as nearly as may be, follow the tariff of costs to be allowed with respect to proceedings in the county court, or in the province of Quebec to the Superior Court, or the North-west Territories to the Supreme Court.]

R.S.C., c. 8, s. 64, *part ;* 1891, c. 19, ss. 9 and 10.

Failure of judge to act.

90A. In case of any omission, neglect or refusal of the judge to comply with the foregoing provisions of the next preceding section, or to proceed with the recount or final addition therein provided for, then any party aggrieved may, within eight days thereafter, make application—

(*a.*) in the province of Ontario, to a judge of any division of the High Court of Justice ;

(*b.*) in the province of Quebec, to a judge of the Court of Queen's Bench ;

(*c.*) in the provinces of Nova Scotia, New Brunswick, Prince Edward Island and British Columbia, to a judge of the Supreme Court of the province ;

(*d.*) in the province of Manitoba, to a judge of the Court of Queen's Bench ; and

(*e.*) in the North-West Territories, to the Supreme Court *in banco*,—

Remedy.

for an order commanding the judge to comply with such directions, and to proceed with and complete such recount or final addition.

Order of court for hearing.

2. Such application may be made upon affidavit, which need not be entitled in any matter or cause, setting forth the facts relating to such omission, refusal or neglect ; and the judge to whom the application is made shall, if it appears that there is such omission, refusal or neglect, make an order appointing a time, within eight days, and a place for the consideration of such application, and directing the attendance of all parties interested at such time and place, and giving such directions for the service of the order, and of the affidavit or affidavits upon which the order was granted, upon the judge so alleged to be in default, and upon the other parties interested, as he thinks proper, and, if the circumstances appear to him to warrant it, may direct that service upon any of such parties may be substitutional, or may be made by mail, or by posting, or in such other manner as he thinks fit.

Notice to judge and others.

Affidavits may be filed.

3. The judge complained of, or any of the parties interested, may file in the office of the clerk, registrar or prothonotary of the court, to a judge of which the application is made, affidavits in reply to those filed by the applicant, and upon demand shall furnish him with copies thereof.

Order of court after hearing.

4. At the time and place appointed by him, or at any other time and place to which the hearing may be adjourned,

after hearing the parties, or such of them as are present or their counsel, the judge, or some other judge of the same court, shall make such order as the facts of the case in his opinion warrant, either dismissing the application or commanding the judge in default to take such action as is necessary in order to a compliance with the directions of this section, and to proceed with and complete such recount or final addition as aforesaid, and may make such order as to costs as he thinks proper.

Judge to obey order.

5. A judge so found to be in default as aforesaid shall forthwith carry out the directions of any order so made, and there shall be the same remedies for the recovery of the costs awarded by such order as for that of the costs in ordinary cases in the same court.

Costs.

1891, c. 19, s. 11; 1894, c. 15, s. 11.

ELECTION RETURN.

Return of candidate elected.

91. The returning officer shall, immediately after the sixth day after the final addition by him under section eighty-five, or the ascertainment by him, under section eighty-eight, of the number of votes given for each candidate, unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition by such judge of the votes given at the election, and, where there has been a recount or final addition by the judge, immediately thereafter, transmit his return to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof; and such return shall be in the form A A.

Form of return.

Report by returning officer.

2. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him.

Certain documents to be sent with return.

3. The returning officer shall also transmit to the Clerk of the Crown in Chancery, with his return, the ballot papers, the original statements of the several deputy returning officers, hereinbefore referred to, together with the lists of voters and poll-books used in the several polling districts, and all other lists and documents used or required at such election, or which have been transmitted to him by the deputy returning officers.

How sent.

4. Such return and report shall be sent through the post office, after being registered.

R.S.C., c. 8, s. 65; 1891, c. 19, s. 12.

Liability of returning officer not returning candidate elected.

***92.** If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, such person may, if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, sue the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, in any court of record in the province in which such electoral district is situate, and recover from him a sum of five hundred dollars,

Proviso.

together with all damages he has sustained by reason thereof, and costs, provided that, [notwithstanding anything in *The Criminal Code*, 1892,] such action is commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election.

R.S.C., c. 8, s. 101; 1892, c. 29, s. 551.

Notice of return in *Canada Gazette*.

93. The Clerk of the Crown in Chancery shall on receiving the return of any member elected to the House of Commons, enter it in a book to be kept by him for such purpose in the order in which such return is received by him, and thereupon immediately give notice in the ordinary issue of the *Canada Gazette* of the name of the candidate so elected and in the order in which it was received.

R.S.C., c. 8, s. 66.

Duty of Clerk of the Crown in Chancery as to retention of papers, etc.

94. The Clerk of the Crown in Chancery shall retain in his possession the papers transmitted to him by any returning officer, with the return, for at least one year, if the election is not contested during that time, and if the election is contested, then for one year after the termination of such contestation.

R.S.C., c. 8, s. 67.

SECRECY OF VOTING.

Secrecy during poll.

95. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at such polling place; and no such officer, clerk or agent shall, before the poll is closed, communicate to any person any information as to whether any person on the list of voters has or has not applied for a ballot paper or voted at that polling place.

Interfering with voter marking ballot paper.

2. No officer, clerk, agent or other person shall interfere with, or attempt to interfere with a voter when marking his ballot paper, or otherwise attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place is about to vote or has voted.

Ballot paper not to be displayed.

3. No elector shall, except in the case provided for in section 76, show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he votes to be known.

Inducing voter to display ballot paper.

4. No person shall, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Number on ballot paper not to be disclosed.

5. No officer, clerk, agent, or other person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling station, or attempt to ascertain at the counting of votes the number on the back of any ballot paper.

Vote not to be disclosed.

6 No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate for whom any voter at such polling place is about to vote or has voted.

Secrecy respecting counting of votes.

7. Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the.

secrecy of the voting; and no such officer, clerk or agent shall attempt to obtain at such counting, any information or communicate any information obtained at such country as to the candidate for whom any vote is given in any particular ballot paper.

Penalty.

8. Every one who violates any of the provisions of this section shall be liable [on summary conviction] to a penalty not exceeding two hundred dollars, and to imprisonment for any term not exceeding six months, with or without hard labour, in default of payment of such penalty.

R.S.C., c. 8, s. 70, *part* ; 1888, c. 11, s. 13, *part.*

Secrecy of vote protected.

96. No person who has voted at an election shall, in any legal proceeding questioning the election or return, be required to state for whom he voted.

R.S.C., c. 8, s. 71.

Inspection of ballot papers.

97. No person shall be allowed to inspect any ballot paper in the custody of the Clerk of the Crown in Chancery, except under the rule or order of a superior court or a judge thereof,—which rule or order may be granted by such court or judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition which has been filed questioning an election or return ; and any such rule or order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court or judge thinks expedient, and shall be obeyed by the Clerk of the Crown in Chancery.

R.S.C. c. 8, s. 72.

KEEPING THE PEACE AND GOOD ORDER AT ELECTIONS.

Returning officers and their deputies to be conservators of peace.

98. Each returning officer and each deputy returning officer from the time he takes the oath of office until the day after the closing of the election shall be a conservator of the peace, invested with all the powers appertaining to a justice of the peace.

R.S.C., c. 8, s. 73.

May command assistance, etc.

Special constables.

99. Every returning officer or deputy returning officer may require the assistance of justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at such election ; and may also, on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary.

R.S.C., c. 8, s. 74.

May arrest disturbers.

100. Every returning officer or deputy returning officer may arrest or cause by verbal order to be arrested, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

R.S.C., c. 8, s. 75.

May demand offensive weapons.

101. The returning officer or deputy returning officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any firearm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person; and every person who refuses to deliver such weapon shall be liable to a penalty not exceeding one hundred dollars, and, in default of payment of such penalty, to imprisonment for a term not exceeding three months.

R.S.C., c. 8, s. 76.

Strangers not to enter polling districts armed.

102. Except the returning officer, the deputy returning officer, the poll clerk and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person, who has not had a stated residence in the polling district for at least six months next before the day of such election, shall come during any part of the day upon which the poll is to remain open into such polling district armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like; and no person being in such polling district shall arm himself, during any part of the day, with any such offensive weapon, and thus armed approach within the distance of one mile of the place where the poll of such polling district is held, unless called upon so to do by lawful authority.

R.S.C., c. 8, s. 78.

Flags, etc., not to be furnished or carried.

103. No person shall furnish or supply any ensign, standard or set of colours, or any other flag, to or for any person with intent that it shall be carried or used in such electoral district on the day of election, or within eight days before such day, or during the continuance of such election or the polling, by any person, as a party flag to distinguish the bearer thereof and those who follow it as the supporters of any candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; and no person shall, for any reason, carry or use any such ensign, standard, set of colours or other flag, as a party flag, within such electoral district on the day of any such election or polling or within eight days before such day, or during the continuance of such election.

R.S.C., c. 8, s. 80.

Ribbons or favours not to be furnished or worn.

104. No person shall furnish or supply any ribbon, label or like favour, to or for any person with intent that it be worn or used within such electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; and no person shall use or wear any ribbon, label, or other favour, as such badge, within such electoral district, on the day of any such election or polling, or within eight days before such day, during the continuance of such election.

R.S.C., c. 8, s. 81.

105. Every one who offends against any of the provisions of the three sections next preceding is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. Punishment for contravention.

R.S.C., c. 8, s. 82.

106. No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop or other place within the limits of any polling district, during the whole of the polling day at an election; and every one who violates the provisions of this section shall be liable, for each offence, to a penalty of one hundred dollars, and to imprisonment for a term not exceeding six months in default of payment of such penalty. No intoxicating liquors to be sold on polling day. Penalty.

R.S.C., c. 8, s. 83.

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS.

107. The following persons are guilty of bribery and shall be punishable accordingly:— Certain acts to be deemed bribery.

(*a.*) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act on account of such voter having voted or refrained from voting at any election; Giving money etc., to procure votes.

(*b.*) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment, to or for any voter, or to or for any other person in order to induce such voter to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any election; Giving or promising employment.

(*c.*) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election; Gift or promise in order to obtain return of any person.

(*d.*) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election; Procuring return in consequence.

(*e.*) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery or corrupt practices at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt practices at any election; Advancing money to be used in bribery.

Demanding bribe of candidate or agent.

(*f.*) Every person who, directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent, or agents for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment;

Receiving money, etc., before or during an election.

(*g.*) Every voter who, before or during any election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

Or after an election.

(*h.*) Every person who, after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at any election;

Penalty.

And every person so offending is guilty of an indictable offence and shall also forfeit the sum of two hundred dollars to any person who sues therefor, with costs.

Proviso: as to lawful expenses.

Provided always, that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair costs of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a violation of this Act.

R.S.C., c. 8, ss. 84 and 85.

Treating voter during election.

108. Every candidate or other person who, at an election, either provides or furnishes drink or other refreshment at the expense of such candidate, to any elector during such election, or pays for, procures or engages to pay for any such drink or other refreshment, is guilty of an indictable offence and liable

Penalty.

to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court,.

R.S.C., c. 8, ss. 79 and 82.

Treating of any person by candidate.

109. Every candidate who corruptly, by himself or by or with any other person, or by any other ways or means on his behalf, at any time, either before or during any election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, is guilty of the offence

Penalty.

of treating, and shall forfeit the sum of two hundred dollars to any person who sues therefor, with costs, in addition to any other penalty to which he is liable therefor under any

Votes to be struck off on trial of election.

other provision of this Act: and on the trial of an election petition, there shall be struck off from the number of votes

given for such candidate one vote for every person who has voted and is proved on such trial to have corruptly accepted or taken any such meat, drink, refreshment or provision.
R.S.C., c. 8, s. 86.

Treating voter by any person on nomination or polling day.

110. The giving or causing to be given to any voter on the nomination day or day of polling, on account of such voter having voted or being about to vote, any meat, drink or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed an unlawful act, and the person so offending shall forfeit the sum of ten dollars for each offence to any person who sues therefor, with costs.
R.S.C., c. 8, s. 86.

Undue influence.

111. Every one who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who, by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and is guilty of an indictable offence, and shall also forfeit the sum of two hundred dollars to any person who sues therefor, with costs. Penalty.
R.S.C., c. 8, s. 87.

Paying for conveyance of voters to poll.

112. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any person on his behalf, to convey any voter or voters to or from the poll, or to or from the neighbourhood thereof, at any election, or the payment, by any candidate or by any person on his behalf, of the travelling and other expenses of any voter, in going to or returning from any election, are unlawful acts; and every candidate or other person so offending shall forfeit the sum of one hundred dollars to any person who sues therefor; and any voter hiring any horse, cab, cart, wagon, sleigh, carriage or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying any voter or voters to or from the polling place or places, shall, *ipso facto*, be disqualified from voting at such election, and shall, for every such offence, forfeit the sum of one hundred dollars to any person who sues therefor. Penalty. Disqualification of voters offending.
R.S.C., c. 8, s. 88.

Personation.

113. Every person who, at an election—

(*a.*) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person; or—

(*b.*) having voted once at any such election, applies at the same election for a ballot paper in his own name—

Penalty.

is guilty of personation and liable to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding six months.

R.S.C., c. 8, s. 89.

Subornation of personation.

114. Every person who aids, abets, counsels or procures the commission by any person of the offence of personation shall be liable to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding six months.

Penalty.

R.S.C., c. 8, s. 103.

Subornation by candidate of personation or perjury.

115. Every candidate who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavours to induce any person to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, is guilty of an indictable offence, and shall, in addition to any other punishment to which he is liable for such offence, forfeit the sum of two hundred dollars to any person who sues therefor.

Penalty.

R.S.C., c. 8, s. 90.

Voting by prohibited person.

*__116.__ Every person who votes or induces or procures any person to vote at an election, knowing that he or such person is not entitled to vote thereat, [is guilty of an unlawful act, and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs; and in any suit for the recovery of the penalty, the burden of the proof of such person being entitled to vote at the election shall be upon him and not upon the person suing.]

Penalty.

Burden of proof of qualification.

1888, c. 11, s. 14; Ont., 1892, c. 3, s. 172.

False statement of withdrawal of candidate.

*__117.__ Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, [is guilty of an unlawful act, and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs.]

Penalty.

1888, c. 11, s. 14, *part.*

Liability for acts of agents.

118. A candidate shall not be liable, nor shall his election be avoided, for any unlawful act under the two sections next preceding committed by his agent other than his agent appointed under the provisions of section 144.

1888, c. 11, s. 14, *part.*

Certain offences to be corrupt practices.

119. Any wilful offence against any one of the twelve sections of this Act next preceding, is a corrupt practice within the meaning of this Act.

R.S.C., c. 8, s. 91, *part.*

Contracts or promises relating to election void.

120. Every executory contract, or promise, or undertaking, in any way referring to, arising out of or depending upon any election under this Act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law.

R.S.C., c. 8, s. 131.

Votes to be struck off candidate for

121. If, on the trial of an election petition, claiming the seat for any person, a candidate is proved to have been guilty,

by himself or by any person on his bebalf, of bribery, treating, or undue influence with respect to any person who voted at such election, or if any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election, as agent, clerk, messenger, or in any other employment, is proved on such trial to have voted at such election, there shall, on the trial of such election petition, be struck off from the number ef votes appearing to have been given to such candidate, one vote for every person who voted at such election, and who is proved to have been so bribed, treated or unduly influenced, or so retained or employed for reward as aforesaid. R.SC., c. 8, s. 92.

bribery, etc., in certain cases.

122. If it is found by the report of any court, judge or other tribunal for the trial of election petitions, that any corrupt practice has been committed by a candidate at an election, or by his agent, whether with or without the actual knowledge and consent of such candidate, the election of such candidate, if he has been elected, shall be void.

R.S.C., c. 8, s. 93.

Corrupt practice by candidate or his agent to void election.

123. If, on the trial of an election petition, a candidate is proved to have personally engaged any person at the election to which such petition relates, as a canvasser or agent in relation to the election, knowing that such person so engaged has within eight years previous to such engagement been found guilty of any corrupt practice, by any competent legal tribunal, or by the report of any judge or other tribunal for the trial of election petitions, the election of such candidate, if he has been elected, shall be void.

R.S.C., c. 8, s. 94.

Employing agent who has been guilty of corrupt practices.

124. The provisions of the three sections next preceding shall not, except as to the personal acts of the candidates and the acts of agents of candidates done with the knowledge and consent of such candidates, apply to any case by reason of any acts done at any election other than the election to which the petition relates.

R.S.C., c. 8, s. 95.

Effect of corrupt practice and illegal acts at previous elections.

125. If, on the trial of an election petition, it is proved that any corrupt practice has been committed by or with the actual knowledge and consent of a candidate at an election, or if he is convicted before any competent court of bribery or undue influence, he shall be held guilty of corrupt practices, and his election, if he has been elected, shall be void, and he shall, during the seven years next after the date of his being so proved or found guilty, be incapable of being elected to and of sitting in the House of Commons, and of voting at any election of a member of that House, or of holding an office in the nomination of the Crown or of the Governor General in Canada.

R.S.C., c. 8, s. 96.

Effect of corrupt practice by a candidate.

***126.** [If, on the trial of an election petition, it appears to the court that an act constituting in law a corrupt practice was committed by a candidate, or with his knowledge and consent, but without any corrupt intent, and in an ignorance which

Corrupt practice committed in excusable ignorance.

was involuntary and excusable, and that the evidence showed the candidate to have honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would but for this section incur.]

Ont., 1892, c. 3, s. 165.

Candidate exonerated in certain cases of corrupt practices by agents.

127. If, on the trial of an election petition, the court decides that a candidate at such election was guilty, by his agent or agents, of any offence that would render his election void, and the court further finds—

(*a.*) That no corrupt practice was committed at such election by the candidate personally, and that the offences mentioned were committed contrary to the order and without the sanction or connivance of such candidate; and—

(*b.*) That such candidate took all reasonable means for preventing the commission of corrupt practices at such election; and—

(*c.*) That the offences mentioned were of a trivial, unimportant and limited character; and—

(*d.*) That in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of such candidate and of his agents;

Then the election of such candidate shall not, by reason of the offences mentioned, be void, nor shall the candidate be subjet to any incapacity therefor.

1891, c. 20, s. 19.

Disqualification of candidate guilty of subornation of personation.

128. If, on the trial of an election petition, a candidate or other person is found by the report of the judge, by himself or his agents with his actual knowledge and consent to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, his election, if he has been elected, shall be declared null and void; and such candidate or such other person shall be incapable of being elected or sitting in the House of Commons for any electoral district during the continuance of the Parliament for which the election is held, and during the then next Parliament.

R.S.C., c. 8, s. 97.

Disqualification of others than candidates for corrupt practices.

129. Every person other than a candidate found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the eight years next after the time at which he is found guilty, be incapable of being elected to and of sitting in the House of Commons, and of voting at any election of a member of the House of Commons, or of holding any office in the nomination of the Crown or of the Governor General in Canada.

R.S.C., c. 8, s. 98.

Merely technical or unintentional violation of the law not to subject person to penalty.

***130.** [No person shall be subject to the disabilities set forth in the next preceding section by reason of a merely technical breach of the law, or by reason of any act which is not an intentional violation of the law and does not involve moral culpability or affect the result of the election.]

Ont. 1892, c. 3, s. 168, ss. 2.

131. If, at any time after a person has become disqualified under this Act, the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted of perjury with respect to such testimony, such person may move the court before which such conviction takes place to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall thenceforth cease and determine; and it shall cease and determine accordingly. Removal of disqualification procured by perjuey.

R.S.C., c. 8, s. 99.

CRIMINAL AND CIVIL PROCEDURE.

132. All penalties and forfeitures (other than fines in cases of indictable offences) imposed by this Act shall be recoverable or enforceable with full costs of suit by any person who sues therefor by action of debt or information, in any court of competent jurisdiction in the Province in which the cause of action arises, and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common jail of the county or district for any term less than two years, unless such penalty and costs are sooner paid; but no action or information for the recovery of any such penalty or forfeiture shall be commenced unless the person suing therefor has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defence, if the person suing is condemned to pay such costs. Recovery of penalties and forfeitures.

R.S.C., c. 8, s. 106.

***133.** [If a person is charged at a polling place with having committed the offence of personation, the deputy returning officer at such polling place may, and if requested so to do on behalf of a candidate shall, take the information on oath of the person making the charge; and such information may be in the form BB. Summary proceedings in case of personation.

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

3. Upon receiving the information the deputy returning officer may, on the polling day, but not afterwards, issue his warrant, in the form CC, for the arrest of the person charged, in order that he may be brought before the magistrate or one of the magistrates therein named, to answer to the said information and to be further dealt with according to law.

4. The magistrate or magistrates named in the warrant shall be such as defined by section 782 of *The Criminal Code*, 1892, and the nearest available within the county.

5. The provisions of part LV of the said Code shall apply to all proceedings under this section.

6. Such warrant shall be sufficient authority for any peace officer (as defined by *The Criminal Code*, 1892,) to detain such person until he is brought before the magistrate.

7. If the correct name of the person charged is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is to the informant unknown, but who is detained under the order of the deputy returning officer ; or the person charged may be described in such other manner as will suitably identify him ; and when the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding.

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

Ont., 1897, c. 9.

What allegations necessary in suits for penalties.

134. It shall be sufficient for the plaintiff, in any action or suit under this Act, to allege in his pleading or declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action or suit is brought, and that the defendant has acted contrary to this Act, without mentioning the writ of election or the return thereof.

R.S.C., c. 8, s. 107.

Evidence of husbands and wives.

135. In any such civil action, suit or proceeding, the parties thereto and the husbands or wives of such parties respectively, shall be competent and compellable to give evidence to the same extent and subject to the same exceptions as in other civil suits in the same Province ; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the person giving it.

Proviso.

R.S.C., c. 8, s. 108.

No excuse of privilege allowed for not answering questions in proceedings touching elections.

***136.** No person shall be excused from answering any question put to him in any action, suit or other proceeding, in any court, or before any judge, commissioner or other tribunal, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege ; but no answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

R.S.C., c. 8, s. 109, *part* ; 1893, c. 31, s. 5.

Criminal court may allow costs to prosecutor in certain cases.

137. Any criminal court before which a prosecution is instituted for an offence against the provisions of this Act may order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of such prosecution ; but the court shall not make such order unless the prosecutor before or upon the finding of the indictment or the granting of the information enters into a recognizance, with two sufficient

sureties, in the sum of five hundred dollars, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he is acquitted.
R.S.C., c. 8, s. 110.

Or to defendant acquitted.

138. In case of an indictment or information by a private prosecutor for an offence against the provisions of this Act, if judgment is given for the defendant he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, which costs shall be taxed by the proper officer of the court in which the judgment is given.
R.S.C., c. 8, s. 111.

Allegation and evidence of corrupt practice.

139. In an indictment or prosecuton for a corrupt practice, and in any action or proceeding for a penalty for a corrupt practice, it shall be sufficient to allege that the defendant was, at the election, at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice, describing it by the name given to it by this Act, or otherwise, as the case requires ; and in any criminal or civil proceeding in relation to such offence the certificate of the returning officer shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat.
R.S.C., c. 8, s. 112.

Production of writ of election, etc., not required in suits under this Act.

140. It shall not be necessary on the trial of a suit or prosecution under this Act to produce the writ of election or the return thereof, or the authority of the returning officer founded upon such writ of election, but general evidence of such facts shall be sufficient evidence ; and if the original ballot papers or other papers are required, the clerk or registrar of the court having cognizance of the election petition may, at the instance of any of the parties thereto, notify the Clerk of the Crown in Chancery to produce them on the day fixed for the trial, and the said Clerk of the Crown in Chancery shall, on or before the said day, deposit them with such clerk or registrar, taking his receipt therefor.
R.S.C., c. 8, s. 113.

Summons by election court to person who is liable to penalty.

141. Whenever it appears to the court or judge trying an election petition that any person has violated any of the provisions of this Act, for which violation such person is liable to a fine or penalty (other than fines and penalties imposed for any offence amounting to an indictable offence), such court or judge may order that such person shall be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge.

Disobeying summons.

2. If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty, to the imprisonment prescribed in such case by this Act.

Trial

3. If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence

as is adduced, shall give such judgment as to law and justice appertains.

Appropriation of fines.

4. All fines and penalties recovered under this section shall belong to Her Majesty for the public uses of Canada.

Exception.

5. No fine or penalty shall be imposed under this section if it appears to the court or judge that the person has already been sued with respect to the same offence, nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.

R.S.C., c. 8, s. 115.

Corrupt practices not triable at Q. S., etc.

*142. [Notwithstanding anything in *The Criminal Code*, 1892,] no indictment for corrupt practices shall be tried before any Court of Quarter Sessions or General Sessions of the Peace.

R.S.C., c. 8, s. 116; 1892, c. 29, s. 539.

Limitation of time for prosecutions and suits, etc.

*143. [Notwithstanding anything in *The Criminal Code*, 1892,] every prosecution for an indictable offence under this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing therefor, shall be commenced within the space of one year next after the act committed, and not afterwards (unless the prosecution is prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court), and when commenced shall be proceeded with and carried on without wilful delay.

R.S.C., c. 8, s. 117; 1892, c. 29, s. 551.

ELECTION EXPENSES.

No payment to be made except through authorized agent.

144. No payment (except with respect to the personal expenses of a candidate), and no advance, loan or deposit, shall be made by or on behalf of any candidate at any election, before or during or after such election, on account of such election, otherwise than through an agent or agents whose name or names and address or addresses have been declared in writing to the returning officer on or before the nomination day, or through an agent or agents to be appointed in his or their place, as herein provided; and any person who makes any such payment, advance, loan or deposit otherwise than through such agent or agents is guilty of an indictable offence.

Names of agents to be published.

2. The returning officer shall publish, on or before the nomination day, the name and address or the names and addresses of the agent or agents appointed in pursuance of this section.

If agent cannot act.

3. In the event of the death or legal incapacity of any agent appointed in pursuance of this section, the candidate shall forthwith appoint another agent in his place, giving notice to the returning officer of the name and address of the person so appointed, which shall be forthwith published as hereinbefore provided by the returning officer.

R.S.C., c. 8, s. 118.

Bills and claims to be sent in within one month, or right to be barred.

145. All persons who have any bills, charges or claims upon any candidate for or in relation to any election, shall send in such bills, charges or claims within one month after the day of the declaration of the election, to such agent or agents as aforesaid; otherwise such persons shall be barred of their right to recover such claims, or any part thereof.

2. In the event of the death, within the said month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in such bill, charge or claim within one month after his obtaining probate or letters of administration, or of his becoming otherwise able to act as such legal representative, otherwise the right to recover such claim shall be barred as aforesaid. Case of death of claimant.

3. Such bills, charges and claims may be sent in to the candidate, if and so long as during the said month, owing to death or legal incapacity, there is no such agent. If there is no agent.

4. No such bill, charge or claim shall be paid without the authority of the candidate, as well as the approval of the agent. Candidate to authorize payment.

R.S.C., c. 8, s. 119.

*146. [Notwithstanding anything in the next preceding section, a claim for lawful election expenses which would have been payable if sent in within the time limited by that section, may be paid by the candidate through his election agent after that time if it is approved by a judge competent to recount or make a final addition of the votes at the election, and the judge makes an order for the payment thereof. Payment of lawful claims sent in after one month.

2. All sums so allowed by the judge shall, within one week thereafter, be advertised in the same papers as the statement of the other election expenses.]

Ont., 1892, c. 3, s. 191*a*.

147. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such excepted payments as aforesaid, shall, within two months after the election (or whenever by reason of the death of the creditor no bill has been sent in within such period of two months, then within one month after such bill has been sent in), be made out and signed by the agent, or if there is more than one, by every agent who has paid such expenses (including the candidate in cases of payments made by him,) and delivered with the bills and vouchers relative thereto to the returning officer. Statement of expenses to be made out by agent.

2. The returning officer for the time being shall, at the expense of the candidate, within fourteen days after receiving such statement, insert or cause to be inserted an abstract thereof, with the signature of the agent thereto, in some newspaper published or circulating in the electoral district where the election was held. To be published by returning officer.

3. Any agent or candidate who makes default in delivering to the returning officer the statements required by this section shall incur a penalty not exceeding twenty dollars for every day during which he so makes default. Penalty for default.

4. Any agent or candidate who wilfully furnishes to the returning officer any untrue statement is guilty of an indictable offence. Penalty for false statement.

5. The returning officer shall preserve all such bills and vouchers, and during the six months next after they have been delivered to him shall permit any voter to inspect them on payment of a fee of twenty cents. Bills, etc., to be preserved.

R.S.C., c. 8, s. 120.

FEES AND EXPENSES OF RETURNING OFFICERS AND OTHERS.

Fees for services and disbursements.

148. The fees and expenses in schedule two to this Act mentioned, and no others, shall be allowed to the several officers therein mentioned, respectively, for their services and disbursements at any election.

Governor in Council may make new tariff, and revise and amend it.

2. Nevertheless, if it appears to the Governor in Council that the provisions made in this section are inadequate or insufficient for the purposes for which they are intended (that is, a fair and just but economical remuneration for the services performed), the Governor in Council may make a tariff of fees, costs and expenses to be paid and allowed to returning officers, and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff, which shall then be substituted for that above mentioned, as respects any election held after the making or the revising or amending thereof; but a copy of any such tariff and of any amendment thereof shall be laid before the House of Commons [within the first fifteen days of] the then next session of Parliament.

R.S.C., c. 8, s. 121.

Payment of fees, etc.

149. Such fees, allowances and disbursements shall be paid to the returning officer, by warrant of the Governor General, and shall be distributed by such returning officer to the several officers and persons entitled thereto under the provisions of this Act,—which distribution he shall report to the Governor General through the Secretary of State; and the returning officer shall certify the correctness of the accounts of his deputy returning officers.

R.S.C., c. 8, s. 122.

Fees, etc., may be increased in certain electoral districts.

150. Whenever an election is held for the electoral district of Gaspé or of Chicoutimi and Saguenay, in the province of Quebec, or for the electoral district of Algoma or South Essex, in the province of Ontario, or for any electoral district in either of the provinces of Manitoba or British Columbia, and it appears to the Governor in Council that the fees and allowances above provided for are not sufficient remuneration for the services rèquired to be performed, the Governor in Council may authorize the payment of such additional sum of money for such services as is considered just and reasonable.

R.S.C., c. 8, s. 123.

GENERAL PROVISIONS.

Mode of giving notices.

151. When a returning officer or a deputy returning officer is by this Act required or authorized to give a public notice, and no special mode of giving it is mentioned, he may give it by advertisement, placards, handbills or such other means as he thinks best calculated to give the information to the electors.

R.S.C., c. 8, s, 126.

Transmission of information respecting elections by telegraph, in

152. Whenever is appears to the satisfaction of the Governor in Council, at the time when an election of a member to represent either of the electoral districts of Gaspé or of

Chicoutimi and Saguenay in the House of Commons is about to be held, that communication by water between the Magdalen Islands and the mainland in the electoral district of Gaspé, and by water or by land between the polling districts to the east of Bersimis, in the electoral district of Chicoutimi and Saguenay, or between such polling districts and the place of nomination, will probably be interrupted during such election by the severity of the season, he may direct that all necessary instructions and information relating to such election may be transmitted by telegraph by the returning officer to the deputy returning officer or officers, and by him or them to the returning officer, so that the returning officer may be informed of the number of votes given for each candidate, and of all other matters relating to the election, and be enabled to return the candidate having the majority or to make such other return as the case requires ; and the Governor in Council may make such order as to the details of the proceedings at or relating to such election to be so transmitted by telegraphic communication as to him seems proper for the best attaining the purposes of this enactment.

certain places and seasons in Quebec.

R.S.C., c. 8, s. 132.

***153.** [In case, by reason of riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the returning officer or the deputy returning officer, as the case may be, shall hold or resume the election or polling on the following day, at the hour of nine o'clock in the forenoon, aad continue it from day to day if necessary until a fair opportunity for nominating candidates is given, or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all, or thereabouts, in order that all the electors intending to vote may have had a fair opportunity of doing so.]

Case of delay caused by riot.

Ont., 1892, c. 3, s. 203.

154. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the persons signing a nomination paper received by the returning officer, under the provisions of this Act, or of any mistake in the use of the forms contained in schedule one to this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

Mistakes of form only not to void elections.

R.S.C., c. 8, s. 128.

***155.** [No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to limitations of time, unless it appears to the tribunal that such non-compliance may have affected the result of the election or that it was due to the improper conduct of a candidate or of his agent.]

As to limits of time mentioned in this Act.

Ont., 1894, c. 4, s. 45.

Administration of oaths.

156. Any affidavit required to be made for any of the purposes of this Act may be sworn before any commissioner for taking affidavits in any superior court of any Province ; and any person before whom it is hereby required or intimated by any form in schedule one to this Act, that any oath is to be taken or any affirmation made in the manner herein provided, shall have power to administer it, and shall administer it gratuitously ; and the returning officer at any election shall have power to administer any oath or affirmation required by this Act with respect to such election ; and the deputy returning officer may administer such oath or affirmation, except such as is required to be administered to the returning officer. R.S.C., c. 8, s. 130.

SCHEDULE ONE.—FORMS.

A.—(*Section* 12.)

Writ of Election.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith ;—To the sheriff (registrar *or other returning officer, as the case may be*) of the county (*or as the case may be*) of , GREETING :

Whereas, by the advice of Our Privy Council for Canada, we have ordered a Parliament to be holden at Ottawa, on the day of next, (*omit this preamble, except in the case of a general election*). We command you that, notice of the time and place of election being duly given, you do cause election to be made according to law of a member (*or as the case may be*) to serve in the House of Commons of Canada, for the electoral district of , (*except in case of general election, insert here* in the place of , deceased, *or otherwise, stating the cause of vacancy*) and (*except in the electoral districts mentioned in section* 33) that you do cause the nomination of candidates at such election to be held on the day of next, and do cause the name (*or* names) of such member (*or* members) when so elected, whether he (*or* they are) present or absent, to be certified to our Clerk of the Crown in Chancery, as by law directed.

Witness, Our Right Trusty and Well-beloved, &c., Governor General (*or* Administrator of the Government) of our Dominion of Canada, at our city of Ottawa, the day of in the year of our Reign and in the year of our Lord 18 .

Endorsement.

Received the within Writ on the day of 18 .

A. B.,
Sheriff of (*or as the case may be*)
Returning Officer.

R.S.C., c. 8, form A.

B.—(*Section* 16.)

Oath of the returning officer.

I, the undersigned, A. B., returning officer for the electoral district of , swear (*or* solemnly affirm) that I am legally qualified according to law to act as returning officer for the said electoral district of and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

A. B.,
Returning Officer.

Certificate of returning officer having taken oath of office.

I, the undersigned, hereby certify that on the day of the month of , 18 , A. B., the returning officer for the electoral district of , took and subscribed before me, the oath (*or* affirmation) of office, in such case required of a returning officer, by section 17 of The Dominion Elections Act, 1897.

I testimony whereof, I have delivered to him this certificate.

C. D.,
Justice of the Peace.

R.S.C., c. 8, form B.

C.—(*Section* 17.)

Commission of an election clerk.

To E. F. (*set forth his legal addition and residence*).

Know you, that in my capacity of returning officer for the electoral district of , I have appointed, and do hereby appoint you to be my election clerk, to act in that capacity according to law, at the approaching election for the electoral district of , which election will be opened by me, on the day of the month of 18 .

Given under my hand this day of , in the year 18 .

A. B.,
Returning Officer.

R.S.C., c. 8, form C.

D.—(*Section* 18.)

Oath of the election clerk.

I, the undersigned, E. F., appointed election clerk for the electoral district of , swear (*or* solemnly affirm) that I will act faithfully in my said capacity as election clerk, and also in that of returning officer, if required to act as such according to law, without partiality, fear, favour or affection. So help me God.

E. F.,
Election Clerk.

Certificate of the election clerk having taken the oath of office.

I, the undersigned, hereby certify that on the day of , 18 , E. F., election clerk for the electoral district of , took and subscribed before me the oath (*or* affirmation) of office required in such case of an election clerk by section twelve of The Dominion Elections Act 1897.

In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.

R.S.C., c. 8, form D.

E.—(*Section* 30.)

Proclamation of the returning officer, declaring the time and place fixed for the nomination of candidates, and also the day for opening the poll, and the polling stations and polling districts.

PROCLAMATION.

Electoral district of , to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to Her Majesty's writ to me directed, and bearing date the day of 18 , I require the presence of the said electors at (*describe the place where the nomination is to take place*), in the county (*or* township, *or* in the city *or* town) of , on the day of the month of from noon until two of the clock in the afternoon, for the purpose of nominating a person (or persons, *as the case may be*), to represent them in the House of Commons of Canada; and that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the day of the mouth of , in the year
from the hour of nine in the forenoon till five of the clock in the afternoon in each of the polling districts, that is to say:

For the polling district No. 1, consisting of (*or* bounded as follows *or otherwise describing it clearly*) at
describing the polling station and so continuing for all the other polling districts and stations in the electoral district).

And further, that on the day of at I shall open the ballot boxes, add up the votes given for the several candidates and return as elected the one (*or as the case may be*) having the majority of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at , this day of , in the year 18 .

A.B.,
Returning Officer.

R.S.C., c. 8, form E.

F.—(*Section* 39.)

Nomination paper, &c.

We, the undersigned electors of the electoral district of hereby nominate (*names, residence and additions or description of person or persons nominated*) as a candidate at the election now about to be held of a member to represent the said electoral district in the House of Commons of Canada.

Witness our hands at in the said electoral district, this day 18

Signatures, with residence and additions.

Signed by the said electors, in presence of of , (*additions.*)

I, the said , nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at , this day of 18 .

Signed by the said nominee, in presence of , of , (*additions.*) J. K.

R.S.C., c. 8, form F.

G.—(*Section* 41.)

Oath of attestation of the nomination paper.

I, N. O., of , (*addition*) swear (*or* solemnly affirm) that I know (*mentioning the names of the signers known to him*), and that they are duly registered as voters for the electoral district of , and entitled to vote at an election of a member to serve in the House of Commons of Canada, and that they respectively signed the foregoing (*or* within) nomination paper in my presence; and further (*if the case be so*), that I know the said , thereby nominated as a candidate, and that he signed his consent to the nomination in my presence.

Sworn (*or* affirmed) before me, at , this day of 18 . N. O.

C. D.,
Justice of the Peace.

This form may be varied according to circumstances, the intention of the Act being complied with; and the assent of the candidate may be sworn to by a separate elector, if the facts require it

R.S.C., c. 8, form G.

H.—(*Section* 42.)

Return when there are more candidates than members to be elected.

I hereby certify that the member (*or* members) elected for the electoral district of , in pursuance of the within written writ, is (*or* are) J. K., of in , (and L. M. of *as in the nomination paper*), no other candidate having been nominated (*or* the other *or* all other candidates having withdrawn, *as the case may be*).

A. B.,
Returning Officer.

R.S.C., c. 8, form H.

I.—(*Section* 47.)

Notice of poll being granted, and of candidates nominated.

NOTICE.

Etectoral district of , to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been demanded at the election now pending for the said electoral district, and that I have granted such poll; and further, that the persons duly nominated as candidates at the said election, and for whom only votes will be received, are—

1. JOHN DOE, of the Township of Nepean, County of Carleton, Yeoman.
2. RICHARD ROE, of the Town of Prescott, County of Grenville, Merchant.
3. GEOFFREY STILES, of 10 Sparks Street, Ottawa, Physician.
4. JOHN STILES, of 3 Elgin Street, Ottawa, Barrister-at-law.

(*As in the nomination papers.*)

Of which all persons are hereby required to take notice, and to govern themselves accordingly.

Given under my hand at this day of in the year 18 .

A. B.,
Returning Officer.

R.S.C., c. 8, form I.

J.—(*Section* 47.)

Commission of a deputy returning officer.

To G. H. (*insert his legal addition and residence*)

Know you, that in my capacity of returning officer for the electoral district of , I hereby appoint you to be deputy returning officer for the polling district number , of the said electoral district of , there to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election

for the said polling district on the day of , at nine o'clock in the forenoon, at (*here describe particularly the place in which the poll is to be held*), and there to keep the said poll open during the hours prescribed by law, and to take at the said polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing the ballots, envelopes, list of voters, poll-book, and other documents required by law, together with this commission.

Given under my hand, at , this day of in the year 18 .

A. B.,
Returning Officer.

R.S.C., c. 8, form J.

K.—(*Section* 47.)

Oath of deputy returning officer.

I, the undersigned G. H., appointed deputy returning officer for the polling district No. of the electoral district of swear (*or* solemnly affirm), that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favour of affection. So help me God.

G. H.,
Deputy Returning Officer.

Certificate of a deputy returning officer having taking the oath of office.

I, the undersigned, hereby certify that on the day of the month of , G. H., deputy returning officer for the polling district No. of the electoral district of , took and subscribed the oath (*or* affirmation) of office, required in such case of a deputy returning officer, by section forty-seven of the Dominion Elections Act, 1897.

In testimony whereof, I have delivered to him this certificate under my hand.

C.D.,
Justice of the Peace.
or A. B.
Returning Officer.

R.S.C., c. 8, form K.

L.—*Section* 47.)

Directions for the guidance of electors in voting.

The voter is to vote only for one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit

The voter will go into one of the compartments, and, with a pencil there provided, place a cross or crosses on the white circular space opposite to the name of the candidate or of each of the candidates for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials on the back can be seen without opening it, and also in such a manner as to permit the counterfoil to be detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall place it in the ballot box in the presence of the elector after having detached the counterfoil. The voter shall then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper he may return it to the deputy returning officer, who, on being satisfied of the fact, will give him another.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and will not be counted.

If the voter takes a ballot paper out of the polling station or fraudulently puts into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine of five hundred dollars or by imprisonment for a term not exceeding six months with or without hard labour. R.S.C., c. 8, form M.; 1891, c. 19, s. 15.

M.—(*Section* 48.)

Commission of a poll clerk.

To I. J. (*insert his legal addition and residence.*)

Know you, that in my capacity of deputy returning officer for the polling district No. , of the electoral district of , I hereby appoint you to be poll clerk for the said polling district.

Given under my hand, at , this day of , in the year 18 .

G. H.,
Deputy Returning Officer.

R.S.C., c. 8, form N.

N.—(*Section* 48.)

Oath of poll clerk.

I, the undersigned, I. J., appointed poll clerk for the polling district No. , of the electoral district of swear (*or* solemnly affirm) that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer if required to act as such, according to law, without partiality, fear, favour or affection, and that I

will keep secret the names of the candidates for whom any of the voters at the polling station in the polling district No. marks his ballot paper in my presence at this election. So help me God.

I. J.,
Poll Clerk.

Certificate of the poll clerk having taking the oath.

I, the undersigned, hereby certify that on the day of the month of , I. J., poll clerk, for the polling district No. , of the electoral district of , took and subscribed before me the oath (*or* affirmation) of office required of a poll clerk in such cases by section forty-eight of The Dominion Elections Act, 1897.

In testimony whereof, I have delivered to him this certificate under my hand.

C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

R.S.C., c. 8, form Q; 1888, c. 11, s. 10.

O.—(*Section* 49.)

Commission of a poll clerk by a poll clerk acting as deputy returning officer.

To of (*insert his residence and legal addition.*)

Know you, that in my capacity of acting deputy returning officer for the polling district No. of the electoral district of , in consequence of the decease (or incapacity to act, *or as the case may be*) of the deputy returning officer for the said polling district whose poll clerk I was, I hereby appoint you to be poll clerk for the said polling district No. , of the said electoral district.

Given under my hand at , this day of ,

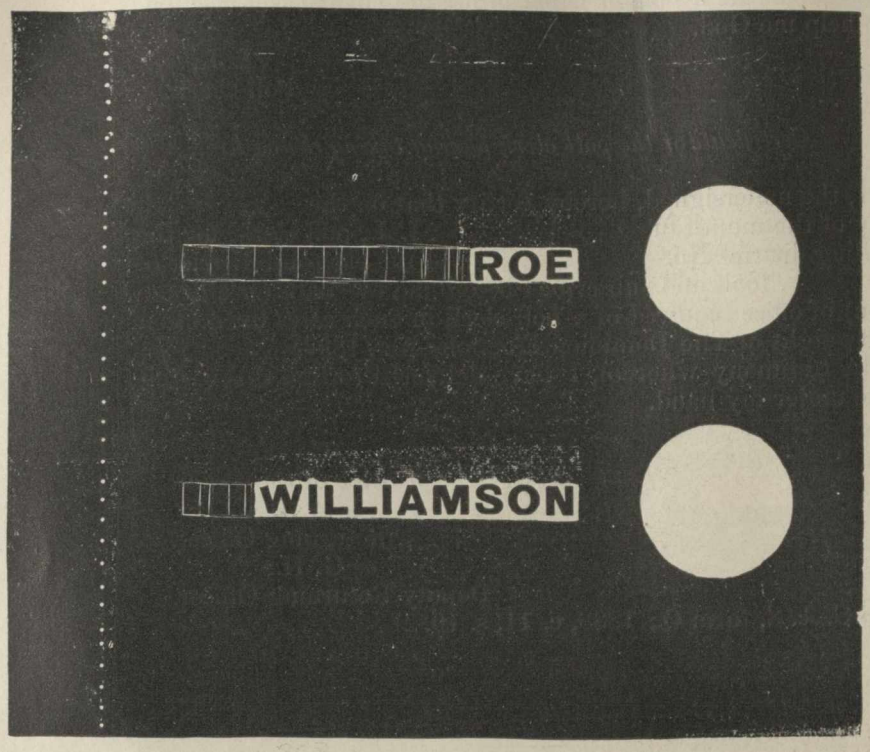
I. J.,
Poll Clerk, acting as Deputy Returning Officer.

The oath and certificate of its having been taken will be the same as in the case of a poll clerk appointed by the deputy returning officer.

R.S.C., c. 8, form P.

P.—(*Section* 54.)

Ballot paper.



The names of the candidates will be as in the nomination paper. There is to be no white margin on any side of the ballot paper. All portions of the ballot paper are to be coloured dark except the divisions containing the names of the candidates, and the circular spaces opposite, which are to be white as shown in the above form. The dotted line will be a line of perforations for easily detaching the counterfoil.

1894, *c.* 13, *s.* 6.

Q.—(*Section* 64.)

Oath of agent of a candidate, or of elector representing a candidate.

I, the undersigned, P. Q., agent for (*or* elector representing) J. K., one of the candidates at the election now pending for the electoral district of , swear (*or* solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters at the polling station in the polling direct No. marks his ballot paper in my presence at this election. So help me God.

P. Q.

Sworn (*or affirmed*) before me, at , this day of , 18 .

A. B.,
Returning Officer
or Justice of the Peace.

R.S.C., c. 8, form Q.

R.—(*Section* 68.)

Oath by deputy returning officer, poll clerk or agent wishing to vote.

I, A. B., of &c. deputy returning officer (*or* poll clerk, *or* agent for J. K., one of the candidates at the election for the House of Commons for the electoral district of *as the case may be*) swear (*or* solemnly affirm), that I am actually entitled to vote for a member of the said House of Commons for this electoral district at the present election ;

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

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

That I have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help me God. 1891, c. 19, s. 3.

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*S.—(*Section* 70.)

Form of poll book.

Number of the Voter.	Names of the Voter.	Addition or occupation.	Place of residence.	Objections.	Sworn or affirmed.	Voter refusing to be sworn or to affirm.	Voter voting after another has voted in his name.	Remarks.

R.S.C., c. 8, form R.

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*T.—*Section* 70.)

Form of oath of qualification of voter, where there is a list of voters.

I swear (*or* solemnly affirm),—

(1.) That I am the person named, or purporting to be named, by the name of (*and if there are more persons than one of the same name on the list, inserting also his addition or occupation*) on the list of voters now shown me ;

(2.) That I am a British subject, and am of the full age of twenty-one years ;

(3.) That I am by law qualified to vote at this election ;

(4.) That I have not been disfranchised under the provisions of the *Act to disfranchise voters who have taken bribes.*

(5.) That I have not voted before at this election, either at this or at any other polling place ;

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

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

R.S.C., c. 8, form Q; 1891, c. 19, s. 16 ; 1894, c. 14, s. 22

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*U.—(*Section* 70.)

Form of oath of qualification, where there is no list of voters.

I swear (*or* solemnly affirm)—

(1.) That I am a British subject, and am of the full age of twenty-one years :

(2.) That I am by law qualified to vote at this election.

(3.) That I have not been disfranchised under the provisions of the *Act to disfranchise voters who have taken bribes.*

(4.) That I have not voted before at this election, either at this or at any other polling place :

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

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

R.S.C., c. 8, form S ; 1891, c. 19, s. 16 ; 1894, c. 14, s. 22.

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*V.—(*Section* 75.)

Oath of identity by voter receiving a ballot paper, after another has voted in his name.

I swear (*or* solemnly affirm) that I am A. B., of (*as on the list of voters*) whose name is entered on the list of voters now shown me. So help me God.
R.S.C., c. 8, form Y.

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*W.—(*Section* 76.)

Oath of voter unable to mark his ballot paper.

I swear (*or* solemnly affirm) that I am unable to read and to understand the ballot paper so as to mark it, (*or* that I am incapacitated by blindness or other physical cause, *as the case may be*, from voting without assistance). So help me God.
R.S.C., c. 8, s. 49.

X.—(*Section* 83.)

Oath of messenger sent to collect the ballot boxes.

I, R. S., of , messenger appointed by A. B., returning officer, for the electoral district of , in the province of , swear (*or* solemnly affirm) that the several boxes, to the number of , now delivered by me to the said returning officer have been handed to me by the several deputy returning officers at the present election for the said electoral district (*or* by—*here insert the names of the deputy returning officers who have delivered the said boxes*) ; that they have not been opened by me, or any other person: and that they are in the same state as they were in when they came into my possession. (*If any change has taken place, the deponent shall vary his deposition by fully stating the circumstances.*)

R. S.

Sworn (*or* affirmed) and subscribed before me, at , this day of , in the year 18 .

C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

R.S.C., c. 8, form Z.

Y.—(*Section* 83.)

Oath of the deputy returning officer after the closing of the poll.

I, the undersigned, deputy returning officer for the polling district No. of the electoral district of swear (*or* solemnly affirm) that, to the best of my knowledge and belief, the poll-book kept for the said polling district, under my direction, hath been so kept correctly, that the total number of votes polled in the said poll-book is , and that, it contains a true and exact record of the votes given at the polling station in the said polling district, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, poll-book, packets of ballot papers, and other documents required by law to be returned by me to the returning officer, have been faithfully and truly prepared and place within the ballot box, as this oath (*or* affirmation) will be, to the end that the said ballot box, being first carefully sealed with my seal, may be transmitted to the returning officer according to law.

G. H.,
Deputy Returning Officer.

Sworn before me at , in the county of , this day of , 18 .

C. D.,
Justice of the Peace,
or, A. B.
Returning Officer,
or, I. J.,
Poll Clerk.

R.S.C., c. 8, form AA.; 1888, c. 11, s. 12.

Z.—(*Section* 83.)

Oath of the poll clerk after the closing of the poll.

I, the undersigned, poll clerk for the polling district No. of the electoral district of , swear (*or* do solemnly affirm) that the poll-book in and for the said (*as the case may be*), under the direction of G. H., who has acted as deputy returning officer therein, has been so kept by me under his direction as aforesaid, correctly and to the best of my skill and judgment; that the total number of votes polled in the said poll-book is ; and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the polling station in

the said polling district (*as the case may be*) as the said votes were taken at the said poll by the said deputy returning officer.

I. J.,
Poll Clerk.

Sworn (*or* affirmed) and subscribed before me, at , this day of in the year 18 .

C. D.,
Justice of the Peace,
or, A. B.,
Returning Officer,
or, G. H.,
Deputy Returning Officer.

R.S.C., c. 8, form BB.

AA.—(*Section* 91.)

Return after a poll has been taken.

I hereby certify that the member (*or* members) elected for the electoral district of , in pursuance of the within written writ, as having received the majority of votes lawfully given, is (*or* are) A. B., &c. (*names, &c., as in the nomination papers*).

A. B.,
Returning Officer.

R.S.C., c. 8, form CC.

BB.—(*Section* 133.)

Information for Personation.

Canada,
Province of
County of

The information of P. Q., of taken this day of in the year , before the undersigned, a deputy returning officer at a polling place in the of for an election being held for the electoral district of of a member of the House of Commons.

The said informant says that he believes that R. S. (*or* that a person whose name is to the informant unknown but who is now detained in the said polling place under my order, *or as the case may be*) on this day at the said polling place did commit the offence of personation by (*describing the offence.*)

Taken and sworn before me at the said polling place, the day and year above mentioned.

G. H.
Deputy Returning Officer.

CC.—(*Section* 133.)

Warrant for arrest of person charged with Personation.

Canada,
Province of
County of

To all or any of the constables and other peace officers in the county of .

Whereas, before the undersigned, a deputy returning officer at a polling place in the of for an election being held for the electoral district of of a member of the House of Commons, R. S. of has this day been charged upon oath with having committed the offence of personation on this day and at the said polling place by (*describing the offence.*)

These are therefore to command you in Her Majesty's name forthwith to apprehend the said R. S. and to bring him before to answer unto the said charge and to be further dealt with acccording to law.

Given under my hand and seal, under The Dominion Elections Act, 1897, this day of in the year .

G. H.
Deputy Returning Officer.

SCHEDULE TWO.

(*Section* 148.)

FEES OF RETURNING OFFICERS AND OTHERS.

To returning officer, when no poll is taken.

1. For the personal services of the returning officer, forty dollars;
2. For the personal services of the election clerk, four dollars;
3. For one constable, if considered necessary, one dollar;
4. For printing proclamations, actual cost;
5. For posting proclamations, not less than four in each polling district, for each mile necessarily travalled from place to place, twelve and one-half cents;
6. For each mile necessarily travelled by returning officer and election clerk in going to and returning from the place of nomination, twelve and one-half cents;
7. For use, when a public building is not obtainable, of private building for nomination, actual outlay, not exceeding four dollars;

To returning officer, when polls are taken.

8. For the personal services of the returning officer, sixty dollars as a minimum allowance, two dollars a poll when there are more than thirty polls in a riding;
9. For the personal services of the election clerk, eight dollars;

10. For services of one constable, if considered necessary at the nomination, one dollar;

11. For printing proclamations and lists of candidates, actual cost;

12. For posting proclamations (as in item five), per mile, twelve and one-half cents;

13. For each mile necessarily travelled posting up any advertisement to be so posted up, in appointing and swearing the deputy returning officers, and furnishing them with ballot boxes, ballot papers, envelopes, printed directions for the guidance of voters and lists of voters, twelve and one-half cents;

14. For each mile necessarily travelled for collecting the ballot boxes and lists of voters used at each poll, and for swearing the deputy returning officers after the close of the poll, twelve and one-half cents;

15. For each mile necessarily travelled by returning officer and election clerk in going to and returning from the place of nomination, twelve and one-half cents;

16. For making up and transmitting returns to the Clerk of the Crown in Chancery, postage and telegrams, actual disbursements;

17. For services necessary under section eighty-eight, a reasonable sum to be determined by the Governor in Council;

18. For use, when a public building is not obtainable, of private buildings for nomination, outlay, not exceeding four dollars;

19. For ballot boxes, when furnished by him, and for ballot papers and envelopes, and for any other disbursements absolutely required and not hereinbefore provided for, actual disbursements;

20. Screens for use in polling room, actual cost;

21. For swearing the poll clerk before and after the polls, one dollar;

22. For taking the polls, four dollars, (to deputy returning officers);

23. For services of poll clerk, two dollars;

24. For services of one constable, if considered necessary, one dollar;

25. For mileage of deputy returning officer and poll clerk going to and returning from the polling station, and delivering ballot boxes, each mile twelve and one-half cents;

26. Actual expenses incurred for the use of polling stations, not exceeding ten dollars in cities, or four dollars in other constituencies,—this fee to cover fuel, light and furniture. 54–55 V., c. 19, s. 18.

N. B.—In Winnipeg: Deputy returning officer's fee for taking the polls, $5. Poll clerk's fee for taking the polls, $4. To each constable when necessary, $1.50.

R.S.C., c. 8, second schedule; O. C. Nov. 16th, 1893.

SCHEDULE THREE.

ACTS REPEALED.

Acts repealed.	Title.	Extent of repeal.
R.S.C., c. 5.	An Act respecting the Electoral Franchise.	The whole.
do c. 7.	An Act respecting the representation of the North-West Territories in the Parliament of Canada.	The whole, except secs. 2 and 3.
do c. 8.	An Act respecting the Elections of Members of the House of Commons.	The whole.
1887, c. 6.	An Act to amend the Dominion Elections Act and to remove doubts as to the right of certain persons to vote at elections of Members of the House of Commons	The whole.
1888, c. 10.	An Act to amend the North-West Territories Representation Act.	The whole.
c. 11.	An Act to amend the Dominion Elections Act, chapter eight of the Revised Statutes of Canada.	The whole.
1889, c. 9.	An Act further to amend the Revised Statutes, chapter five, respecting the Electoral Franchise.	The whole.
1890, c. 8.	An Act further to amend the Revised Statutes, chapter five, respecting the Electoral Franchise.	The whole.
1891, c. 18.	An Act further to amend the Electoral Franchise Act.	The whole.
c. 19.	An Act further to amend the Dominion Elections Act.	The whole.
c. 56.	An Act further to amend the North-West Territories Representation Act.	The whole.
1894, c. 12.	An Act further to amend the Electoral Franchise Act.	The whole.
c. 13.	An Act further to amend the Dominion Elections Act.	The whole.
c. 14.	An Act to disfranchise voters who have taken bribes.	Section 22.
c. 15.	An Act further to amend the North-West Territories Representation Act.	The whole.
1895, c. 10.	An Act further to amend the Act to readjust the Representation in the House of Commons.	Section 3.
c. 11.	An Act further to amend the North-West Territories Representation Act.	The whole.
c. 13.	An Act further to amend the Dominion Elections Act.	The whole.
1896, (2nd sess.) c. 5	An Act to amend the North-West Territories Representation Act by dispensing with the preparation of the new voters' lists in certain cases.	The whole.

TABLE

Showing the sections of the existing law and the corresponding clauses in this Bill.

Section of R.S.C., c. 8	Clause of Bill.	Section of R.S.C., c. 8	Clause of Bill.	Section of R.S.C., c. 8	Clause of Bill.	Section of R.S.C., c. 8	Clause of Bill.
1	1	31	52	66*	93	100	80
2	4	32	48	67	94	101	92
3	12	33	49	68	55	102	Rep.
	13	34*	57	69	51	103	114
4*	33	35	58		89	104	63
5	34	36	59	70	95	105	20
6	12	37	60	71	96		21
7	14	38	64	72	97	106	132
8	15	39	65	73	98	107	134
9	16	40	66	74	99	108	135
10	17	41	8	75	100	109	136
11	19	42*	9	76	101	110	137
12	18		10	77	(*a*)	111	138
13*	23	43	66	78	102	112	139
14*	31		67	79	108	113	140
	35	44*	68	80	103	114	(*b*)
	56	45*	70	81	104	115	141
15	36	46*	73	82	105	116	142
	45	47	77		108	117	143
16*	30	48	80	83	106	118	144
17	32	49	76	84*	107	119	145
18	37	50	Rep.	85	107	120	147
19	38	51	79	86	109	121	148
20	5	52	71		110	122	149
21	39	53	78	87	111	123	150
22*	40	54	75	88	112	124	22
23	41	55	74	89	113	125	50
24	42	56*	81	90	115		57
25	43	57*	82	91	119	126	151
26	46	58*	83	92	121	127	62
	47	59*	84	93	122	128	154
27	44	60	85	94	123	129	61
28	58	61	86	95	124	130	156
	69	62*	87	96	125	131	120
29*	54	63*	88	97	129	132*	152
30	47	64*	90	98	129	133	Rep.
	53	65*	91	99	131	134	2

In the amendments made to R. S. C., c. 8, by subsequent legislation, the only amendments which do not relate to specified sections are the following: 1888, c. 11, sec. 13 (clause 95 of this Bill), sec. 14 (clauses 116, 117, 118), and sec. 15 (clause 126).

* These sections have already been amended by legislation subsequent to the Revised Statutes.

(*a*) Section 77 of R. S. C., c. 8, is virtually repealed by section 263 of the Criminal Code, 1892, and there is consequently no corresponding clause in this Bill.

(*b*) Section 114 of R. S. C., c. 8, is covered by section 12 of the Canada Evidence Act, 1893, and there is consequently no corresponding clause in this Bill.

No. 7.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to consolidate and amend the law relating to the Election of Members of the House of Commons.

Received and read a first time, Monday, 29th March, 1897.
Second reading, Tuesday, 30th March, 1897.

Mr. Fitzpatrick.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 8.] **BILL.** [1897.

An Act in further amendment of the Railway Act.

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

1. Notwithstanding anything in *The Railway Act*, all debts due for work done, wages due, or materials supplied in the construction of a railway to which the said Act applies shall be a first lien upon such railway. Lien for labor, wages, and materials. 1888, c. 29.

No. 8.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act in further amendment of the Railway Act.

Received and read a first time, Monday, 29th March, 1897.

Second reading, Tuesday, 30th March, 1897.

Mr. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 9.] **BILL.** [1897.

An Act to provide for the abolition of the Civil Service Superannuation Act and for the retirement of members of the Civil Service.

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

Short title.

1. This Act may be cited as *The Civil Service Retirement Act*, 1897.

To whom act shall apply.

2. This Act shall apply, instead of *The Civil Service Superannuation Act*,—

(*a*) To every person hereafter appointed to the Civil Service and to every person now in the Civil Service who has not been subject to any deductions from his salary towards making good superannuation allowances under the provisions of *The Civil Service Superannuation Act* ;

(*b*) To every person now in the Civil Service who has been subject to such deductions for a period less than ten years ;

(*c*) To every person now in the Civil Service who has been subject to such deductions for a greater period than ten years, and who, within three months after the passage of this Act, with the consent of the Governor General in Council, elects to accept the provisions of this Act in lieu of those of *The Civil Service Superannuation Act*.

Who shall be deemed civil servants.

3. The Civil Service for the purpose of this Act, includes and consists of—

(*a.*) All officers, clerks and employees in or under the several departments of the Executive Government who are paid a yearly salary and to whom *The Civil Service Act* applies ;

(*b.*) All such officers, clerks and employees of the second or outside division of the Civil Service, as the Governor in Council from time to time designates, and to whom *The Civil Service Act* does not apply, and who are paid a yearly salary and employed in an established capacity ;

(*c.*) The permanent officers and servants of the Senate and House of Commons and the permanent officers and servants employed in the Library of Parliament, who, for the purposes of this, Act shall be deemed to be in the Civil Service, saving all rights and privileges of either House with respect to the appointment or removal of its officers and servants.

Retirement fund.

4. A fund, to be called the "retirement fund," shall be formed for the retirement of the persons to whom this Act applies, subject to the conditions and qualifications hereinafter contained.

Formation of fund.

5. The said fund shall be created by the reservation out of the salary of each person of five per cent of his salary; in addition to which, in the case of any person included in sub-section (*b*) or (*c*) of section two of this Act, there shall be transferred to his credit and form part of the said fund, a sum equal to the amount of all such deductions from his salary, and interest, compounded half-yearly, at the rate of five per cent per annum.

Separate account for each person.

Interest.

6. The amount reserved, in the case of each person, together with any sum transferred to his credit as in the next preceding section mentioned, shall be entered in a separate account; and interest at the rate of five per cent per annum shall be computed on the first days of January and July in each year on all sums, whether of principal or interest, to the credit of the retirement fund, and such interest shall be credited thereto and form part thereof.

No claim while in service.

7. No person shall, during his continuance in office, have any claim or right to any part of the retirement fund.

Payment on retirement or dismissal.

If person is mentally infirm.

8. On the retirement or dismissal of any person, the amount to his credit in the retirement fund shall be payable to him: Provided always, that if he is, in the opinion of the Governor in Council, unfit to manage his own affairs, such amount may be dealt with for the benefit of such person, or of his wife or children or other next of kin, in such manner as the Governor in Council determines.

Payment on death of person.

9. If a person dies while in the Civil Service, the amount to his credit in the retirement fund shall be paid to his legal representatives.

No. 9.

2nd Session, 8th Parliament, 60 Victoria, 189

BILL.

An Act to provide for the abolition o the Civil Service Superannuation Ac and for the retirement of member of the Civil Service.

Received and read a first time Tuesday, 30t March, 1897.
Second reading, Wednesday, 31st Marc 1897.

MR. MULOCK.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 10.] **BILL.** 1897.

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

Preamble.

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

Publication, etc., of newspapers on Sunday.

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

Canals to be closed on Sunday.

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

Railway traffic on Sunday.

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

Through freight trains, until when permitted.

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

Sunday excursions prohibited.

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

Proviso: as to provincial law.

Penalty for offence under section 1.

5. Any person guilty of any offence declared in section one of this Act to be an indictable offence, shall, on summary conviction, be liable to a fine not exceeding fifty dollars for the first offence, and not exceeding one hundred dollars for each subsequent offence, together with the costs,—and in default of immediate payment of such fine and costs, to imprisonment for a term not exceeding one month: Provided that in the case of newsboys hawking or crying newspapers for sale on the Lord's Day, the punishment for the first offence shall be a fine not exceeding three dollars or imprisonment for a period of not less than one day or more than five days, and for each subsequent offence the penalty shall be a fine not exceeding five dollars or imprisonment for a period of not more than ten days.

Penalty for offences under sections 3 and 4.

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

Application of penalties.

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

Procedure.

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

No. 10.

2nd Session, 8th Parliament, 60 Victoria, 18

BILL.

An Act to secure the better observanc of the Lord's Day, commonly calle Sunday, as a day of rest.

Received and read a first time, Wednesda 31st March, 1897.
Second reading, Thursday, 1st April, 1897.

Mr. CHARLTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 10] **BILL.** 1897.

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

(Reprinted as amended in Committee of the Whole.)

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

1. *The Criminal Code*, 1892, is hereby amended by adding the following section thereto immediately after section 173:— 1892, c. 29 amended.

"**173A.** Every one is guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty dollars and costs for the first offence, and not exceeding one hundred dollars and costs for each subsequent offence, and in default of payment to one month's imprisonment, who,— Publication or sale of newspaper on Sunday.

"(*a.*) Being the proprietor, publisher or manager of any newspaper, publishes or issues, or prepares for publication or issue, any copy or number of such newspaper for sale on Sunday, or with the intent that such copy or number shall be sold on Sunday; or

"(*b.*) Sells or employs or procures any person to sell any newspaper on Sunday;

"Provided that the publishing or issuing or preparing for publication or issue of any copy or number of a religious newspaper for distribution on Sunday, or with the intent that it shall be distributed on Sunday, shall not be an offence under this section. Proviso as to religious newspaper.

"2. The word "newspaper" in this section has the same meaning as it has, under paragraph (*p*1) of section three, in the sections relating to defamatory libel. "Newspaper" defined.

"3. No prosecution for an offence against this section shall be commenced after the expiration of one month from the commission of such offence." Time for prosecution limited.

No. 10.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

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

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

Mr. CHARLTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 11.] **BILL.** [1897.

An Act respecting the sale of Railway Return-fare tickets.

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

Railway companies to sell second class return tickets.

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

Penalty for refusal.

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

No. 11.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the sale of Railway Return-fare tickets.

Received and read a first time, Wednesday, 31st March, 1897.
Second reading, Thursday, 1st April, 1898.

Mr. McLennan,
Glengarry.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 12] **BILL.** [1897.

An Act further to amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario.

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

Loans to shareholders limited.

1. No permanent building society or loan and savings company incorporated under the Act of the Legislature of Ontario respecting buildings societies, or carrying on business in the Province of Ontario thereunder, shall make loans or advances to its shareholders upon the security of their stock in the said society or company to a greater amount than one-tenth of the aggregate amount of the fully paid-up capital of the said society or company.

Voting by shareholders.

2. At all meetings of shareholders of any such society or company, each shareholder shall have one vote for each share held by him, irrespective of the amount paid upon such share, and shareholders may vote by proxy; but no shareholder who is in arrear with respect to any call on his shares shall vote at any meeting of the society or company in respect thereof.

Qualification of directors.

2. No shareholder who is in arrear with respect to any call on his shares, or is in default to the society or company, shall be eligible to be elected a director.

1882, c. 24, s. 1 amended.

3. Subsection two of section one of chapter twenty-four of the statutes of 1882 is hereby repealed.

Executors and trustees not personally liable on shares.

4. No person holding stock or shares in such society or company as executor, administrator, guardian or trustee of or for any person named in the books of the society or company as being so represented by him, shall be personally subject to any liability as a stockholder, but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust fund would be if living and competent to hold the stock in his own name; and if the trust is for a living person, such person shall also himself be liable as a stockholder or shareholder; but if such testator, intestate, ward or person so represented is not so named in the books of the society or company, the executor, administrator, guardian or trustee shall be personally liable with respect to such stock or shares as if he held it or them in his own name as owner thereof.

Exception.

Mortagee or pledgee of stock not personally liable.

5. No person holding stock of such society or company, as mortgagee or pledgee shall be personally subject to liability as a shareholder, but the person pledging such stock as such security shall be considered the holder thereof and shall be liable as a shareholder with respect thereto so long as he is entitled to redeem the said stock.

Issue of stock; calls.

6. If any such society or company issues partly called shares at a premium, and the reserve fund is afterwards reduced, the rate of premium payable to the society or company upon any subsequent call may be reduced in the proportion of the reserve at the time of such call to the reserve at the time of issue,—the amount of the reserve in each case being taken to be the amount shewn by the next preceding yearly audit.

No. 12.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to further amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario.

Received and read a first time, Wednesday, 31st March, 1897.
Second reading, Thursday, 1st April, 1897.

Mr. Wood (Hamilton).

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

[No. 13] **BILL.** [1897.

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

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

1892, c. 29, s. 181 amended.

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

Section 182 amended.

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

Section 283 amended.

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

No. 13.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

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

Received and read a first time, Thursday, 1st April, 1897.
Second reading, Friday, 2nd April, 1897.

Mr. CHARLTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

[No 14.] **BILL.** [1897.

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

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

Short title.

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

Interpretation. "Drains." "Drainage."

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

Right of drainage across railways.

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

Railway company to permit drainage.

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

Existing drains on company's land may be enlarged.

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

Culverts.

Railway not to be injured.

Adjoining land owners may obtain surveyor's re-

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

port for proposed drainage work.

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

Engineer to report,

Make plan of work,

Statement of case, and apportionment.

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

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

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

Company to notify parties interested.

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

Approval of report by company.

Disapproval of report by company.

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

When engineers agree, report to be binding.

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

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

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

Minister may be requested to appoint engineer as a referee.

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

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

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

Engineers may agree upon third engineer.

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

Where engineer fails to act.

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

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

Adjournments.

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

Third engineer to make report.

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

Notice to company of commencement of work.

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

Work may be done by company's employees.

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

Or by parties interested.

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

Company to notify parties which mode selected.

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

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

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

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

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

Cost of enlarging culverts.

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

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

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

Exception.

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

Damages where company does not enlarge culverts.

No. 14.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

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

Received and read a first time, Monday, 5th April, 1897.
Second reading, Tuesday, 6th April, 1897.

Mr. CASEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 15.] **BILL.** [1897.

An Act further to amend the Act respecting Interest.

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

1. Section one of the *Act respecting Interest*, chapter one hundred and twenty-seven of the Revised Statutes, is hereby amended by adding thereto the following words:—"Provided that, whatever rate is agreed upon, no greater rate than six per centum per annum shall be recoverable." R.S.C., c. 127, s. 1 amended.

No. 15.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Act respecting Interest.

Received and read a first time, Tuesday, 6th April, 1897.
Second reading, Wednesday, 7th April, 1897.

Mr. QUINN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 16.] **BILL.** [1897.

An Act to amend The Railway Act.

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

1. Section two hundred and fifty of *The Railway Act*, chapter twenty-nine of the statutes of 1888, is hereby repealed and the following substituted therefor :—

Checks to be affixed to baggage.

"**250.** Checks shall be affixed by an agent or servant to any parcel of baggage having a handle, loop or fixture of any kind thereupon, or to any part of which a check can be affixed, delivered to such agent or servant for transport, and a duplicate of such check shall be given to the passenger delivering such parcel.

Bicycles to be carried as passengers' baggage.

"2. Bicycles are hereby declared to be baggage within the meaning of this section, and a passenger shall not be required to protect in any way any bicycle delivered by him for transport: Provided that the Company shall not be required to transport, under the provisions of this section, more than one bicycle for any passenger."

No. 16.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend The Railway Act.

Received and read a first time, Wednesday, 7th April, 1897.
Second reading, Thursday, 8th April, 1897.

Mr. Casey.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 17] **BILL.** [1897.

An Act to incorporate The Winnipeg, Duluth and Hudson's Bay Railway Company.

Preamble.

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

Incorporation.

1. Robert Cosby Ennis of Neepawa, Manitoba; John D. McArthur, Edward Woods, Israel M. Ross, William Scott and Charles J. Jamieson, all of Winnipeg, Manitoba, O. Smith of Liverpool, England, and Angus Joseph Macdonell of Kingston, Ontario, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Winnipeg, Duluth and Hudson's Bay Railway Company" hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point on the south boundary line of the province of Manitoba between the eastern limit of Range Thirteen east of the principal meridian, and the Lake of the Woods; thence northerly and north-westerly to the city of Winnipeg; thence in a northerly direction to a point on the west side of Lake Winnipeg opposite Big Island; thence to, along and across Big Island and Black Island in said lake to the east side of said lake; thence by the most practicable route to Port Nelson or some other point on the shores of Hudson Bay at or near the Nelson River in the district of Keewatin either in a continuous line, or by utilizing the navigable waters along or near the said route for the purposes of transport; also a branch railway from some point on the said main line on the west side of Lake Winnipeg in a westerly direction across the Narrows of Lake Manitoba to form a junction at or near Lake Dauphin with any railway now or hereafter to be built there; and may build, purchase, lease, charter or own steam or other vessels or ships for the purposes of transport on the said lakes, and on the route, and from a terminus of said railway to Europe or elsewhere.

Communication with Europe.

Provisional directors.

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

Capital stock and calls thereon.

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

Amount payable of stock subscription.

6. No subscription of stock in the capital of the Company shall be legal and valid unless five per cent of the amount subscribed shall have been actually and bona fide paid thereon, within thirty days after subscription, into one or more of the chartered banks of Canada, to be designated by the directors.

Annual meeting.

7. The annual general meeting of the shareholders shall be held on the first Monday in the month of February in each year.

Election of directors,

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

Amount of bonds, etc., limited.

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

Use of vessels

10. The Company may also build, acquire, charter and operate steam and other vessels on any lakes, rivers or other navigable waters as they may deem proper and expedient, in connection with their railway and may do all and such things as are necessary for improving the navigation between any of such lakes, rivers and navigable waters; and, for the purpose of connecting the means of transport between the said waters, may construct a railway or tramroad between any of such lakes or rivers or others of them, and also around rapids or other

Canals.

constructions of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite, and may also for the purposes aforesaid, purchase, build, charter, sell and dispose of, work, control, and keep in repair, steam and other vessels to ply in connection with the said railway or otherwise; and may also build, acquire, lease, charter and operate sea-

Freight.

going vessels and elevators, and, if necessary, may purchase grain and other freights to complete or make up the cargoes of such vessels, and may sell and dispose of the same.

Electricity.

11. The Company may take and use water for generating electricity and other purposes, and in so doing may build and erect dams across or along any stream, canal, lake or water-course; and the Company may acquire foreshore rights, and lands for the station grounds, wharves, buildings and other necessities for the said railway.

Bridge over Assiniboine and Red River.

12. If the Company builds and completes a bridge for railway purposes across the Assiniboine River and Red River or either of them, at the city of Winnipeg or some suitable point near thereto, the Company may also, as part of the said bridge, in its discretion, at any time construct, alter or arrange the

said bridge for the use of foot passengers and carriages or either, as it may think best: Provided, that if the Company so constructs, alters or arranges the said bridge, then 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 amended and modified from time to time by the Governor in Council, but the Company may at any time reduce the same, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge: Provided that the Company may enter into an agreement with any existing company or corporation for the purchase, use or lease from such company or corporation of any existing bridge across both or either of said rivers.

Tolls.

Purchase of other bridges.

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

Acquisition of docks, etc.

14. The Company may enter into an agreement with [any other company or companies] 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. 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper

Agreement with other companies.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

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

Time limited for commencement and completion of railway.

15. The railway shall be commenced within two years and completed to a point opposite Big Island, within five years, and the remainder of the road within seven years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 17.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL,

An Act to incorporate the Winnipeg, Duluth and Hudson's Bay Railway Company.

Received and read a first time, Friday, 9th April, 1897.
Second reading, Monday, 12th April, 1897.

[PRIVATE BILL.]

Mr. MACDONALD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 18] **BILL.** [1897.

An Act to confer certain powers on the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland

WHEREAS a petition has been presented representing that under the provisions of chapter one hundred and twenty-four of the statutes of 1882, intituled *An Act to amend the Act of the late Province of Canada intituled*, "*An Act to incorporate the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland, and the acts amending the same*," it was amongst other things provided that the said Board might if necessary draw upon the capital fund in its hands in order to meet the several payments to the several claimants mentioned in the said Act, to wit, (1) Four hundred and fifty dollars per annum to certain persons commonly known as "commuting ministers" who now are reduced to the number of seven ; (2) four hundred dollars per annum to certain other persons commonly known as "privileged ministers" now reduced to the number of five ; (3) two hundred dollars per annum to certain other persons ; (4) two thousand dollars to Queen's College ; (5) two hundred dollars per annum to certain other persons ;—and that the said Board has since the passing of the said Act continued to administer said Fund in terms thereof, and has had constantly to draw upon the capital of said fund to make said payments ;—and that it now appears from the report of a competent actuary that the said fund will be exhausted in about two years if the said Board continue to draw upon the capital to meet said payments ;—and that the claims of the commuting ministers or founders of the fund who receive four hundred and fifty dollars a year, and the claims of certain other privileged ministers who receive four hundred a year have always by common and unanimous consent of all persons interested been recognized as a prior claim upon said fund during the life time of the said ministers, and such claims for life ought to be fully preserved and protected ;—and that it is deemed desirable to protect the said ministers by making them a final payment of one capital sum each in full discharge of their claims or by purchasing for them life annuities, which payment or annuities would be advantageous to the other claimants on said fund, including Queen's College, by enabling the said Board to continue paying them their stipends for a longer period than they would otherwise be able to do ; and whereas the said Board has prayed that an Act be passed enabling it to commute or otherwise satisfy the claims aforesaid, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble. 1882, c. 124.

Board may commute certain claims.

1. Notwithstanding anything contained in chapter one hundred and twenty-four of the statutes of 1882, the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada is hereby authorized to commute the claims of the seven commuting ministers, and of the five privileged ministers hereinbefore mentioned, either by cash payment to each of them of such an amount as may be found equitable, and by which their vested rights in the fund would cease, or by otherwise satisfying their claims so as to leave the Board free to administer the balance of the fund for the sole benefit of the other ministers who are claimants on the fund, and are commonly styled non-privileged ministers, and also for the benefit of Queen's College.

No. 18.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to confer certain powers on the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.

Received and read a first time, Friday, 9th April, 1897.
Second reading, Monday, 12th April, 1897.

(PRIVATE BILL.)

MR. CHARLTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 19.] **BILL.** 1897.

An Act respecting The Manitoba and South Eastern Railway Company.

Preamble.

WHEREAS a petition has been presented by The Manitoba and South Eastern Railway Company praying for the passing of an Act to amend, as hereinafter set forth, the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1895, c. 55, s. 1; 1893, c. 53, s. 1.

1. The section substituted by section one of chapter fifty-five of the statutes of 1895, for section one of chapter fifty-three of the statutes of 1893, is hereby repealed, and the following substituted therefor:—

Limited time for construction and completion of railway.

"**1.** Notwithstanding anything contained in the Acts relating to the Company, or in *The Railway Act*, the Company shall have until the first day of November, one thousand eight hundred and ninety-eight, to complete that portion of their line of railway between the town of St. Boniface and the parish of Ste. Anne, and the Company shall construct not less than twenty miles additional each year after the said date until the whole line of railway is completed; and upon the failure to construct the several lengths of line within the times above mentioned, then the power to continue the construction of the said railway shall forthwith cease and determine, but the right of the Company to the portion constructed and to the rights and privileges arising therefrom shall not thereby be affected."

No. 19.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting The Manitoba and South Eastern Railway Company.

Received and read a first time, Friday, 9th April, 1897.
Second reading, Monday, 12th April, 1897.

(PRIVATE BILL.)

Mr. LANDERKIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 20.] **BILL.** [1897.

An Act respecting the Hull Electric Company.

WHEREAS the Hull Electric Company was duly incorporated under chapter sixty-nine of the statutes of the province of Quebec, 1895, first session; and whereas the said Company has by its petition represented that it is desirable that a certain agreement for a lease of the Aylmer branch of the Canadian Pacific Railway to the said Company for a term of thirty-five years should be ratified and confirmed; and whereas the said Company has by its petition prayed that an Act be passed confirming the said agreement, and conferring on it certain other powers hereinafter mentioned; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons, declares and enacts as follows:— Preamble. Que., 1895, 1st sess., c. 69.

1. The agreement between the Hull Electric Company, hereinafter called "the Company," and the Canadian Pacific Railway Company, bearing date the 16th day of March, 1896, a copy of which is contained in the schedule hereto, is hereby confirmed and declared to be legal and binding upon the respective parties thereto, and each of them may do whatever is necessary in order to give effect to the substance and intention thereof, and such modification thereof as the directors of the said companies may mutually agree upon, and the Company and the Canadian Pacific Railway Company are hereby respectively authorized and empowered to enter into further and other agreements for the purchase by the Company from the Canadian Pacific Railway Company of the Aylmer branch of the Canadian Pacific Railway referred to in the agreement in the schedule hereto, upon such terms, subject to the approval of the Governor in Council, as they may deem expedient, and may execute such further deeds and conveyances as may be necessary or expedient for carrying out the said agreement. Agreement with C. P. R. confirmed. Further agreements authorized.

2. The Company may extend, construct, maintain, complete and operate, and from time to time remove and change its line of railway with the necessary side-tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the use thereof, from its present line in the city of Hull to and over the Union Bridge and the approaches thereto, and along and over the public works, bridges and streets in the vicinity thereof into the city of Ottawa, and along and over the public works, bridges and streets in the city of Extension and change of line of railway.

Ottawa to the stations of the Canadian Pacific Railway Company, the Canada Atlantic Railway Company and the Ottawa and Parry Sound Railway Company therein.

Power to erect poles and wires to convey electricity

2. The Company may, for the purpose of operating its lines, lay conduits under, or erect poles and wires along, over and upon any of the public streets and highways of the said cities respectively, and may also acquire by purchase or agreement the right to lay conduits under, or to erect poles and wires along, over and upon, and to convey electricity required for the working of the railway or lighting the same, upon, over or under lands not owned by the Company, and upon, over, under or across any streams, rivers or waters, and for any of the purposes aforesaid to erect the necessary fixtures, including posts, piers or abutments for sustaining wires, cables, conduits and other electrical appliances.

Consent to be obtained.

3. No power or authority granted or authorized under the provisions of this section shall be exercised within the limits of the jurisdiction of the city of Hull or the city of Ottawa, except with the consent of such city already given or to be given, and upon such conditions as may have been already agreed upon or which may be hereafter agreed upon.

Union Bridge.

3. The Company shall not take possession of, use or occupy the Union Bridge or any of the approaches thereto, without the consent of the Governor in Council; but with such consent the Company may, upon such terms as the Governor in Council prescribes, use and occupy so much of the Union Bridge and of the approaches thereto as may be necessary for the railway of the Company.

Transport of passengers, what motive power to be used.

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

Restrictions as to city of Ottawa.

2. As regards so much of its line of railway as is or as may be within the city of Ottawa, the Company shall exercise any new or additional powers conferred by this Act, as to the location, construction and operation of the railway, only upon such streets and on such terms and conditions, and for such periods as the council of the said city approves, and the operation of such lines shall be subject to the statutes of Ontario in force from time to time in relation to street railways.

Agreement with Ottawa and Hull.

5. The municipal council of the cities of Ottawa and Hull respectively, may, subject to the provisions of this Act, make and enter into an agreement with the Company relating to the construction of the extension of the railway authorized by this Act for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway and the particular streets along which it shall be laid, the pattern of rails, the time and speed of running the cars, the amount of fares to be paid by passengers, and the rates to be paid on freight, the time in which the works are to be com-

menced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers.

Municipalities affected may make by-laws.

6. The municipal council of any municipality through which the railway of the Company passes, may make by-laws for the purpose of carrying into effect any such agreement.

Agreement with Ottawa Electric Railway Co.

7. The Company, with the consent of two-thirds of its stockholders, may at any time make and enter into any agreement or arrangement with the Ottawa Electric Railway Company for the joint use of the tracks, motive power, rails, poles, wires and other erections or constructions of or belonging to the Ottawa Electric Railway Company upon said public works, bridges and streets or approaches thereto, or any part or parts thereof, or for the regulation and interchange of traffic passing to and from the Company's railway and for the working of the traffic over the said railways respectively, or for any of these objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railway or any part thereof, and of any street railway or street railways in connection therewith; and may provide, either by proxy or otherwise, for the appointment of a joint committee or committees with such powers and functions as are considered necessary or expedient for the better carrying into effect of any such agreement or arrangement, or failing such agreement the Company may, by and with the consent of the Governor in Council and upon such terms and for such considerations as he may prescribe, use so much of the tracks, motive power, rails, poles, wires and other erections or constructions of or belonging to the Ottawa Electric Railway Company upon said public works, bridges and streets or approaches thereto, or any part or parts thereof, as may be necessary to enable the Company to reach the stations of the Canadian Pacific Railway Company, the Canada Atlantic Railway Company and the Ottawa and Parry Sound Railway Company in the said city of Ottawa. Provided that nothing herein contained shall be construed as authorizing the Company to enter into any agreement that would impair or affect any contract heretofore entered into with the city of Hull.

Joint Committee.

Consent of Governor in Council.

Proviso.

Postal cars.

8. The Company may run and operate postal cars upon its line of railway, and may transport and carry the mails and other goods and packages entrusted to it by the Post Office Department, and may for that purpose enter into any agreement or agreements with the Post Office Department.

Agreement with Post Office Department.

Que., 1895, c. 69, ss. 21, 22.

9. The provisions of sections twenty-one and twenty-two, of chapter sixty-nine, of statutes of 1895 of Quebec which relate to the issue of bonds with respect to the lines of railway of the Company, shall also apply to the extension of the railway hereby authorized.

Existing powers not affected.

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

SCHEDULE.

THIS INDENTURE made the sixteenth day of March, A.D. 1896, between THE CANADIAN PACIFIC RAILWAY COMPANY, hereinafter called "The C.P.R." of the one part, and THE HULL ELECTRIC COMPANY hereinafter called "The Electric Company" of the other part.

WITNESSETH that the parties hereto do hereby respectively covenant the one with the other as follows :—

It being intended that the C.P.R. will demise to the Electric Company the railway of the C.P.R. between Aylmer and the point at which it joins the C.P R.'s main line near Hull, in the province of Quebec, about nine miles in length as hereinafter mentioned, hereinafter called "the said railway."

The Electric Company covenants that it will forthwith after the execution of these presents begin and thenceforward will continue to equip the said railway and its appurtenances so that the same can be conveniently and efficiently operated by electricity, and will complete such equipment on or before the first day of July next, time being of the essence of the contract, and that in doing so all work shall be so managed and all material so furnished and handled by the Electric Company as not to interfere with the convenient operation of the said railway by the C.P.R. either for freight or passenger traffic or any other business until the day when the use of steam power on the said railway can be abandoned and the traffic thereon efficiently handled by the Electric Company; the character of the eqipment, including power installations, passenger cars, electric motors, locomotives and all other matters to be furnished and completed according to specifications hereto attached as schedule "A."

The C.P.R. covenants that as soon as the said railway and its appurtenances are so equipped as aforesaid it will join with the Electric Company in executing the lease thereof to the Electric Company hereinafter more particularly described and will, in pursuance of such lease, deliver over to the Electric Company possession and control of the said railway in pursuance of the terms of the said lease.

The said lease shall contain covenants and provisions to the following effect:

The demise shall be for the term of thirty-five (35) years, terminable as hereinafter mentioned, which period is hereinafter referred to as "the said term."

The rent shall be five thousand dollars per annum, payable quarterly, without deduction on any ground whatsoever.

The Electric Company shall pay all taxes and other impositions in respect of the said railway and its appurtenances during the said term whether imposed for provincial, municipal or school purposes or any other purpose whatsoever.

During the said term the Electric Company will at all times make the arrangements hereinafter described as profitable to the C. P. R. as can be accomplished by handling and carrying on the business of the said railway as an electric railway with efficiency and dispatch.

The passenger business shall be carried in the cars of the Electric Company, and the freight business in the freight cars belonging to the C. P. R. or other railway companies,

excepting freight business between local stations on the said railway, for which the Electric Company shall furnish such freight cars as may be best adapted to the work.

All freight, passenger and express business originating on or passing over the said railway destined to points reached by the C.P.R.'s line or its connections, shall be handed to the C.P.R. at Hull station, and all passenger or freight business from the C.P R. destined to points on or reached via the said railway shall be handed to the Electric Company at Hull station.

All empty freight cars required for the traffic from or over the said railway shall be hauled free from Hull to the point, or points, where the car or cars may be required.

The local earnings, that is, the earnings on all passenger or freight traffic between stations on the said railway shall belong to the Electric Company.

The through passenger or freight earnings, that is, the earnings on traffic between any point on the C.P.R.'s line or its connections, and any point on or reached via the said railway, shall be divided between the Electric Company and the C.P.R. in the proportion which the mileage of the said railway bears to the whole mileage over which the traffic was carried from point of origin to destination.

The C.P.R. shall have the right to quote rates for traffic of every description to or from any point on or reached via the said railway as if the said railway were operated and controlled by the C.P.R, but the Electric Company shall not have the right to quote rates to or from any point on or reached by the C.P.R. without the approval, in writing, of the C.P.R.'s duly authorized traffic officers.

The Electric Company shall run passenger trains to connect with all of the regular passenger trains of the C.P.R. that are scheduled to stop at Hull station.

The Electric Company shall construct spur tracks from the sidings, or yard, of the C.P.R. at Hull, to Gilmour's Mills and Eddy & Company's mills and factory at Hull, and shall perform the service of switching empty and loaded cars between the above mentioned mills and the C.P.R.'s siding at Hull station. As compensation for that service the C.P.R. shall pay the Electric Company one dollar ($1) for each loaded car and fifty cents (50c) for each empty car switched.

During the said term the Electric Company shall keep the said railway in good repair and at the expiry of the lease shall transfer the same to the C.P R. with its tracks, buildings and appurtenances in as good condition as they were received.

The Electric Company will protect and indemnify the C.P.R. against every loss, damage or claim which may arise in consequence of the working of the said railway under the lease and shall do and perform all the acts, conditions, matters and things which the C.P.R. is bound to do and perform in respect of the said railway and of the Government of Canada.

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

The Electric Company will not transfer or set over or otherwise by any act or deed procure the said railway or any part thereof or the lease or any interest acquired by virtue of it to be assigned, transferred, set over or sub-let to any person or persons whomsoever or to any corporation whatsoever without the consent in writing of the C.P.R. or its successors or assigns first had or obtained.

And the Elecric Company will during the said term provide and efficiently use on the said railway the property, equipment motive power and apparatus described in the said schedule.

A failure to fulfil any of the above covenants on the part of the Electric Company shall *ipso facto* terminate this agreement and the said lease if it shall have been executed and thereupon without delay or process of law, the C.P.R. may at its option take possession of the said railway (surrendering to the Electric Company the electric equipment and appurtenances) and thereafter hold it and operate it as its own property without any right on the part of the Electric Company on that account to claim any compensation revenue or consideration of any description.

The above clauses of this agreement are to take effect as soon as it receives the consent and approval requisite to make it legally valid.

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

THE CANADIAN PACIFIC RAILWAY COMPANY.

T. G. SHAUGHNESSY,
Vice President.

C. DRINKWATER,
Secretary.

THE HULL ELECTRIC COMPANY.

JAMES GIBSON,
Sec'y Treas.

W. J. CONROY,
President.

SCHEDULE A.

(Referred to in Agreement.)

The Hull Electric Company shall provide at Deschenes Mills, or at some other point on the leased section, the necessary power house, power and plant for producing eight hundred and fifty (850) horse-power, or as much more as may be required to efficiently handle the traffic on the leased section.

They will equip the leased section with the most modern and complete electrical apparatus, build the pole lines, provide the necessary electric locomotive, or locomotives, and perform all the necessary works to enable the Electric Company to perform the service connected with the movement of freight and passenger business promptly and efficiently.

The Electric Company shall also provide as many closed and open passenger cars, as well such mail, express and baggage cars as may be necessary for the reasonable requirements of the public, all subject to the approval of the managing officer of the C.P.R.

T. G. SHAUGHNESSY.

No. 20.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Hull Electric Company.

Received and read the first time, Friday, 9th April, 1897.
Second reading, Monday, 12th April, 1897.

(PRIVATE BILL.)

Mr. POUPORE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 21.] **BILL.** [1897.

An Act respecting the Alberta Railway and Coal Company.

Preamble.

WHEREAS the Alberta Railway and Coal Company has, by its petition, prayed that an Act be passed reviving certain powers formerly conferred upon it, and for other purposes as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of railway.

1. The Alberta Railway and Coal Company, hereinafter called "the Company," may lay out, construct and operate an extension of its railway from Lethbridge to Fort McLeod, and thence to and through the Crow's Nest Pass to some point in the province of British Columbia at or near Hope, where a connection may be conveniently made with the Canadian Pacific Railway; and may also lay out, construct and operate branch lines; provided that, except for the purpose of connecting with other railways, none of such branches shall exceed thirty miles in length.

Branch lines.

Limited time for commencement and completion of extension.

2. If the construction of the said extension is not commenced within three years, and completed within six years after the passing of this Act, the powers granted by this Act shall cease, and be null and void, as respects so much of the said extension and branch lines as then remain uncompleted.

Power to make agreement with C.P.R.

3. The Company may sell, lease and convey to the Canadian Pacific Railway Company the extension of railway and branches authorized by this Act to be constructed, together with all rights, powers, franchises, surveys, plans, plant, material, machinery and other property or any portion thereof belonging or appertaining to the same; or may enter into an agreement with the Canadian Pacific Railway Company for giving such company running powers over the said extension of railway and all or any of said branches, or for the operation by the Canadian Pacific Railway Company of the said extension, and all or any of the said branches, and upon such terms and conditions as are agreed upon by the boards of directors of the respective companies; and every such sale, lease, conveyance and agreement made in pursuance of this Act, and in conformity therewith, shall be as valid and effectual as if it had been set out and specially authorized and confirmed by this Act: Provided that such sale, lease, conveyance, or agreement has been first sanctioned by the consent in writing of every shareholder of the Company, and by the Governor in Council, or,

Sanction of shareholders and Governor in Council.

failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at an annual general meeting, or at a special general meeting duly called for that purpose, and by the approval of the Governor in Council after notice of the proposed application therefor has been published in the *Canada Gazette* for at least four weeks previous to the hearing of such application.

Notice of application for sanction.

No. 21.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Alberta Railway and Coal Company.

Received and read a first time, Friday 9th April, 1897.

Second reading, Monday 12th April, 1897.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 22] **BILL.** [1897.

An Act respecting the Trans-Canadian Railway Company, and to change the name of the Company to the Trans-Canada Railway Company.

Preamble. 1895, c. 68.

WHEREAS the Trans-Canadian Railway Company incorporated by chapter sixty-eight of the statutes of 1895, has, by its petition, prayed that the Act incorporating the said company may be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

1. The name of the Trans-Canadian Railway Company, hereinafter called "the Company," is hereby changed from "The Trans-Canadian Railway Company" to "The Trans-Canada Railway Company;" but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in 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 or continued, completed and enforced as if this Act had not been passed.

Existing rights and liabilities not affected.

Power to construct branch lines.

2. The Company may, in addition to the powers contained in its Act of incorporation, construct a branch from a point on its main line near the north-east end of Lake Winnipeg, thence to York Factory on Hudson's Bay; also a branch from a point near where the proposed main line of the Company will cross the St. Maurice River in the province of Quebec, thence southerly to the city of Montreal.

Time extended for construction and completion of railway.

3. Notwithstanding anything contained in *The Railway Act*, the construction of the said railway shall be commenced within five years and completed within ten years from the passing of this Act, otherwise the powers granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 22.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Trans-Canadian Railway Company, and to change the name of the Company to the Trans-Canada Railway Company.

Received and read a first time, Friday, 9th April, 1897.
Second reading, Monday, 12th April, 1897.

(PRIVATE BILL.)

Mr. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 23.] **BILL.** [1897.

An Act to incorporate the Methodist Trust Fire Insurance Company.

WHEREAS the persons hereinafter named have, by their 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 Commons of Canada, enacts as follows:— Preamble.

1. The Honourable James Cox Aikins, Richard Brown, Edward Gurney, Warring Kennedy, John T. Moore, William Briggs, Albert Carmen and Alexander Sutherland all of the city of Toronto, the Honourable William E. Sanford, of the city of Hamilton, James Cooper Antliff and William Isaac Shaw both of the city of Montreal, William Kettlewell, of the city of Galt, Byron Moffatt Britton, of the city of Kingston, and Edmund Duckett O'Flynn, of the town of Madoc, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Methodist Trust Fire Insurance Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The Company may make and effect contracts of insurance with any minister of the Methodist Church and with any person, representing any of the estate belonging to or held in trust for or to the use of the Methodist Church, or belonging to, or held in trust for or to the use of any Corporation under the government or control of, or recognized as an institution of the Methodist Church, and representing any of the property under the jurisdiction of the Parliament of Canada, held in trust for or to the use of any congregation, circuit, station, or mission of the Methodist Church against loss or damage by fire or lightning on any churches, chapels, meeting-houses, parsonages, dwellings, barns, stables or other houses or buildings whatsoever held as aforesaid or owned by any minister of the Methodist Church, and on any goods, chattels or personal effects or estate whatsoever held as aforesaid or owned by any minister of the Methodist Church, for such time and for such premium or consideration and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the Company and the assured, and may grant all policies therein and thereupon, and may cause itself to be re-insured against any loss or risk which it incurs in the course of its business, and generally may do and perform all other necessary matters and things connected with and proper to promote such objects. Powers and business.

Capital stock.

3. The capital stock of the Company shall be five hundred thousand dollars divided into shares of twenty dollars each; and the Company may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, from time to time increase the capital stock to an amount not exceeding in the whole one million dollars, by a resolution adopted by a majority in number and amount of the shareholders at a meeting specially called for that purpose.

Increase of capital stock.

Provisional directors.

4. The persons named in the first section of this Act are hereby constituted provisional directors of the Company and of such provisional directors seven shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions for stock for the undertaking, make calls on stock subscribed and receive payments thereon and shall deposit in a chartered Bank of Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and withdraw the same for the purposes only of the Company, and may do generally whatsoever is necessary to organize the Co ny

First meeting of Company.

5. So soon as two hundred and fifty thousand dollars of the capital stock of the Company has been subscribed and sixty-two thousand five hundred dollars paid in, the provisional directors shall call a meeting of the shareholders of the company at some place to be named, in the city of Toronto, in the province of Ontario, giving twenty-one days notice thereof in one newspaper published in Toronto—a copy of which notice shall be addressed to each shareholder and mailed to the address given in the books of the Company at least fifteen days before the meeting, at which general meeting the shareholders present in person or represented by proxy and who have paid not less than twenty-five per cent of the amount of shares subscribed for by them, shall elect directors who shall be subjects of Her Majesty and shall be ministers or members of the Methodist Church, and shall further be stockholders at the time of their election and during their continuance in office to the amount of forty shares each, and have paid all liabilities incurred by them to the Company; provided always that the Company shall not commence the business of insurance until two hundred and fifty thousand dollars of the capital stock shall have been subscribed, and sixty-two thousand five hundred dollars paid in thereon.

Election and qualifications of directors.

Amount to be subscribed before business commenced.

Number of directors.

6. The affairs of the Company shall be managed by a board of nine directors, of whom not less than three shall be ministers of the Methodist Church. Five of such directors shall form a quorum.

Calls on stock.

7. No instalment subsequent to the first instalment shall exceed ten per cent of the sum subscribed, and at least thirty days notice of every call shall be given, and instalments shall not be payable more frequently that once in three months.

Annual meeting.

8. A general meeting of the shareholders of the Company shall be held once in each year after the organization of the Company and commencement of business, at such time and

place as the directors by by-law determine, after notice has been published for at least twenty-one days prior thereto, in one newspaper published in Toronto, and a copy of such notice has been mailed to each shareholder entitled to vote, to the address given in the books of the Company, at least fifteen days before such meeting, and at such meeting a full and unreserved statement of the affairs of the Company shall be submitted.

Head office.

9. The head office of the Company shall be in the city of Toronto in the province of Ontario, or in such other city in Canada as is hereafter decided on by by-law, but branches, sub-boards or agencies may be established either within Canada or elsewhere in such manner as the directors from time to time appoint.

Branch offices.

Investment of funds.

10. The Company may invest its funds in the debentures, bonds, or other securities of Canada or of any province thereof, on the securities of any municipal corporation of Canada, or on the security of the debentures of any incorporated building society, loan or investment company, or insurance company in Canada or elsewhere, or on the security of real estate or mortgage security thereon, or on the security of leasehold, for a term of years or other estate or interest in real property or mortgage security thereon in any province in Canada and may change and re-invest the same as occasion from time to time requires, and take, receive and hold all or any 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 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 from time to time determine and direct, and whether they are taken absolutely or conditionally, or whether such securities are taken in satisfaction of debts due to the said Company, or judgments recovered against any person in its behalf or in security for the payment of the same or 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 sufficiency of any of the securities upon which the Company is above authorized to invest or lend any of its funds.

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.

Profits, how appropriated.

12. The directors after providing an ample reserve fund and after making full provisions for the business and expenses of the Company and for the dividend payable to the shareholders as hereinafter provided, shall pay the surplus profits, if any, to the Superannuation and Supernumerary Funds as defined in the discipline of the Methodist Church in proportion to the premium income from the respective territories covered by such funds.

Powers as to real estate.

13. The Company may receive and hold all such real estate as is bonâ fide mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered, and may also again dispose of and convey such property either absolutely or by way of mortgage; provided always that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company shall be sold and disposed of within seven years from the time of its becoming the absolute propery of the Company.

Proviso.

Dividends.

14. No dividend of more than six per cent shall be declared or paid to the stockholders in any one year.

R.S.C., c. 124.

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

R S.C., c. 118.

16. *The Companies Clauses Act*, except section eighteen thereof, shall extend and apply to the Company hereby incorporated and shall be incorporated with and form part of this Act in so far as the same is not inconsistent with any of the provisions hereinbefore contained.

No. 23.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Methodist Trust Fire Insurance Company.

Received and read a first time, Friday, 9th April, 1897.
Second reading, Monday, 12th April, 1897.

PRIVATE BILL.

Mr. BRITTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 24] **BILL.** [1897.

An Act to incorporate The Manitoba and Pacific Railway Company.

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

Incorporation. **1.** James Patterson of Winnipeg, Manitoba; Angus Joseph Macdonell of Kingston, Ontario; Archibald J. Bannerman of Winnipeg, Manitoba; Alexander D. McRae of Alexandria, Ontario; Neil Keith of Winnipeg, Manitoba; Charles Whitehead of Brandon, Manitoba; Charles W. N. Kennedy, of Winnipeg, Manitoba; together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Manitoba and Pacific Railway Company", hereinafter called "the Company."

Corporate name.

Head office. **2.** The head office of the Company shall be in the city of Winnipeg in the province of Manitoba.

Line of railway described **3.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from the town of Portage la Prairie; thence in a southwesterly direction to a point in or near Belmont on the line of the Northern Pacific and Manitoba Railway Company; thence in a westerly direction to a point in or near the town of Lethbridge in Alberta; thence by the Crow's Nest Pass through the Rocky Mountains and beyond to some point on the Pacific Coast north of the international boundary line either in a continuous line or by utilizing the navigable waters along or near the said route for the purposes of transport; also branch lines, and may build, purchase, charter or own any kinds of vessels or ships for the purposes of transport on the route or elsewhere in connection with said railway.

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

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

Annual meeting.

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

Election of directors.

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

Amount of bonds, etc., limited.

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

Use of vessels.

9. The Company may, for the purpose of transport, and to facilitate the said undertaking and traffic connected therewith, purchase, build, charter, sell or dispose of, control and keep in repair, steam and other vessels to ply upon any navigable waters on or along the route of said railway.

Bridge over Assiniboine River.

10. If the Company build and complete a bridge for railway purposes across the Assiniboine River between Portage la Prairie and Belmont aforesaid, they shall have power to enter into any arrangement or agreement with one or more municipalities interested therein, for the purpose of so altering the said bridge as to make it available for the use of foot passengers and vehicles as well as for the purposes of the railway, and for that purpose may receive any money or grant in connection with the same, either as aid thereto, or in any other way, from any municipality, or individual.

Agreements with other companies.

11. The Company may enter into an agreement with [any other Company or companies] 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

Approval of shareholders, and Governor in Council.

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 a 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 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 two hundred and thirty-nine of *The Railway Act* and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.

No. 24.

2nd Session, 8th Parliament, 60 Victoria, 18

BILL.

An Act to incorporate the Manitoba a
Pacific Railway Company.

Received and read a first time, Friday,
April, 1897.
Second reading, Monday, 12th April, 1897

(PRIVATE BILL.)

Mr. DOUGLAS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 25] **BILL.** [1897.

An Act to confirm an Agreement made between The Canadian Pacific Railway Company and The Hull Electric Company

WHEREAS the Canadian Pacific Railway Company has, by its petition, represented that it has entered into the agreement with the Hull Electric Company set out in the schedule hereto, and has prayed for an Act to confirm the said agreement, 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 agreement between the Hull Electric Company and the Canadian Pacific Railway Company, a copy of which is contained in the schedule hereto, is hereby confirmed and declared to be legal and binding upon the respective parties thereto, and each of them may do whatever is necessary in order to give effect to the substance and intention thereof. Agreement confirmed.

SCHEDULE.

THIS INDENTURE made the sixteenth day of March, A.D. 1896, between THE CANADIAN PACIFIC RAILWAY COMPANY, hereinafter called "The C.P.R." of the one part, and THE HULL ELECTRIC COMPANY, hereinafter called "The Electric Company" of the other part,

WITNESSETH that the parties hereto do hereby respectively covenant the one with the other as follows:—

It being intended that the C.P.R. will demise to the Electric Company the railway of the C.P.R. between Aylmer and the point at which it joins the C.P.R.'s main line near Hull, in the province of Quebec, about nine miles in length as hereinafter mentioned, hereinafter called "the said railway."

The Electric Company covenants that it will forthwith after the execution of these presents begin and thenceforward will continue to equip the said railway and its appurtenances so that the same can be conveniently and efficiently operated by electricity, and will complete such equipment on or before the first day of July next, time being of the essence of the contract, and that in doing so all work shall be so managed and all material so furnished and handled by the Electric Company as not to interfere with the convenient operation of the said railway by the C.P.R. either for freight or passenger traffic or any other business until the day when the use of steam power on the said railway can be abandoned and the traffic thereon efficiently handled by the Electric Company; the character of

the equipment, including power installations, passenger cars electric motors, locomotives and all other matters to be furnished and completed according to specifications hereto attached as schedule "A."

The C.P.R. covenants that as soon as the said railway and its appurtenances are so equipped as aforesaid it will join with the Electric Company in executing the lease thereof to the Electric Company hereinafter more particularly described and will, in pursuance of such lease, deliver over to the Electric Company possession and control of the said railway in pursuance of the terms of the said lease.

The said lease shall contain covenants and provisions to the following effect :

The demise shall be for the term of thirty-five (35) years, terminable as hereinafter mentioned, which period is hereinafter referred to as "the said term."

The rent shall be five thousand dollars per annum, payable quarterly, without deduction on any ground whatsoever.

The Electric Company shall pay all taxes and other impositions in respect of the said railway and its appurtenances during the said term whether imposed for provincial, municipal or school purposes or any other purpose whatsoever.

During the said term the Electric Company will at all times make the arrangements hereinafter described as profitable to the C. P. R. as can be accomplished by handling and carrying on the business of the said railway as an electric railway with efficiency and dispatch.

The passenger business shall be carried in the cars of the Electric Company, and the freight business in the freight cars belonging to the C.P.R. or other railway companies, excepting freight business between local stations on the said railway for which the Electric Company shall furnish such freight cars as may be best adapted to the work.

All freight, passenger and express business originating on or passing over the said railway destined to points reached by the C.P.R.'s line or its connections, shall be handed to the C.P.R. at Hull station, and all passenger or freight business from the C.P.R. destined to points on or reached via the said railway shall be handed to the Electric Company at Hull station.

All empty freight cars required for the traffic from or over the said railway shall be hauled free from Hull to the point, or points, where the car or cars may be required.

The local earnings, that is, the earnings on all passenger or freight traffic between stations on the said railway shall belong to the Electric Company.

The through passenger or freight earnings, that is, the earnings on traffic between any point on the C.P.R.'s line or its connections, and any point on or reached via the said railway, shall be divided between the Electric Company and the C.P.R. in the proportion which the mileage of the said railway bears to the whole mileage over which the traffic was carried from point of origin to destination.

The C.P.R. shall have the right to quote rates for traffic of every description to or from any point on or reached via the said railway as if the said railway were operated and controlled by the C.P.R., but the Electric Company shall not have

the right to quote rates to or from any point on or reached by the C.P.R. without the approval, in writing, of the C.P.R.'s duly authorized traffic officers.

The Electric Company shall run passenger trains to connect with all of the regular passenger trains of the C.P.R. that are scheduled to stop at Hull station.

The Electric Company shall construct spur tracks from the sidings, or yard, of the C.P.R. at Hull, to Gilmour's Mills and Eddy & Company's mills and factory at Hull, and shall perform the service of switching empty and loaded cars between the above mentioned mills and the C.P.R.'s siding at Hull station. As compensation for that service the C.P.R. shall pay the Electric Company one dollar ($1) for each loaded car and fifty cents (50c) for each empty car switched.

During the said term the Electric Company shall keep the said railway in good repair and at the expiry of the lease shall transfer the same to the C.P.R. with its tracks, buildings and appurtenances in as good condition as they were received.

The Electric Company will protect and indemnify the C.P.R. against every loss, damage or claim which may arise in consequence of the working of the said railway under the lease and shall do and perform all the acts, conditions, matters and things which the C.P.R. is bound to do and perform in respect of the said railway and the Government of Canada.

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

The Electric Company will not transfer or set over or otherwise by any act or deed procure the said railway or any part thereof or the lease or any interest acquired by virtue of it to be assigned, transferred or set over or sub-let to any person or persons whomsoever or to any corporation whatsoever without the consent in writing of the C.P.R. or its successors or assigns first had or obtained

And the Electric Company will during the said term provide and efficiently use on the said railway the property, equipment motive power and apparatus described in the said schedule.

A failure to fulfil any of the above covenants on the part of the Electric Company shall *ipso facto* terminate this agreement and the said lease if it shall have been executed, and thereupon without delay or process of law, the C.P.R. may at its option take possession of the said railway (surrendering to the Electric Company the electric equipment and appurtenances) and thereafter hold it and operate it as its own property without any right on the part of the Electric Company on that account to claim any compensation revenue or consideration of any description.

The above clauses of this agreement are to take effect as soon as it receives the consent and approval requisite to make it legally valid.

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

THE CANADIAN PACIFIC RAILWAY COMPANY.
T. G. SHAUGHNESSY,
Vice-president.
C. DRINKWATER,
Secretary.

THE HULL ELECTRIC COMPANY.
JAMES GIBSON,
Sec. treas.
W. J. CONROY,
President.

SCHEDULE A.

(Referred to in Agreement.)

The Hull Electric Company shall provide at Deschenes Mills, or at some other point on the leased section, the necessary power house, power and plant for producing eight hundred and fifty (850) horse-power, or as much more as may be required to efficiently handle the traffic on the leased section.

They will equip the leased section with the most modern and complete electrical apparatus, build the pole lines, provide the necessary electric locomotive, or locomotives, and perform all the necessary works to enable the Electric Company to perform the service connected with the movement of freight and passenger business promptly and efficiently.

The Electric Company shall also provide as many closed and open passenger cars, as well such mail, express and baggage cars as may be necessary for the reasonable requirements of the public, all subject to the approval of the managing officer of the C. P. R.

T. G. SHAUGHNESSY.

No. 25.

2nd Session, 8th Parliament, 60 Victoria, 18

BILL.

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

Received and read a first time, Friday,
April, 1897.
Second reading, Monday, 12th April, 1897

PRIVATE BILL.

MR. GIBSON

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 26.] **BILL.** [1897.

An Act respecting The Grand Trunk Railway Company of Canada.

Preamble.

WHEREAS the Grand Trunk Railway Company of Canada has, by its petition, represented that its net revenue from the first day of January, one thousand eight hundred and ninety-four, has been insufficient to meet in full the interest on all the borrowed capital of the Company and the other net revenue charges, and that although the deficiency has been temporarily provided out of the general funds of the Company, it remains a charge against future revenue, and that it is expedient that the Company should be authorized to charge the same to capital account,—and that the Company, under the provisions of the statutes of 1878, chapter twenty-five, has entered into working arrangements with the Chicago and Grand Trunk Railway Company, and is the holder of the greater part of the ordinary stock of that company, and a large proportion of its bonded indebtedness,—and that the Chicago and Grand Trunk Railway Company has not been able out of its own funds to maintain its line and works in an efficient state, and that the Company has been compelled from time to time to make to them advances for this and other purposes, and that it is anticipated that further advances may be required, and that it is expedient that the Company should have express powers to make the same to that company,—and that it is expedient that the Company should have power to increase its capital; and whereas the Company has prayed for an Act conferring the said powers and for other purposes, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1878, c. 25.

Short title.

1. This Act may be cited as *The Grand Trunk Act*, 1897.

Meaning of word Company.

2. The expression "the Company" wherever used in this Act, means the Grand Trunk Railway Company of Canada as now constituted.

Directors may charge capital account.

3. The directors may at any time after the thirtieth day of June, one thousand eight hundred and ninety-seven, charge the capital account of the Company with the sums by which the net revenue up to and inclusive of that date may have been insufficient to meet the interest to that date upon the borrowed capital of the Company and other net revenue charges; provided that the amount to be so charged

Proviso.

to capital account and the time and manner of charging the same shall be subject to the approval of the proprietors in general meeting.

Advances to Chicago and Grand Trunk Company.

4. The directors may, in addition to the advances already made by them to the Chicago and Grand Trunk Railway Company, from time to time make further advances to that company. Any sums so advanced shall be included in the accounts of the half year in which the advances made are and the amount thereof shall be stated in the balance sheet and accounts of the Company.

Company may issue consolidated debenture stock.

1884, c. 52; 1887, c. 57; 1888, c. 51; 1890, c. 48; 1892, c. 39; 1893, c. 47.

5. In addition to the amounts which the Company is authorized to borrow and raise under the several Acts following, that is to say, under the Grand Trunk Railway Acts 1874, 1882, 1884, 1887, 1888, 1890 and 1892, and the Grand Trunk Act of 1893, the Company may borrow and raise for the general purposes of the Company by the creation and issue of perpetual consolidated debenture stock, to be called Grand Trunk Consolidated Debenture Stock, bearing interest at any rate not exceeding four per cent per annum, such sum as the proprietors of the Company entitled to vote in general meeting assembled shall from time to time determine; provided always that the aggregate amount of the annual interest on the debenture stock to be issued under this Act shall not exceed fifty thousand pounds sterling.

Debenture stock; how to rank.

6. The debenture stock by this Act authorized shall rank equally and be consolidated with the debenture stock issued or to be issued as Grand Trunk Consolidated Debenture Stock under any Act now in force and shall be subject to all the conditions applicable thereto.

When Act to take effect.

7. This Act shall not take effect unless and until submitted to a general meeting of the Company, and accepted by a majority of the votes of the persons present at such meeting in person or represented by proxy entitled to vote thereat; provided that notice of the submission of this Act at such meeting shall have been duly given; and the certificate in writing of the chairman of such meeting shall be taken as sufficient evidence of the acceptance of this Act, and such certificate shall be filled in the office of the Secretary of State of Canada and notice thereof published in the *Canada Gazette*, and copies thereof certified by the Secretary of State shall be taken and accepted in all courts of law as sufficient evidence of the acceptance of this Act.

No. 26.

2nd Session, 8th Parliament, 60 Victoria, 18

BILL

An Act respecting the Grand Tru
Railway Company of Canada.

Received and read a first time, Friday,
April, 1897.
Second reading, Monday, 12th April, 1897

(PRIVATE BILL.)

Mr. GIBSON

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 27] **BILL.** [1897.

An Act to incorporate the Royal-Victoria Life Insurance Company.

WHEREAS the persons whose names are hereinafter mentioned have, by their 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:— Preamble

Incorporation

1. Andrew Frederick Gault and James Crathern, of Montreal, Sir Joseph Adolphe Chapleau, K.C.M.G., of Quebec, Honourable James O'Brien, Thomas G. Roddick, Robert Mackay, Jonathan Hodgson, Honourable L. J. Forget, Samuel Finley, John Cassills and David Burke, all of Montreal, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Royal-Victoria Life Insurance Company," hereinafter called "the Company." Corporate name.

Business of life insurance.

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

Capital stock.

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

Increase of capital stock.

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

Provisional directors and their powers.

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

First meeting of Company.

5. So soon as three hundred and fifty thousand dollars of the capital stock of the Company have been subscribed and twenty per cent of that amount paid in to 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 Montreal, in the province of Quebec,—

Election of directors.

at which general meeting the shareholders present in person, or represented by proxy, who have paid not less than twenty per cent on the amount of shares subscribed for by them, shall elect a board of 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 fifty shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

Calls on stock.

6. The shares of the capital stock subscribed for shall be paid by such instalments and at such time 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 thereof shall be given. Provided that the Company shall not commence the business of insurance until seventy thousand dollars of capital stock has been paid in cash into the funds 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.

Number of directors.

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

Annual 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. The head office of the Company shall be in the City of Montreal, and the directors may from time to time establish

Branch offices.

branches or agencies either within Canada or elsewhere in such manner as the directors from time to time appoint.

Investment of funds.

10. The Company may invest its funds in or on the debentures, bonds or stocks or other securities of the Dominion of Canada, or of any province of Canada, or the securities of any municipal or school corporation in the Dominion, or the security of the stock, bonds or debentures of any incorporated building society, loan or investment company, water works company, gas company, street railway company, electric light or power company, electric railway company, telegraph company, fire or life insurance company, or of any company incorporated in Canada, or bank stock, 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 the Dominion, or in or on its life or endowment policies, or policies issued by other com-

panies, or in the purchase of ground rents or reversions, and to change and re-invest the same as occasion may from time to time require; and to 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 re-payment, 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 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.

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.

Powers as to real estate.

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 all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

Proviso.

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 Quebec, 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.

Rights of certain policy holders.

15. Whenever any holder of a participating 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 and commuted policy within six months after his failure to pay a premium thereon.

R.S.C., c. 124.

16. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

R.S.C., c. 118, ss. 18, 39.

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

No. 27.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Royal-Victoria Life Insurance Company.

Received and read a first time, Friday, 9th April, 1897.
Second Reading, Monday, 12th April, 1897.

(PRIVATE BILL.)

Mr. RADDICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 28] **BILL.** [1897.

An Act respecting the Ontario Pacific Railway Company, and to change the name of the Company to the Ottawa and New York Railway Company.

Preamble.

WHEREAS the Ontario Pacific Railway Company, has by its petition, prayed that the Acts relating to the said company be amended, and that an Act be passed to change the name of the said company to The Ottawa and New York Railway Company, and giving it power to cancel the trust deed of the said company and appoint a new trustee or trustees in the place and stead of the trustees who have resigned, and to extend the period for the completion of the unconstructed line of railways and bridges of the said company, and for other purposes, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1882, c. 78; 1883, c. 66; 1884, c. 57; 1885, c. 19; 1887, c. 58; 1890, c. 57.

Name changed.

1. The name of the Ontario Pacific Railway Company, hereinafter called "the Company," is hereby changed from "The Ontario Pacific Railway Company" to "The Ottawa and New York Railway Company;" but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in 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 or continued, completed and enforced as if this Act had not been passed.

Company may appoint new trustees.

2. The Company may cancel the trust deed by way of mortgage dated the twenty-ninth day of September, one thousand eight hundred and eighty-three, and may appoint a new trustee or trustees in the room and stead of the trustees named in the said deed who have resigned.

1890, c. 57, s. 4.

1892, c. 52, s. 1.

1882, c. 78.

Time extended.

3. Section four of chapter fifty-seven, of the statutes of 1890, intituled "An Act respecting the Ontario Pacific Railway Company," and section one of chapter fifty-two of the statutes of 1892, intituled "An Act respecting the Ontario Pacific Railway Company," are hereby repealed, and in lieu thereof the times within which the construction of the railway authorized by chapter seventy-eight of the statutes of 1882, intituled "An Act to incorporate the Ontario Pacific Railway Company," and amending Acts, may be commenced and completed, are hereby fixed at two and four years respectively from the first day of July next, and the times within which the bridge over the St. Lawrence river at or near the town of Cornwall, authorized by the said Act and amending Acts, may

be commenced and completed, are hereby fixed at two and four years respectively from the first day of July next; and if the undertaking of the Company is not commenced and completed within the times mentioned, 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 limited.

No. 28.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act respecting the Ontario Pacific Railway Company and to change the name of the Company to the Ottawa and New York Railway Company.

Received and read a first time, Friday, 9th April, 1897.
Second reading, Monday, 12th April, 1897.

(PRIVATE BILL.)

MR. SNETSINGER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 29.] **BILL.** [1897.

An Act in further amendment of the Civil Service Act.

IN amendment of *The Civil Service Act*, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Board of Civil Service Supervisors.

1. The Governor General may appoint a board, to be known as the Board of Civil Service Supervisors, consisting of three members, who shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

Inspection of offices and books.

2. The members of the said board shall at all times have access to all places in which members of the Civil Service are employed, and all books kept in such places shall be open to their inspection and shall be inspected by them at least once during every fiscal year.

Power to suspend and dismiss employees.

3. If it clearly appears to the board that any employee in the Civil Service has been guilty of misconduct or is unfit for the discharge of his duties, or that his services are not required in the department, the board may suspend or remove such employee: Provided that every suspension or removal so made shall be reported by the board to the Governor in Council within fifteen days after it has been made, and also to Parliament during the first fifteen days of the next session thereof.

No. 29.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act in further amendment of the Civil Service Act.

Received and read a first time. Monday, 12th April, 1897.
Second reading, Wednesday, 14th April, 1897.

Mr. McMULLEN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 30] **BILL.** [1897.

An Act respecting the Central Counties Railway Company.

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

1. The paragraph substituted by section one of chapter forty-two of the statutes of 1893, for paragraph (*b*) of section one of chapter eighty-nine of the statutes of 1891, is hereby amended by adding the following sub-paragraph thereto:— 1891, c. 89, s. 1 amended.

(2). "The Company may also construct a line from the said Village of Hawkesbury, or from the village of Vankleek Hill, easterly to the boundary line of the province of Quebec, in the said county of Prescott, and the said branch or extension shall form part of the said section two of the undertaking." Branch line.

2. Paragraph (*d*) of section one of chapter eighty-nine of the statutes of 1891, as amended by section two of chapter forty-two of the statutes of 1893, is hereby repealed, and the following paragraph substituted therefor:— 1891, c. 89, s. 1 amended.

(*d*). "A line from some point on the line of the Canada Atlantic Railway in the county of Stormont or the county of Russell, or from the Ottawa River at or near the city of Ottawa to the River St. Lawrence in or near the town of Cornwall, which shall be designated and known as section four." Branch line.

3. The Central Counties Railway Company, hereinafter called "the Company" may build, complete, manage and use a bridge for railway purposes across the St. Lawrence River from some suitable point in the county of Stormont to some convenient point in the State of New York, one of the United States with one or more tracks, with the necessary approaches, machinery and appliances to enable the Company to use the said bridge; and the Company may also, as part of the said bridge, in their discretion, at any time, construct or arrange the said bridge as well for the use of foot passengers and carriages, or either, as they think best; but the Company shall not commence the actual erection of the said bridge until an Act of the Congress of the United States, or an Act of the legislature of the State of New York, has been passed authorizing or approving the bridging of the said river as aforesaid, nor until the Executive of the United States has consented to Power to build a bridge. Use by foot passengers. Approval of Congress or legislature of New York.

and approved such bridging; but the Company may, in the meantime, acquire the lands, submit their plans to the Governor in Council, and do all other things authorized by this Act, except the commencement of the actual construction or erection of the bridge.

Drawbridge.

2. If the Governor in Council determines that such bridge shall be a drawbridge, the same shall be constructed so as to have one draw in the main channel of such river,—which draw shall be of such width as the Governor in Council determines, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draw shall, at all times during the season of navigation, be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the Company, so as not to hinder unnecessarily the passage of any vessel; and from sundown until sunrise during the season of navigation suitable lights shall be maintained on such bridge, to guide vessels approaching the said draw.

Lights on bridge.

Approval of bridge plans by Governor in Council.

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

Arrangements with other companies.

5. The Company may, after obtaining the sanction of the Governor in Council in the manner provided in section two hundred and thirty-nine of *The Railway Act*, and subject to the provisions contained in sections six and seven of this Act—

In the United States.

(*a.*) Unite with any other company incorporated in and under the laws of the State of New York or of the United States, in building the bridge and its 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;

In Canada.

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

No discrimination in rates of toll.

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

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

How disputes to be decided.

7. In case of any disagreement as to the rights of any railway company whose trains or business pass over the bridge, or as to the tariff rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council as provided in section eleven of *The Railway Act.* 1888, c. 29, s. 11.

Joint Commission to regulate working of bridge.

8. In case the State of New York, or the United States, at any time provides for the appointment of a commission for regulating the working of the bridge, the use thereof and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he thinks proper, and appoint one or more persons as members of the said commission; and the decisions of the said commission shall first be submitted to the Governor in Council, and if approved of shall thereafter be final and conclusive to the extent to which the same are final and conclusive by virtue of the provisions made by the State of New York or the United States.

Tolls.

Approval by Governor in Council.

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

"Section six."

Time limited for construction of bridge.

10. The bridge across the St. Lawrence River shall be designated and known as "Section Six," or the "St. Lawrence Bridge Section;" and 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 determine.

Bonds on "Section six."

11. The Company may issue bonds upon the said Section Six, or St. Lawrence Bridge Section, to the extent of five hundred thousand dollars in aid of the construction of the said bridge, and such bonds shall be secured by a mortgage specifying the security therefor, and such mortgage may provide that all tolls and revenues derived from the use of the said bridge by other corporations or persons shall, subject to the provisions of section ninety-four of *The Railway Act* be specially charged and pledged as security for such bonds. 1888, c. 29, s. 94.

Motive power.

12. The Company may use for the locomotion and propulsion of its cars, vehicles and rolling stock, electricity in all its forms, steam, and any approved mechanical power or other means, agency or force for such purposes that science or inven-

tion may develop, and shall have all rights, powers and privileges necessary and essential to the management, operation and maintenance of its line as an electrical system, either in whole or in part; and may acquire, use and develop every kind of electrical force, power and energy required or useful in the working of the undertaking, and may apply all such agencies and motive powers.

Powers of Company to acquire lands and use electric plant.

13. The Company may,

(*a.*) Acquire lands, and erect, use and manage works, 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 by lease, purchase or otherwise, any 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;

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.

Future legislation.

14. The powers hereby conferred, as to an electric railway, shall be subject to the provisions of any general Act hereafter passed by the Parliament of Canada relating to electric railways.

No. 30.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act respecting the Central Counties Railway Company.

Received and read a first time, Tuesday, 13th April, 1897.
Second reading, Wednesday, 14th April, 1897.

(PRIVATE BILL.)

Mr. CHRISTIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 31.] **BILL.** [1897.

An Act respecting the Trail Creek and Columbia Railway Company.

Preamble.

WHEREAS the Trail Creek and Columbia Railway Company has, by its petition, prayed that certain additional powers be conferred on it as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Line of railway described.

1895, c. 67, s. 4.

1. The Trail Creek and Columbia Railway Company, hereinafter called "the Company," may, in addition to the railway described in chapter sixty-seven of the statutes of 1895, construct a railway from the terminus near Trail Creek Mines, described in the said Act, or from any point on the Columbia River between the international boundary and its junction with the Kootenay River; thence westerly to a point on Kettle River north of the international boundary.

Amount of bonds limited.

2. The Company may issue bonds not exceeding thirty thousand dollars per mile of its railway.

1895, c. 67 to apply.

3. The various sections of the Company's Act of incorporation shall apply to the railway above described, in so far as they are applicable thereto.

Time limited for construction of railway.

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

No. 31.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Trail Creek and Columbia Railway Company.

Received and read a first time, Tuesday, 13th April, 1897.
Second reading, Wednesday, 14th April, 1897.

(PRIVATE BILL.)

Mr. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 32.] **BILL.** [1897.

An Act respecting the Columbia and Kootenay Railway and Navigation Company.

Preamble.

WHEREAS the Columbia and Kootenay Railway and Navigation Compay has, by its petition, prayed that an Act be passed authorizing it to extend its lines as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Line of railway described.

1893, c. 45, s. 2.

Branch lines.

1. The Columbia and Kootenay Railway and Navigation Company, hereinafter called "the Company," may construct the railway mentioned in section two of chapter forty-five of the statutes of 1893, namely, a railway between some point on its present line between Nelson and Robson on the south, and Revelstoke on the north, together with such branch or branches of that railway or of its main line as are from time to time authorized by the Governor in Council, not exceeding in any one case the length of thirty miles.

Time limited for construction of railway.

1890, c. 87.
1893, c. 45.

2. The said railway shall be commenced on or before the first day of July, one thousand nine hundred, and the said railway and branches shall be completed within five years from that date, otherwise the powers conferred upon the Company by Parliament shall cease, and be null and void as respects so much of the railway and branches as then remain uncompleted.

Extension of railway.

3. The Company may also extend its railway from any point at or near Nelson, thence easterly to a point at or near Queen's Bay, thence easterly and southerly to some point on Kootenay Lake, and westerly or south-westerly and westerly from Robson to a point on the main line of the Canadian Pacific Railway at or near Hope, in the Fraser Valley.

What Acts to apply to extension.

4. The provisions of the Dominion and provincial Acts respecting the Company shall apply to the extension authorized by section three of this Act.

No. 32.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act respecting the Columbia and Kootenay Railway and Navigation Company.

Received and read a first time, Tuesday, 13th April, 1897.
Second reading, Wednesday, 14th April, 1897.

(PRIVATE BILL.)

Mr. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 33.] **BILL.** [1897.

An Act respecting the Calgary and Edmonton Railway Company.

Preamble.

WHEREAS the Calgary and Edmonton Railway Company was incorporated by chapter eighty-four of the statutes of 1890, with power to construct and operate a line of railway from a point on the line of the Canadian Pacific Railway within the town of Calgary to a point at or near Edmonton, with power to extend southerly to the international boundary between Canada and the United States, and northerly to the Peace River; and whereas the said company has, by its petition, represented that it has constructed its railway from Calgary to Edmonton, and has extended its line southerly to Fort McLeod, and has spent upon the said railway a sum greatly in excess of the amount of its capital stock; and whereas, under the provisions of section eighty-nine of *The Railway Act*, the powers of the said company will cease on the twenty-fourth day of April, 1897, as respects so much of the railway as then remains uncompleted; and whereas the said company has by its petition prayed that the time may be extended for the construction of its line southerly to the international boundary between Canada and the United States, and northerly to the Peace River; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1890, c. 84.

1888, c. 29, s. 89.

Time extended for construction of railway.

1. The time for the completion of the railway of the Calgary and Edmonton Railway Company southerly to the international boundary between Canada and the United States, and northerly to the Peace River is, notwithstanding anything contained in section eighty-nine of *The Railway Act*, extended for the period of five years from the passing of this Act; and the said company is hereby authorized and empowered to construct and operate such extensions within that period; and if the railway is not finished and put in operation within that time, then the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 33.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Calgary and Edmonton Railway Company.

Received and read a first time, Tuesday, 13th April, 1897.
Second reading, Wednesday, 14th April, 1897.

(PRIVATE BILL.)

Mr. OSLER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 34] **BILL.** [1897.

An Act to incorporate the Canadian Securities Company of Montreal.

Preamble.

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

Incorporation.

1. The Honourable Alphonse Desjardins, Charles Meredith, the Honourable Alfred A. Thibaudeau, Charles F. Smith, James J. Guerin, Michael Guerin and J. A. C. Madore, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Canadian Securities Company of Montreal," hereinafter called "the Company," and the first five persons above mentioned shall be the provisional directors of the Company, and shall hold office until the first annual meeting of the Company.

Corporate name.

Provisional directors.

Capital stock.

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

Debenture stock.

3. The Company may issue debenture stock and debentures, and may borrow on the security of such debenture stock and debentures such sums as it from time to time requires for the purposes of its business. The said debenture stock and debentures may be issued in such amounts and manner and on such terms, and bearing such rate of interest, and in such currency as the directors from time to time think proper and convenient. The total issue of such debenture stock and debentures, together with the amount due by the Company to depositors, shall not, at any time, exceed the total amount of the Company's cash, loans and investments.

May receive deposits.

4. The Company may receive deposits, bearing or not bearing interest, payable on call or at a fixed time; and the Company may issue, on such terms and conditions as are determined by the board of directors, certificates of deposit for fixed amounts, including compound interest, and payable by the Company at a fixed time, in exchange for fixed periodical payments or deposits.

Certain amount to be on call.

2. The Company shall at all times hold at least twenty per cent of the moneys deposited with it on call, invested in Dominion or provincial securities, or deposited in chartered banks.

Loans on real estate.

5. The Company may lend and advance money by way of loan, sale with power of redemption (*vente à réméré*), or otherwise, on the security of real estate in accordance with the by-laws it makes concerning such investments, and do all acts necessary for the advancing and repayment of such sums, including the purchase of such real estate when deemed advisable by the board of directors; but the Company may not lend on mines, quarries, manufactories and undivided shares in properties.

Investments of funds.

6. The Company may invest moneys in any stock or public securities of the Dominion of Canada, or of any of the provinces of Canada, or in any municipal debentures, or in the debentures or obligations of *fabrique*, church and school corporations, or in the debentures of companies having the security of a municipal or government tax, such as water-works companies, or in such securities as are accepted by the Government of Canada as deposits from insurance companies, or in the manner provided in the sections next following.

Loans on personal security, with collaterals.

7. The Company may also lend upon the personal security of individuals, or to any corporate body, provided that collateral securities of the nature mentioned in the next preceding section, or British or foreign public securities, or stock in some chartered bank in Canada, or stock in any incorporated building or loan society, or bonds or debentures, or stock in any incorporated institution or company, or such securities as are accepted by the Government of Canada as deposits from insurance companies, are taken in addition to such personal or corporate security, with authority to sell such securities if the loan is not paid; and provided also that the Company may lend moneys without collateral securities to the Dominion or any provincial Government, or to the corporation of any city, town or village in Canada, within the limits of the borrowing powers of such corporations.

Sale of securities in case of default.

8. In the event of the non-payment of any loan within thirty days after such loan becomes due and payable, or within such shorter delay as is fixed by any agreement made between the Company and the borrower at the time such loan is contracted, the Company may sell, in any way which has been agreed upon with the person depositing them, the collateral securities, other than real estate, held by it as security for such loan, or so much thereof as will suffice to pay the amount of such loan, and all interest thereon, and the costs and expenses of sale, returning the surplus, if any, to the borrower or person depositing such securities; provided always that the Company may, at any such sale, become the purchaser of any of the securities held by it.

Company may purchase.

Transfer of securities.

9. The Company may convey and transfer any security so sold to the purchaser thereof, but without any warranty from the Company.

Deposits in Quebec banks.

10. Nothing herein contained shall prevent the Company from depositing money in any of the chartered banks carrying on the general business of banking within the province of Quebec.

11. The Company may act as an agency association in the interest and on behalf of persons who intrust it with money, debentures, securities and claims for that purpose, and may, either in the name of the Company or of such persons, borrow or lend or advance money to any person upon such securities as are allowable by chapter one hundred and twenty-five of the Revised Statutes, entitled *An Act respecting Loans in Canada by British Companies*, upon such terms and upon such security as to the Company appear satisfactory, and may purchase and acquire any securities on which they are authorized to advance money, and may re-sell the same. Act as agency association to loan money. R.S.C., c. 125.

12. The Company may also act as an agency association for the purchase and sale of property, limits, mines, debentures, claims or rights of every description, and may work and develop such property, limits, mines, claims or rights, and may receive bonuses, subsidies and exemptions, providing that the money necessary for such transactions are furnished by the persons for whom such transactions are made. Purchase of property.

13. The condititions and terms of such loans and advances, of such purchases and re-sales, and of all such other transactions may be enforced by the Company for its benefit and for the benefit of the person or corporation for whom such money has been lent, or such purchases re-sales and transactions made ; and the Company shall have the same power with regard to such loans, advances, purchases, sales and other transactions as are conferred on it with regard to loans, advances, purchases, sales and transactions made from its own funds. Company may enforce contracts, etc., of principals.

14. The Company may out of its assets furnish whatever amounts are required for the preliminary expenses only in transactions arising from such agencies. May furnish preliminary expenses.

15. The directors may appoint from among the British or foreign shareholders committees to act as advisory boards, in order to represent the Company's interests in Great Britain or elsewhere. Foreign advisory boards.

16. The members of such committees may receive such fees as are agreed on with the directors in Montreal. Fees to members of boards.

17. Two auditors appointed by the shareholders from among their number shall verify and examine the books, statements and vouchers, as well as the balances due by clients, and the cash and securities held by the Company, and shall have access to the books at all times and shall make a sworn statement of the Company's affairs at the close of each year. Auditors.

18. The 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 Company and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company both on its Annual statement. What to contain.

own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of security and also the extent and value of lands held by it, and such other details as to the nature and extent of the business of the Company as the Minister of Finance and Receiver General requires, and in such form and with such details as he from time to time requires and prescribes; but the Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.

Increase of capital.

19 The Company may increase its capital to five millions of dollars by successive issues of five hundred thousand dollars at a time, after each previous issue of five hundred thousand dollars has been fully subscribed and all calls have been paid thereon.

Head office. Agencies.

20. The chief place of business of the Company shall be at Montreal, but the Company may establish agencies in any part of Canada, Great Britain and Ireland.

R.S.C., c. 118, ss. 38, 39.

21. Sections 38 and 39 of *The Companies' Clauses Act* shall not apply to the Company.

Union with other companies.

22. The Company may unite, amalgamate and consolidate its stock, property, business and franchises with those of any other company or society incorporated for a like purpose, or with those of any building, savings or loan company, or may purchase and acquire the assets of any such company, and may enter into all contracts and agreements therewith necessary for such amalgamation or consolidation; provided that such amalgamation has been first approved by two-thirds of the votes at a general meeting of the shareholders of each company, duly called for the purpose of considering it.

Proviso.

Rights of amalgamated company.

23. Upon the completion of the said agreement the amalgamating companies shall be deemed to be consolidated and to form one corporation by the name in the said agreement provided, and shall possess all the rights, privileges and franchises of each of such companies.

No. 34.

2nd Session, 8th Parliament, 60 Victoria, 18

BILL

An Act to incorporate the Canadi Securities Company of Montreal.

Received and read a first time, Wednesd 14th April, 1897.
Second reading, Wednesday, 21st April, 18

(PRIVATE BILL.)

MR. MADORE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

[No. 35] **BILL.** [1897.

An Act respecting The Canada Atlantic Railway Company.

Preamble.

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

1877, c. 61, s. 1.

1. Section one of chapter sixty-one of the statutes of 1877, intituled *An Act to amend the Coteau and Province Line Railway and Bridge Act*, is hereby repealed.

Extension of line of railway.

2. The Canada Atlantic Railway Company, hereinafter called "the Company," may construct and extend its line of railway from the present terminus at or near Lacolle, in the county of St. John, to some point on the northerly boundary of the State of New York, and also to some point on the northerly boundary of the State of Vermont, and crossing the River Richelieu by a bridge at or near Lacolle at a point and according to plans approved of by the Governor in Council upon the report of the Railway Committee of the Privy Council and also by the Department of Public Works.

Amount of bonds, etc., limited.

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

Agreements respecting transportation.

4. The Company may enter into an agreement with the Government of Canada, or with any duly incorporated steamship or express company, for the transport or forwarding of passengers or cattle, goods or other things passing or intended to pass over any part of the Company's railways, on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called

Approval of shareholders and Governor in Council.

for the purpose of considering it, and that such agreement has also received the approval of the Governor in Council.

Notice of application for sanction.

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

Ratification of bridge plans.

5. The plans of the said bridge heretofore made, the proceedings heretofore taken by the Company to obtain the approval thereof, and the approval and sanction thereof by the Governor in Council upon the report of the Railway Committee of the Privy Council and also of the Department of Public Works, shall be as valid and effectual as if made and done after the passing of this Act.

Annual meeting.

6. The annual general meeting of the shareholders of the Company shall be held on the last Tuesday in September of each year, instead of the last Tuesday in May of each year as mentioned in section seven of chapter forty-seven of the statutes of 1871.

Time extended for completion of railway and bridge.

7. The time for the completion of the line of the railway of the Company, and of the said bridge, is hereby extended for five years from the passing of this Act; and, if the railway is not then completed, the powers granted for its construction shall cease and be null and void in respect of so much of the railway as shall then remain uncompleted.

No. 35.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Canada Atlantic Railway Company.

Received and read a first time, Wednesday, 14th April, 1897.
Second reading, Wednesday, 21st April, 1897.

(PRIVATE BILL.)

Mr. Belcourt.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 36.] **BILL.** [1897.

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

Preamble.

WHEREAS the Toronto, Hamilton and Buffalo Railway Company has, by its petition, prayed that an Act be passed to confirm and give effect to the agreements mentioned in the schedule to this Act, and for the purposes 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:—

Agreements confirmed.

1. The agreements mentioned in the schedule to this Act, which relate to arrangements for the division and apportionment of tolls, rates and charges in respect of traffic, for the regulation and interchange of traffic, and as to the leasing of a portion of the railway of the Toronto, Hamilton and Buffalo Railway Company, hereinafter called "the Company," to the Canadian Pacific Railway Company, and other matters, (and which said agreements, so far as they relate to the matters above set forth, have been approved by the Governor in Council), are hereby ratified and confirmed, and declared to be valid and binding on the parties thereto, and each of such parties may do whatever is necessary to give effect to the substance and intention of each of the said agreements.

Agreements to be deposited with Secretary of State.

2. The said agreements shall be deposited as soon as possible in the office of the Secretary of State, and notice of such deposit shall be given by the Company in the *Canada Gazette*.

Head office.

2. The directors may, by by-law, change the place of the head office of the Company from the city of Toronto to the city of Hamilton, in the Province of Ontario, and, after the passage of such by-law, all general meetings of the shareholders shall be held in the said city of Hamilton.

Capital stock.

3. The existing capital stock of the Company is hereby declared to be two million five hundred thousand dollars, divided into shares of one hundred dollars each, and to be fully paid-up stock.

Capital stock may be converted into preference stock.

2. The directors, under the authority of the shareholders given at an annual meeting, or at any special general meeting 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 convert thirty per cent of the capital stock of the Company into preference stock, and may make the holders of such preference stock (to an amount not exceeding in all seven hundred and fifty

thousand dollars, or seven thousand five hundred shares of one hundred dollars each) entitled, in priority to all holders of ordinary stock, to a non-cumulative dividend thereon, at such rate not exceeding five per cent per annum as the directors may assign thereto out of the profits of the Company for each year; and after the payment of a dividend at the rate of five per cent per annum has been provided for upon the said preference stock in respect of any year, then all further profits of the Company in respect of that year shall, in the discretion of the directors, be applicable to pay dividends on all shares of the Company's ordinary stock up to the rate of five per cent per annum ; and after the payment of a dividend of as much as five per cent on such ordinary stock shall be provided for in respect of such year, then any further amount of profits which the directors may declare applicable to dividends on capital stock of the Company shall be divided amongst all holders of capital stock without any priority in favour of the holders of the preference stock ; provided always that the conversion of any shares of ordinary stock into preference stock as aforesaid shall take place only on the holder of such ordinary stock transferring and surrendering to the Company one half thereof, so that the Company may get for its own purposes (that is, as treasury stock) one half of all preference stock into which any portion of the ordinary stock may be so converted as aforesaid.

Proviso.

By-law 755 of city of Hamilton.

1895, c. 66.

4. Nothing in any agreement confirmed by this Act, or in the carrying out of the same, shall be held to be a breach of any of the conditions in the by-law number seven hundred and fifty-five of the city of Hamilton, which was intended to be confirmed and given effect to by chapter sixty-six of the statutes of 1895.

SCHEDULE.

AGREEMENTS REFERRED TO IN THIS ACT.

Parties.	Dates.
Agreement between—	
The Toronto, Hamilton and Buffalo Railway Co..	July 9, 1895.
The Michigan Central Railway Co.....	
The Canada Southern Railway Co.....	
The New York Central and Hudson River Railway Co.....	
The Canadian Pacific Railway Co.....	
Th Dominion Construction Co.....	
The American Loan and Trust Co	
Amendment of Agreement between same parties....	December 18, 1895.
Further amendment of Agreement between same parties.....	April 21, 1896.

No. 36.

2nd Session, 8th Parliament, 60 Victoria, 1

BILL

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

Received and read a first time, Wednesd 14th April, 1897.
Second reading, Wednesday, 21st April, 18

(PRIVATE BILL.)

Mr. MACPHERSON

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 36.] **BILL.** [1897.

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

(*New section proposed to be added in the Railway Committee.*)

Construction of s. 10, c. 66 of 1895.

5. Doubts having arisen as to whether the Dominion Construction Company can set off against the claim of the assignee of the Bracey Brothers and Company mentioned in section ten of chapter sixty-six of the statutes of 1895, entituled *An Act respecting the Toronto, Hamilton and Buffalo Railway Company*, the moneys paid by the said Dominion Construction Company for the debts of the said Bracey Brothers and Company, it is hereby declared that the true intent and meaning of the said enactment was and is that the assignment of the said debts by the said Act directed or provided for, should inure to the benefit of the Company or the Dominion Construction Company, or to whichever of the said companies had contracted with the said Bracey Brothers and Company, so that the amount of the said debts which have been assigned to the Company under the provisions of the said Act might be set off against any claims which the assignee of the said Bracey Brothers and Company has or may have against the Company or the Dominion Construction Company as such assignee of the contract in connection with the construction of the said railway.

No. 36.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

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

(*New section proposed to be added in the Railway Committee.*)

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 36] **BILL.** [1897.

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

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

Preamble.

WHEREAS the Toronto, Hamilton and Buffalo Railway Company has, by its petition, prayed that an Act be passed to confirm and give effect to the agreements mentioned in the schedule to this Act, and for the purposes 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:—

Agreements confirmed.

1. The agreements mentioned in the schedule to this Act, which relate to arrangements for the division and apportionment of tolls, rates and charges in respect of traffic, for the regulation and interchange of traffic, and as to the leasing of a portion of the railway of the Toronto, Hamilton and Buffalo Railway Company, hereinafter called "the Company," to the Canadian Pacific Railway Company, and other matters, (and which said agreements, so far as they relate to the matters above set forth, have been approved by the Governor in Council), are hereby ratified and confirmed, and declared to be valid and binding on the parties thereto, and each of such parties may do whatever is necessary to give effect to the substance and intention of each of the said agreements.

Agreements to be deposited with Secretary of State.

2. The said agreements shall be deposited as soon as possible in the office of the Secretary of State, and notice of such deposit shall be given by the Company in the *Canada Gazette*.

Head office.

2. The directors may, by by-law, change the place of the head office of the Company from the city of Toronto to the city of Hamilton, in the Province of Ontario, and, after the passage of such by-law, all general meetings of the shareholders shall be held in the said city of Hamilton.

Capital stock.

3. The existing capital stock of the Company is hereby declared to be two million five hundred thousand dollars, divided into shares of one hundred dollars each, and to be fully paid-up stock.

Capital stock may be converted into preference stock.

2. The directors, under the authority of the shareholders given at an annual meeting, or at any special general meeting 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 convert thirty per cent of the capital stock of the Company into

preference stock, and may make the holders of such preference stock (to an amount not exceeding in all seven hundred and fifty thousand dollars, or seven thousand five hundred shares of one hundred dollars each) entitled, in priority to all holders of ordinary stock, to a non-cumulative dividend thereon, at such rate not exceeding five per cent per annum as the directors may assign thereto out of the profits of the Company for each year; and after the payment of a dividend at the rate of five per cent per annum has been provided for upon the said preference stock in respect of any year, then all further profits of the Company in respect of that year shall, in the discretion of the directors, be applicable to pay dividends on all shares of the Company's ordinary stock up to the rate of five per cent per annum ; and after the payment of a dividend of as much as five per cent on such ordinary stock shall be provided for in respect of such year, then any further amount of profits which the directors may declare applicable to dividends on capital stock of the Company shall be divided amongst all holders of capital stock without any priority in favour of the holders of the preference stock ; provided always that the conversion of any shares of ordinary stock into preference stock as aforesaid shall take place only on the holder of such ordinary stock transferring and surrendering to the Company one half thereof, so that the Company may get for its own purposes (that is, as treasury stock) one half of all preference stock into which any portion of the ordinary stock may be so converted as aforesaid.

Proviso.

By-law 755 of city of Hamilton.

4. Nothing in any agreement confirmed by this Act, or in the carrying out of the same, shall be held to be a breach of any of the conditions in the by-law number seven hundred and fifty-five of the city of Hamilton, which was intended to be confirmed and given effect to by chapter sixty-six of the statutes of 1895.

1895, c. 66.

Construction of s. 10, c. 66 of 1895.

5. Doubts having arisen as to whether the Dominion Construction Company can set off against the claim of the assignee of the Bracey Brothers and Company mentioned in section ten of chapter sixty-six of the statutes of 1895, entituled *An Act respecting the Toronto, Hamilton and Buffalo Railway Company*, the moneys paid by the said Dominion Construction Company for the debts of the said Bracey Brothers and Company, it is hereby declared that the true intent and meaning of the said enactment was and is that the assignment of the said debts by the said Act directed or provided for, should inure to the benefit of the Company or the Dominion Construction Company, or to whichever of the said companies had contracted with the said Bracey Brothers and Company, so that the amount of the said debts which have been assigned to the Company under the provisions of the said Act might be set off against any claims which the assignee of the said Bracey Brothers and Company has or may have against the Company or the Dominion Construction Company as such assignee of the contract in connection with the construction of the said railway.

SCHEDULE.

AGREEMENTS REFERRED TO IN THIS ACT.

Parties.	Dates.
Agreement between—	
The Toronto, Hamilton and Buffalo Railway Co..	July 9, 1895.
The Michigan Central Railway Co.....	
The Canada Southern Railway Co.....	
The New York Central and Hudson River Railway Co.....	
The Canadian Pacific Railway Co.....	
The Dominion Construction Co.....	
The American Loan and Trust Co	
Amendment of Agreement between same parties....	December 18, 1895.
Further amendment of Agreement between same parties.....	April 21, 1896.

No. 36.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

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

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

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 37.] **BILL.** [1897.

An Act respecting the Niagara Grand Island Bridge Company.

Preamble.

WHEREAS the Niagara Grand Island Bridge Company has, by its petition, prayed that the times limited for the commencement and completion of its undertaking be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Time extended for construction.

1874, c. 77; 1877, c. 64; 1880, c. 60; 1882, c. 86; 1886, c. 88; 1889, c. 86; 1891, c. 105; 1894, c. 99.

1. The times limited by the Acts respecting the Niagara Grand Island Bridge Company for the commencement and completion of its undertaking are hereby extended as follows: The works authorized by chapter seventy-seven of the statutes of 1874, incorporating the said company, shall be commenced within five years and completed within ten years from the passing of this Act, otherwise the powers granted by the said Act incorporating the said company shall cease and be null and void.

No. 37.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Niagara Grand Island Bridge Company.

Received and read a first time, Wednesday, 14th April, 1897.
Second reading, Wednesday, 21st April, 1897.

(PRIVATE BILL.)

Mr. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 38.] **BILL.** [1897.

An Act respecting the Kingston and Pembroke Railway Company.

Preamble.

WHEREAS certain bondholders of the Kingston and Pembroke Railway Company have, by their petition, represented that under the provisions of chapter sixty-one of the statutes of 1879 it issued first preference bonds or debentures to the amount of five hundred and seventy-two thousand dollars, which said bonds or debentures, payable on the first day of January, one thousand nine hundred and twelve, with interest meanwhile, half yearly, at six per cent per annum, are and form a first preference claim and charge on the undertaking, lands, rolling stock, plant, property, net tolls and income of the said company, after deducting from the said tolls and income the working expenses of the railway of the said company—that default was made in paying the interest that accrued due on the said bonds or debentures, on the first day of January, one thousand eight hundred and ninety-three, and in payment of the interest that has from time to time accrued due on the said bonds or debentures, since the said first day of January, one thousand eight hundred and ninety-three—that a receiver has been appointed of the said railway, by the High Court of Justice of Ontario —that the tolls and income of the said railway, after deducting the working expenses of the said company, are not sufficient to pay the interest of the said bonds or debentures; and that it is desirable and expedient to sell the said railway and all the undertaking, franchises and property of the said company; and whereas a majority of the holders of the said bonds or debentures have, by their petition, prayed that an Act be passed to enable the receiver of the said railway to sell the said railway, with the undertaking, franchises and property of the said company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1879, c. 61.

Receiver to sell railway.

1. The receiver of the Kingston and Pembroke Railway Company, hereinafter called "the Company," shall sell, for the consideration, and upon such terms and conditions as are settled in the manner hereinafter mentioned, the said Kingston and Pembroke railway, with all its lands, franchises, powers, rights, privileges, equipment, stations, plant, rolling stock, materials, stores and appurtenances, such sale being made to a company to be incorporated by an Act of the Parliament of Canada for the purpose of acquiring and taking over the road and undertaking and property, or to some railway company already incorporated under an Act of the Parliament of Canada or of the Legislature of Ontario or Quebec.

How price to be fixed.

2. The consideration to be paid for the said undertaking and property, and the terms and conditions of sale, shall be fixed by a judge of the High Court of Justice for Ontario, in the city of Toronto, upon the application of the petitioners, or any of them, and after notice given during six weeks in the *Canada Gazette*, and twice a week during six weeks in a newspaper published in the city of Kingston.

Transfer of railway.

3. For the purpose of completing the said sale and transfer, the Company shall execute and deliver a deed of conveyance of all the said railway, undertaking, benefits and franchises; and such deed shall be sealed with the common seal of the Company, and signed by the hand of the president, and shall have the effect of absolutely conveying to, and vesting in the purchaser all the property of the Company, with its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores, and appurtenances.

How proceeds of sale to be applied.

4. The proceeds of the said sale shall be applied first, in payment of the expenses of obtaining this Act and of said sale; then, in payment *pro rata* of the said bonds or debentures, and the interest thereon; and after that in payment of the other debts of the Company; and the balance shall be paid to the shareholders of the Company.

Existing rights and liabilities not affected.

5. No liability of the Company shall be in any way affected or impaired by the said sale or purchase, nor shall any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, be in any way affected; but such suit or proceeding may be prosecuted or continued and completed, and such judgment may be enforced as if this Act had not been passed.

Existing liens.

6. Nothing in this Act shall in any way impair or affect any charge or lien, now pending, subsisting, or outstanding, upon or against the Company or its railway or assets.

No. 38.

2nd Session, 8th Parliament, 60 Victoria, 189

BILL.

An Act repecting the Kingston an Pembroke Railway Company.

Received and read a first time, Tuesday, 20 April, 1897.
Second reading, Wednesday, 21st April, 189

(PRIVATE BILL.)

MR. BRITTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 38.] **BILL.** [1897.

An Act respecting the Kingston and Pembroke Railway Company.

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

WHEREAS certain bondholders of the Kingston and Pembroke Railway Company have, by their petition, represented that under the provisions of chapter sixty-one of the statutes of 1879, the said company issued first preference bonds or debentures to the amount of five hundred and seventy-two thousand dollars, which said bonds or debentures, payable on the first day of January, one thousand nine hundred and twelve, with interest meanwhile, half yearly, at six per cent per annum, are and form a first preference claim and charge on the undertaking, lands, rolling stock, plant, property, net tolls and income of the said company, after deducting from the said tolls and income the working expenses of the railway of the said company;—that default was made in paying the interest that accrued due on the said bonds or debentures, on the first day of January, one thousand eight hundred and ninety-three, and in payment of the interest that has from time to time accrued due on the said bonds or debentures, since the said first day of January, one thousand eight hundred and ninety-three;—that a receiver has been appointed of the said railway, by the High Court of Justice of Ontario; —that the tolls and income of the said railway, after deducting the working expenses of the said company, are not sufficient to pay the interest of the said bonds or debentures; and that it is desirable and expedient to sell the said railway and all the undertaking, franchises and property of the said company; and whereas a majority of the holders of the said bonds or debentures have, by their petition, prayed that an Act be passed to enable the receiver of the said railway to sell the said railway, with the undertaking, franchises and property of the said company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1879, c. 61.

1. The receiver of the Kingston and Pembroke Railway Company, hereinafter called "the Company," shall sell, for the consideration, and under the directions of the court as hereinafter provided, and upon such terms and conditions as are settled in the manner hereinafter mentioned, the said Kingston and Pembroke railway, with all its lands, franchises, powers, rights, privileges, equipment, stations, plant, rolling stock, materials, stores and appurtenances, such sale being made to a company to be incorporated by an Act of the Parliament of Canada for the purpose of acquiring and taking Receiver to sell railway.

over the road and undertaking and property, or to some railway company already incorporated under an Act of the Parliament of Canada or of the Legislature of Ontario or Quebec.

How price to be fixed.

2. The said sale shall be conducted in the present receivership suit in the High Court of Justice for Ontario, and the terms and conditions of sale, shall be fixed by a judge of the High Court of Justice for Ontario, in the city of Toronto, upon the application of the receiver or of any party to the said suit including the minority bondholders as represented in the said suit, and after notice given during six weeks in the *Canada Gazette*, and twice a week during six weeks in a newspaper published in the city of Kingston; and all priorities shall be settled, and claims to rank proved, and the purchase money distributed by the said Court in the said suit or cause.

Transfer of railway.

3. For the purpose of completing the said sale and transfer, the Company shall execute and deliver a deed of conveyance of all the said railway, undertaking, benefits and franchises; and such deed shall be sealed with the common seal of the Company, and signed by the hand of the president, and shall have the effect of absolutely conveying to, and vesting in the purchaser all the property of the Company, with its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores, and appurtenances.

How proceeds of sale to be applied.

4. The proceeds of the said sale shall be applied firstly, in payment of the expenses of obtaining this Act, and of the said sale; secondly, in payment *pro rata* of the said bonds or debentures, and the interest thereon, and the taxed costs of all parties in the said suit; thirdly, in payment of all claims outstanding, incurred at any time for working expenditure as defined by *The Railway Act;* fourthly, in payment of the other debts of the Company; and the balance shall be paid to the shareholders of the Company.

Existing rights and liabilities not affected.

5. No liability of the Company shall be in any way affected or impaired by the said sale or purchase, nor shall any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, be in any way affected; but such suit or proceeding may be prosecuted or continued and completed, and such judgment may be enforced as if this Act had not been passed, and all rights of set off or counter claim in favour of or against the Company shall continue.

Existing liens.

6. Nothing in this Act shall in any way impair or affect any charge or lien now pending, subsisting or outstanding, upon or against the Company or its railway or assets, save and except the lien created by the said bonds, which, subject as aforesaid, is, upon sale being effected, to be transferred from the said railway to the proceeds of sale thereof, and the purchaser shall take the said railway, with the benefits and liabilities given and incurred by all contracts, agreements and leases, either express or implied, made by the Company with any person.

No. 38.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act respecting the Kingston and Pembroke Railway Company.

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

(PRIVATE BILL.)

MR. BRITTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 39.] **BILL.** [1897

An Act respecting the Canadian General Electric Company (Limited.)

Preamble.

WHEREAS The Canadian General Electric Company (Limited), has, by its petition, represented that it was incorporated by letters patent issued under *The Companies Act* dated the fifteenth day of July, one thousand eight hundred and ninety-two, for the purpose of manufacturing electric machinery and appliances, with an authorized capital stock of one million dollars;—that by supplementary letters patent issued under *The Companies Act* dated the fourteenth day of October, one thousand eight hundred and ninety-two, the said authorized capital stock was increased to two million dollars; —that shares in the said capital stock to the amount of one million five hundred thousand dollars were subscribed, paid up and issued, and that the shareholders of the said company have authorized it to apply to Parliament for the passing of an Act to reduce and re-arrange the capital stock as hereinafter set forth, and providing for the issue of preference shares; 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:—

Capital stock.

1. The total authorized capital stock of the Canadian General Electric Company (Limited), hereinafter called "the Company," shall be one million two hundred thousand dollars divided into shares of one hundred dollars each, of which nine hundred thousand dollars shall be common stock and three hundred thousand dollars preference stock.

Issue of preference stock confirmed.

2. The issue of three hundred thousand dollars of preference stock, as set out in the by-law in the schedule hereto, is hereby ratified and confirmed, and declared to be valid and binding.

Exchange of preference for common stock.

3. The Company may exchange one hundred and fifty thousand dollars of preference stock, portion of the three hundred thousand dollars preference stock, aforesaid, for six hundred thousand dollars of the common stock, portion of the stock heretofore held by the General Electric Company, a corporation of the State of New York, one of the United States, and a shareholder in the Company, and the Company may accept the said six hundred thousand dollars of common stock so exchanged and transferred, and the said six hundred thousand dollars of common stock shall, from and after such exchange and transfer, be deemed to have ceased to be or form part of the paid-up capital stock of the Company and shall be cancelled accordingly.

By-law confirmed.

1. The by-law set out in the schedule hereto, providing for the issue of preference shares, and all proceedings had thereunder, is hereby ratified and confirmed and declared to be valid and binding upon the Company.

SCHEDULE.

"Moved by A. Nairn, seconded by W. Davidson,

That the following by-law passed by the directors on the fifth day of October, 1896, be approved of and confirmed.

The following by-law prepared by the Company's solicitor, to provide for the issue of preference shares was read; and it was

Moved by W. D. Matthews, seconded by H. P. Dwight,

That the following by-law be and is hereby made, passed and enacted:—

BY-LAW TO PROVIDE FOR THE ISSUE OF PREFERENCE SHARES

Three thousand preference shares to be respectively numbered from one to three thousand in the capital stock of the Company, to be called preference shares, each of the par value of $100.00 shall be issued and allotted as the directors of the Company shall from time to time provide and fifteen hundred of the said shares may be subscribed for on the stock book of the Company, and 10 per centum of the amount of each of the said fifteen hundred preference shares shall be payable at the time of subscription therefor and the balance of each of the said 1,500 preference shares shall be payable in 9 equal monthly instalments of 10 per cent on each preference share so subscribed each payable as follows, that is to say:—

The first instalment on the 1st day of December, 1896.
" second " " " January, 1897.
" third " " " February, 1897.
" fourth " " " March, 1897.
" fifth " " " April, 1897.
" sixth " " " May, 1897.
" seventh " " " June, 1897.
" eight " " " July, 1897.
" ninth " " " August, 1897.

with the privilege to the subscribers for the said fifteen hundred shares to pay up the whole amount thereof, or any of the instalments thereof at any time in advance of the same being payable.

All of the said 3,000 preference shares shall be entitled to receive a fixed cumulative preferential dividend at the rate of six per cent per annum, payable half yearly in preference and priority as a dividend over all other shares in the capital stock of the Company, and shall be entitled to resort to the surplus assets in the winding up of the Company available for distribution among the shareholders for securing, and to provide for repayment of the amount of the said preference shares and dividends at the rate aforesaid in priority over all other shares in the capital stock of the Company: But the holders thereof shall not be entitled in respect of the said

preference shares to any further participation in the profits or surplus assets of the Company. The holders of the said preference shares shall be entitled to vote at all meetings of the shareholders, whether special or general, upon the said shares in the same manner as the holders of ordinary stock are entitled to vote thereon.

Provided always that the said preference shares shall be subject to redemption by the Company at any time after the expiration of five years from the date of issue thereof on payment of the amount thereof and of the cumulative preferential dividend aforesaid, together with a premium of 5 per cent upon the par value of said preference shares; and the Company shall be, and is hereby authorized at the expiration of the said five years or at any time that they think fit and for the interests of the Company, to redeem, buy up, and cancel said preference shares or any part thereof, and in case only a part thereof shall be redeemed, the shares thus so retired shall be chosen by lot."

A true extract from minutes of shareholders' meeting, held on twenty-eighth October, one thousand eight hundred and ninety-six.

FREDERICK NICHOLLS,
Secretary. [Seal.]

I hereby certify that the foregoing by-law is a true copy of the by-law of which it purports to be a copy, and that the same was approved and adopted at a general meeting of shareholders of the said Company on the 28th day of October, A.D. 1896.

FREDERICK NICHOLLS,
Secretary. [Seal.]

No. 39.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting The Canadian General Electric Company (Limited.)

Received and read a first time, Tuesday, 20th April, 1897.
Second reading, Wednesday, 21st April, 1897.

(PRIVATE BILL.)

Mr. LOUNT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 40] **BILL.** [1897

An Act to incorporate the Maritime Milling Company, Limited.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company for the purposes and 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:—

Incorporation.

1. James Wentworth, of Truro, in the county of Colchester, Province of Nova Scotia, William Christie, of Moncton, in the county of Westmoreland, province of New Brunswick, T. Perley Putman, of Onslow, in the county of Colchester, province of Nova Scotia, J. Leslie Jennison, Joseph Howard and Hedley V. Jennison, all of New Glasgow, in the county of Pictou, province of Nova Scotia, together with such persons as become shareholders in the company hereby incorporated, are constituted a body corporate under the name of "The Maritime Milling Company, Limited" hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in New Glasgow, in the County of Pictou, Province of Nova Scotia, or such other place in Canada as the directors of the Company by by-law determine.

Capital stock.

3. The capital stock of the Company shall be two hundred and fifty thousand dollars divided into shares of ten dollars each.

Provisional directors.

4. The persons named in the first section of this Act shall be the first or provisional directors of the Company, four of whom shall form a quorum.

Power to acquire and alienate property,

Construct buildings, etc.

Erect machinery,

5. The objects and powers of the Company shall be—

(*a.*) To purchase, acquire, hold, grant, mortgage, sell, let and convey real estate, wharves, or wharf property, which may be necessary for the carrying on of the business of the Company;

(*b.*) To purchase, sell, lease, hire, acquire, build, construct, alter or maintain any buildings, mills, elevators, and wharves and railway sidings which may be necessary for the carrying on of the business of the Company;

(*c.*) To erect such works, buildings and machinery as from time to time may be deemed expedient and necessary for the successful carrying on of the work and business of the Company;

Trade in grain,

(*d.*) To purchase, sell and trade in wheat, oats, barley, hay, corn and all other cereals and materials used in the milling and manufacturing of all kinds of flour, meal and feed for horses and cattle ;

Manufacture flour and feed,

(*e.*) To carry on the business of manufacturing all kinds of flour and meal and also of manufacturing all kinds of feed for horses and cattle ;

Trade in flour and feed,

(*f.*) To purchase, sell and trade in all kinds of flour and meal ; also to purchase, sell and trade in feed of all kinds for horses and cattle, and all kinds of merchandise necessary or incidental to the business of the Company ;

Acquire vessels,

(*g.*) To build, acquire, own, charter or lease, navigate and use steam-boats, sailing-vessels, barges and other vessels and boats for the purposes of the Company ;

Shares in other companies.

(*h.*) To subscribe for, purchase or acquire, hold, transfer, sell and dispose of shares, stock or debentures in any other company having objects altogether the same or in part the same or similar to those of the Company, or carrying on business capable of being conducted so as directly or indirectly to benefit the Company ;

Power to sell out to other companies.

(*i.*) To sell or otherwise dispose of the undertaking, or any part thereof, for such consideration as the Company shall see fit, and in particular for shares, debentures, stock or securities of any other company having objects altogether the same or in part the same or similar to those of this Company ;

Acquire other businesses and property.

(*j.*) To purchase or otherwise acquire any business within the objects of the Company, and any lands, property, franchises privileges, rights, contracts and liabilities appertaining to the same ;

General powers.

(*k.*) And generally to do all such things as are incidental or conducive to the attainment of the objects aforesaid or any of them.

Annual meeting.

6. The annual general meeting of the shareholders of the Company shall be held on the first Tuesday of May in each year, or upon such other day in each year as the directors of the Company from time to time by by-law determine.

Power of provisional directors.

7. The first or provisional directors of the Company shall hold office as such until replaced by others duly appointed in their stead, and shall have and possess all the powers which are conferred upon directors by *The Companies Clauses Act* and by this Act ; and, until otherwise ordered by by-law or resolution of the first or provisional directors of the Company, any three of them may call meetings of the first or provisional directors to be held at New Glasgow aforesaid at such times as they determine ; provided that notice in writing of the date and place of holding any such meeting shall be mailed by registered letter to the address of each of the other first or provisional directors not less than ten days previous to the date of such meeting.

R.S.C., c. 118.

Vacancies among provisional directors.

2. In the event of any one or more of the above named first or provisional directors of the Company dying, resigning or refusing to act or becoming incapable of acting before the first general meeting of the Company the other first or provisional directors shall fill such vacancy or vacancies from among the shareholders of the Company.

General meeting.

8. The first general meeting of the Company shall be held at New Glasgow aforesaid at such time as the first or provisional directors or any four 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, to the address of each of the shareholders of the Company, and at this or any subsequent meeting the Company may be organized by the election of not less than five nor more than seven directors and of other necessary officers.

Acquirement of New Glasgow Co.

9. The directors when authorized by a majority vote given at a meeting of shareholders duly called for the purpose may purchase, lease or otherwise acquire and take over in whole or in part upon such terms as may be agreed upon with the other company hereinafter mentioned, the business, franchises, undertaking, property, rights, powers, privileges and assets or any of them of the "New Glasgow Milling Company, Limited" hereinafter called the New Glasgow Company, and may thereafter hold, exercise and enjoy the business, franchises, undertaking, property, rights, powers, privileges and assets of the New Glasgow Company and may pay the consideration therefor either wholly or partly in cash or wholly or partly in capital stock of the Company paid up and whether subscribed for or not, or wholly or partly in debentures or bonds of the Company or otherwise as may be agreed upon; or may amalgamate with the said the New Glasgow Company upon such terms as may be agreed upon; and in the event of such purchase, lease or other mode of acquirement or amalgamation being entered into may also undertake, assume, pay or guarantee all or any of the obligations, liabilities, contracts and engagements of the New Glasgow Company, or affecting the assets and property of the New Glasgow Company; provided always that after any purchase by the Company under this Act the said the New Glasgow Company shall no longer exercise its corporate powers or make use of its corporate name for any purpose except for the purpose of supporting and carrying into effect the said purchase or other absolute transfer or winding up of its affairs.

Issue of stock to New Glasgow Co.

10. The directors of the Company may make and issue, as paid-up and unassessable stock, shares of the capital stock of the Company, whether subscribed for or not, and whether paid-up or not, in payment for the business, franchises, undertaking, property, rights, powers, privileges and assets of the said the New Glasgow Company acquired under this Act, and may allot and hand over to the said the New Glasgow Company or to its shareholders such shares 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 nor shall the holders thereof be in any way liable thereon.

Directors may borrow money and issue debentures.

11. The directors may from time to time for the purposes of the Company, when authorized by a by-law for that purpose passed and approved of by the votes of the holders of at least two thirds in value of the stock of the Company qualified to vote and present or represented by proxy at a special

general meeting called for considering such by-law, borrow such sum or sums of money not exceeding in amount sixty per cent of the then 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 rates of interest and payable at such times and places and secured in such manner by mortgage or otherwise upon the whole or any portion or portions of the property of the Company as are prescribed in such by-law or decided upon by the directors under the authority thereof.

Directors may borrow money and pledge Company therefor.

12. The directors of the Company may in addition to the powers conferred by the next preceding section of this Act from time to time at their discretion borrow money for the purposes of the Company and secure the repayment of any of the moneys so borrowed or any other moneys owing by the Company in such manner and upon such terms and conditions as they see fit and in particular by the mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company, and should the directors or any of them or any shareholder become personally liable at any time for moneys borrowed, the Company shall be liable to pay to the directors or any of them, or any shareholder any moneys so borrowed that they or any of them may be called upon to pay by reason of said personal liability: Provided that the amount so borrowed shall not at any time be greater than twenty-five per cent of the paid-up stock of the Company; but the limitation made by this section shall not apply to commercial paper discounted by the Company or to money borrowed or advances made on warehouse receipts or bills of lading or to the borrowing powers conferred by the next preceding section of this Act.

Proviso.

Company may acquire property of other companies.

13. In payment of stock subscribed for, or any call thereon, the Company may receive any property, franchises, rights, privileges or stock in any other company, at such valuation and on such conditions as the owners or holders thereof and the directors of the Company may agree upon, and such payment shall be equivalent to and have the effect of payment in cash.

Directors may make promissory notes, etc.

14. The directors may make, draw, endorse, accept and negotiate promissory notes, drafts, bills of exchange, cheques, orders and other commercial paper which shall be signed in the name of the Company by such officer, agent or attorney of the Company as the directors appoint for that purpose.

Issue paid-up stock.

15. The directors of the Company may issue paid-up stock in payment of any claim against the Company or for property, franchises, patents or privileges granted to or purchased by the Company or in payment for any machinery or plant purchased by the Company or in payment of any work done by contract or otherwise for the Company and such issue of stock shall be binding on the Company and shall not be assessable for calls nor shall the holder thereof be in any way liable thereon.

Company may receive Government or municipal aid.

16. The Company may receive from any Government or from any person, city, town, municipality or unincorporated town or village having power to make or grant the same, in aid

the construction, equipment and maintenance of the mills, of elevators and undertakings of the Company, grants of land, exemption from taxation, loans, gifts of money, guarantees and other securities for money and may hold and dispose of the same.

Rights of New Glasgow Co. preserved.

17. Nothing herein contained shall in any way alter or abridge the rights heretofore acquired by the New Glasgow Company, nor shall anything in this Act discharge the said company from any liabilities or affect or impair the rights of its creditors.

R.S.C., c. 118, ss. 18, 39, 41.

18. Sections eighteen, thirty-nine, and forty-one of *The Companies Clauses Act* shall not apply to the Company.

No. 40.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act to incorporate The Maritime Milling Company, Limited.

Received and read a first time, Thursday, 22nd April, 1897.
Second reading, Friday, 23rd April, 1897.

(PRIVATE BILL.)

Mr. FRASER.

OTTAWA
Printed by S. . DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 41.] **BILL.** [1897.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

Preamble.

WHEREAS the Canada Southern Railway Company and the provisional board of directors of the River St. Clair Railway Bridge and Tunnel Company have petitioned that the periods for the commencement and completion of the works of the latter company be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1872, c. 87; 1873, c. 92; 1882, c. 70; 1891, c. 102; 1894, c. 100.

Time extended for construction of works.

1. The times limited for the commencement and completion of the works of the River St. Clair Railway Bridge and Tunnel Company are hereby extended for five years and ten years respectively from the passing of this Act; and if the works are not so commenced and completed, then the powers granted by the Acts respecting the Company and this Act shall be null and void.

Provisional director replaced.

2. William K. Vanderbilt shall be a provisional director of the Company in the place and stead of Sidney Dillon, deceased.

No. 41.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

Received and read a first time, Thursday, 22nd April, 1897.
Second reading, Friday, 23rd April, 1897.

(PRIVATE BILL.)

Mr. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 42.] **BILL.** [1897.

An Act to incorporate the St. Mary's River Bridge Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a bridge across the St. Mary's River 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 the House of Commons of Canada, enacts as follows:—

Incorporation.

1. Theodore C. Search, Frank S. Lewis, Harry A. Berwind and Edward V. Douglas, all of the city of Philadelphia, in the State of Pennyslvania, one of the United States, Frances H. Clergue, of the city of New York, in the State of New York, one of the United States, and Henry C. Hamilton, of the town of Sault Ste. Maurice in the district of Algoma, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The St. Mary's River Bridge Company" hereinafter called "the Company."

Corporate name.

1888, c. 29.

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

Power to build bridge.

3. The Company may lay out, construct, complete and maintain, work, manage and use a bridge across the St. Mary's River for the passage of pedestrians and vehicles, cars or carriages and any other purposes, with all necessary approaches from some convenient point in Canada in or near the town of Sault Ste. Marie, in the district of Algoma, to a point in or near the city of Sault Ste. Marie, in the State of Michigan, one of the United States, so as not to interfere with navigation, but the Company shall not commence the actual construction of the said bridge, nor exercise any of the powers hereunder (save as hereinafter set forth) until an Act of the Congress of the United States or an Act of the legislature of the said State of Michigan has been passed authorizing or approving the bridging of the said river, but the Company may in the meantime acquire the lands, submit their plans to the Governor in Council, and do all other things authorized by this Act.

Proviso.

Approval of Congress or Legislature of Michigan.

Tolls.

4. The rate of tolls to be charged for the passage of foot passengers, carriages, cars and other vehicles shall, before being imposed, first be submitted to, and approved of, and may be from time to time amended or modified by the Governor in Council, but the Company may at any time reduce the

Approval by Governor in Council.

same, and a notice showing the tolls to be charged shall at all times be posted up in a conspicuous place on the said bridge.

Head office.

5. The head office of the Company shall be at the town of Sault Ste. Marie in the district of Algoma.

Union or agreement with other companies.

6. 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 in person or represented by proxy, and after obtaining the sanction of the Governor in Council in the manner provided in section two hundred and thirty-nine of *The Railway Act*, and subject to the provisions contained in this Act:—

1888, c. 29, s. 239.

With a United States company.

(*a.*) Unite with any other company incorporated in and under the laws of the said State of Michigan or the United States, in building said bridge and approaches, and in working, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of said bridge and its approaches and appurtenances.

With a Canadian company.

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

Provisional directors.

7. The said Theodore C. Search, Frank S. Lewis, Harry A. Berwind, Edward V. Douglas, Francis H. Clergue and Henry C. Hamilton are hereby constituted provisional directors of the Company.

Capital stock and calls thereon.

8. 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 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 first Monday in September in each year.

Elections 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.

Construction of spans to international boundary.

11. The Company may construct and maintain a span or spans (which may, as herein provided, be continued to make a bridge over the said river) to the international boundary line in the said river at a point at or near the town of Sault Ste. Marie in the district of Algoma, in such manner as not to interfere with navigation, and may lay and maintain along, upon or under the said bridge, and the span or spans, wires, cables and all other machinery and appliances for the genera-

Generate electricity and other power.

tion and transmission of electricity and other motive power, and may enter into contracts with any person or company for the use of the same.

Plans to be submitted to Governor in Council.

12. The Company shall not commence the said bridge or the span or spans, or any work thereunto appertaining, until it has first satisfied the Governor in Council that the bridge or span or spans or any work thereunto appertaining will not unduly interfere with navigation, nor until it has submitted to the Governor in Council plans of such bridge and spans and of all intended work thereunto appertaining, nor until the plans and site of such bridge, and of such span or spans have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge, spans and works have been complied with: provided always that from sunset to sunrise during the season of navigation suitable lights shall be maintained upon the said bridge and spans to guide vessels approaching the same.

Lights to kept on bridge.

Bonding powers.

13. The Company may issue bonds, debentures or other securities in aid of the constructions herein mentioned, and such bonds may be secured by deed of mortgage, and such mortgage may contain provisions that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage the rates and tolls fixed for the use of the bridge as security for such bonds.

Time limited for construction of works.

Proviso.

14. The work hereby authorized shall be commenced within two years after the Executive of the State of Michigan, or of the United States has consented to and approved such bridging, and be completed within five years thereafter, otherwise the powers granted under this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted; provided, however, that if such consent is not obtained within five years after the passing of this Act, then the powers granted for the construction of the works herein authorized shall cease and be null and void.

Joint commission with United States.

15. In case the State of Michigan or the United States at any time provide for the appointment of a commission for regulating the working of the 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 to the said commission on such terms as he thinks proper, and appoint one or more persons as members thereof, and the decisions of the said commission shall first be submitted to the Governor in Council, and if approved shall thereafter be final and conclusive to the extent to which the same are final and conclusive by virtue of the provisions made by the State of Michigan or the United States.

No. 42.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the St. Mary's River Bridge Company.

Received and read a first time, Thursday, 22nd April, 1897.
Second reading, Friday, 23rd April, 1897.

(PRIVATE BILL.)

Mr. DYMENT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

N°. 43.] **BILL.** [1897

An Act respecting the Canada Southern Railway Company.

WHEREAS the Canada Southern Railway Company has petitioned that the times limited by the several Acts relating to the said company for the commencement and completion of the several lines and branches of railway authorized by such Acts, and as yet unconstructed, be extended; and whereas the said company has, by its petition, represented that under and by virtue of an agreement made between the London and Port Stanley Railway Company, of the first part, the Lake Erie and Detroit River Railway Company, of the second part, and the corporation of the city of London, of the third part, bearing date the first day of December, one thousand eight hundred and ninety-three, and confirmed by an Act of the Dominion of Canada, being chapter seventy-six of the statutes of 1894, it was agreed, among other things, that all railways which during the continuance of the said agreement might intersect or cross or connect with the London and Port Stanley Railway or enter, the city of London, should have reasonable and the usual running powers for their traffic over the line of the London and Port Stanley Railway; that an agreement has been entered into between the Lake Erie and Detroit River Railway Company, of the first part, the Canada Southern Railway Company, of the second part, and the Michigan Central Railroad Company, of the third part, bearing date the first day of May, one thousand eight hundred and ninety-six, respecting such running powers; that an agreement has been entered into between the London and South-eastern Railway Company, of the first part, the London and Port Stanley Railway Company, of the second part, the Canada Southern Railway Company, of the third part, and the Michigan Central Railroad Company, of the fourth part, bearing date the twenty-third day of July, one thousand eight hundred and ninety-six, providing for the use by the Canada Southern Railway Company and the Michigan Central Railroad Company of certain terminal facilities in the city of London; that the Canada Southern Railway Company is, under an agreement bearing date the twelfth day of December, one thousand eight hundred and eighty-two, and ratified and confirmed by an Act of the Dominion of Canada, being chapter sixty-six of the statutes of 1894, operated by the Michigan Central Railroad Company; that doubts have arisen as to the legal capacity of the Canada Southern Railway Company and the Michigan Central Railroad Company to avail themselves of the running powers conferred by the said agreement of the first day of May, one thousand eight hundred and ninety-six, as well as to operate the

Preamble.

1894, c. 76.

1894, c. 66.

London and South Eastern Railway under the agreement of the twenty-third day of July, one thousand eight hundred and ninety-six, and have petitioned that all doubts may be removed; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time extended for completion of railway.

1. The times limited by the Acts respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company, set forth in the schedule to this Act, for commencing and completing the lines or branches of railway authorized by such Acts, or any of them, are hereby continued and extended as follows: The said lines and branches shall be commenced within five years and completed within ten years from the fourth day of May, one thousand eight hundred and ninety-seven, and the powers conferred upon the Company by Parliament with respect to such lines and branches shall, if the said lines and branches are not commenced and completed as herein provided for their construction be null and void as respects so much of the railway as then remains uncompleted.

Agreements confirmed.

2. The agreement between the Lake Erie and Detroit River Railway Company, of the first part, the Canada Southern Railway Company, of the second part, and the Michigan Central Railroad Company, of the third part, bearing date the first day of May, one thousand eight hundred and ninety-six, and the agreement made between the London and South Eastern Railway Company, of the first part, the London and Port Stanley Railway Company, of the second part, the Canada Southern Railway Company, of the third part, and the Michigan Central Railroad Company, of the fourth part, bearing date the twenty-third day of July, one thousand eight hundred and ninety-six, are hereby respectively confirmed and ratified and declared to be and to have been legal, valid and binding upon the parties thereto respectively on and since the respective dates thereof, and each of the companies, parties thereto respectively, may and are hereby empowered to do whatever is necessary to carry out and give effect to the substance and intention of the said agreements, observing always the provisions of *The Railway Act.*

Agreements to be deposited with Secretary of State.

3. The agreements referred to in the second section hereof shall be forthwith deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given by the Canada Southern Railway Company in the *Canada Gazette.*

SCHEDULE.

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

No. 43.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Canada Southern Railway Company.

Received and read a first time, Thursday 22nd April, 1897.
Second reading, Friday, 23rd April, 1897.

(PRIVATE BILL.)

Mr. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 44.] **BILL.** [1897.

An act respecting the Welland Power and Supply Canal Company, Limited.

WHEREAS the Welland Power and Supply Canal Company, Limited, has by its petition, represented that it has caused surveys of the route of its works to be made, and plans therefor to be prepared, and that such plans have been duly deposited with the Minister of Railways and Canals for approval by the Governor in Council, and the said company has petitioned that the time for commencing and completing its works be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The times limited by section twelve of chapter one hundred and two of the statutes of 1894, for the commencement and completion of the works of The Welland Power and Supply Canal Company, Limited, are hereby extended for three years and six years respectively from the passing of this Act; and, if the said works are not so commenced and completed, then the powers granted by the said Act shall cease and be be null and void as respects so much of the said works as then remain uncompleted. Time extended for construction of works. 1894, c. 102.

No. 44.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Welland Power and Supply Canal Company, Limited.

Received and read a first time, Thursday, 22nd April, 1897.
Second reading, Friday, 23rd April, 1897.

(PRIVATE BILL.)

Mr. SUTHERLAND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 45] **BILL.** [1897.

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

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

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

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

No. 45.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

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

Received and read a first time, Thursday, 22nd April, 1897.
Second reading, Friday, 23rd April, 1897.

Mr. LOUNT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 46.] **BILL.** [1897.

An Act respecting Trade and other Labels.

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

Imitation of union labels unlawful.

1. Whenever any person, or any association or union of workingmen, has heretofore adopted or used, or shall hereafter adopt or use, any label, trade mark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labour, as having been made, manufactured, produced, prepared, packed or put on sale by such person or association or union of workingmen or by a member or members of such association or union of workingmen, it shall be unlawful to counterfeit or imitate such label, trade mark, term, design, device or form of advertisement, or to use, sell, offer for sale or in any way utter or circulate any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement.

Penalty.

2. Whoever counterfeits or imitates any such label, trade mark, term, design, device or form of advertisement,—or sells, offers for sale or in any way utters or circulates any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement,—or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labour to which or on which any such counterfeit or imitation is printed, painted, stamped or impressed,—or knowingly sells or disposes of any goods, wares, merchandise or other product of labour contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed,—or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labour in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted stamped or impressed,—shall be liable to a fine of not more than one thousand dollars or to imprisonment for not more than one year.

Registration of labels.

3. Every such person, association or union that has heretofore adopted or used, or shall hereafter adopt or use, a label, trade mark, term, design, device or form of advertisement as provided in section one of this Act, shall file the same for record in the office of the Minister of Agriculture at Ottawa by leaving

two copies, counterparts or facsimiles thereof, with said Minister of Agriculture, and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed,—the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, stating that the party so filing or on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same,—that no other person, firm, association, union or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimiles or counterparts filed therewith are true and correct.

Fee.

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

Certificate of registration.

3. The Minister shall deliver to such person, association or union so filing or causing to be filed any such label, trade mark, term, design, device or form of advertisement so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates the Minister shall receive a fee of .

Certificate as evidence.

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

Labels tending to deceive.

5. The Minister shall not record for any person, union or association any label, trade mark, term, design, device or form of advertisement that would probably be mistaken for any label, trade mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association.

Fraudulent registration of label.

4. Any person who shall for himself or on behalf of any other person, association or union procure the filing of any label, trade mark, term, design or form of advertisement in the office of the Minister of Agriculture under the provisions of this Act, by making any false or fraudulent representations or declaration, verbally or in writing or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction and shall be liable to a fine not exceeding one thousand dollars or to imprisonment not exceeding one year.

Injunctions against counterfeits.

5. Every such person, association or union adopting or using a label, trade mark, term, design, device or form of advertisement as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and shall require the defendants to pay to such person, association or union, all profits derived from such wrongful manufacture, use, display or sale; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant, to be destroyed.

6. Every person who shall use or display the genuine label, trade mark, term, design, device or form of advertisement of any such person, association or union in any manner, not being authorized so to do by such person, union or association, shall be liable to imprisonment for not more than one year, or to a fine of not more than one thousand dollars. Unauthorized use of genuine label.

7. In all cases where such association or union is not incorporated, suits under this Act may be commenced and prosecuted by an officer or member of such association or union on behalf of and for the use of such association or union. Who may prosecute.

8. Any person or persons who shall in any way use the name or seal of any such person, association or union, or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be liable to imprisonment for not more than one year, or to a fine of not more than one thousand dollars. Unauthorized use of union name or seal.

No. 46.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting Trade and other Labels.

Received and read a first time, Thursday, 22nd April, 1897.
Second reading, Friday, 23rd April, 1897.

Mr. LOUNT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No 47.] **BILL.** [1897.

An Act in further amendment of the General Inspection Act.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— R. S., c. 99 amended.

1. *The General Inspection Act*, chapter ninety-nine of the Revised Statutes, is hereby amended by adding the following section thereto :—

" CHEESE.

Settlement of disputes between buyer and seller of cheese.

"**112.** If any dispute arises between the buyer and the seller of cheese sold subject to inspection, as to the quality or condition thereof, either of the said parties may refer the dispute to the chief inspector of cheese appointed under this Act, or to such other person as is authorized by the Governor in Council to act as referee in such cases; and the decision of such chief inspector or referee as to the quality of the cheese shall be final; and the costs of the proceeding shall be borne by the party against whom the decision is given." Costs.

No. 47.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act in further amendment of the General Inspection Act.

Received and read a first time, Thursday 22nd April, 1897.
Second reading, Friday, 23rd April, 1897.

Mr. McMULLEN.

OTTAWA
Printed by S. E. DAWSON
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1897

[No. 48] **BILL.** [1897.

An Act respecting the Dominion Building and Loan Association.

Preamble.

WHEREAS The Dominion Building and Loan Association has, by its petition, represented that it was incorporated on or about the seventh day of May one thousand eight hundred and ninety, under the authority of chapter one hundred and sixty-nine of the Revised Statutes of Ontario, 1887, intituled *An Act respecting Building Societies* and of the Acts amending the same, and that by reason of the great extention of its business, the increase in the number of its share-holders and the extended character of its financial transactions, it is necessary that it should seek from the Parliament of Canada an Act enabling it to carry on business anywhere in the Dominion of Canada with all the powers of a loan company and building society; 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:

R.S.O., c. 169.

Business may be carried on any where in Canada.

1. The Dominion Building and Loan Association, hereinafter called "the Association," is hereby authorized, subject to the laws of the several provinces in that behalf, to carry on its business in any province of the Dominion.

Borrowing powers.

Limitation of amount of money deposits and of debentures.

2. The Association may borrow money on debentures or on debenture stock, and receive money deposits as a savings bank; provided that the aggregate amount of money deposits together with the amount of the debentures and debenture stock issued or to be issued and remaining unpaid, may be equal to but does not at any time exceed double the aggregate amount of the paid-up, unimpaired, fixed and permanent capital or shares of the Association not liable to be withdrawn therefrom, together with such further sum as may be equal to but does not exceed the amount remaining unpaid on the subscribed, fixed and permanent capital or shares upon which not less than twenty per cent has been paid, and in no case shall the total liabilities of the Association to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital or shares in the Association, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the Association, provided that the amount held by the Association on deposit shall not at any time exceed the amount of the paid-up and unimpaired capital of the Association.

Debentures.

3. The board of directors may issue debentures of the Association for such sums not less than one hundred dollars each and in such currency as they deem advisable, and payable in the Dominion of Canada or elsewhere, not less than one year from the issue thereof, subject to the limitation hereinbefore provided, and such debentures may be in the form of the schedule to this Act or to the like effect. All debentures heretofore issued by the Association are hereby confirmed and declared to rank equally with the debentures hereafter to be issued by the Association, and shall form part of the general debenture debt of the Association.

Debenture stock.

4. The directors may also issue debenture stock, which shall be treated and considered as a part of the regular debenture debt of the Association, in such amounts and manner, on such terms and bearing such rates of interest as the directors from time to time think proper, but subject to the limitations hereinbefore provided, so that the amount received as money deposits and borrowed on the security of debentures or debenture stock shall not in the whole exceed the aggregate amount fixed by this Act as the authorized limit of the borrowing power of the Association.

Entry of debenture stock in register.

Transfer.

5. The debenture stock aforesaid shall be entered by the Association in a register to be kept for that purpose at such place as the directors order, in which register shall be set forth the names and addresses of the several persons and corporations from time to time entitled to such debenture stock, with the respective amounts of the said stock, to which they are respectively entitled, and such stock shall be transferable in such manner and in such amounts, and at such places as the directors may from time to time determine.

Rights of holders of debenture stock.

6. The Association shall on demand deliver to every holder of debenture stock as aforesaid a certificate stating the amount of debenture stock held by him, the rate of interest payable thereon, and the conditions to which the said stock is subject, but no rights or privileges shall be conferred upon holders of debenture stock in respect thereof other than are held or enjoyed by holders of debentures of the Association.

Exchange of debentures for stock.

7. The holders of the debentures of the Association may, with the consent of the directors at any time exchange such debentures for debenture stock.

Debenture stock, how to rank.

Cancellation.

8. The debenture stock to be issued by the Association shall rank equally with the debentures issued or to be issued by the Association. The directors may at any time when in their opinion it is in the interest of the Association buy up and cancel said debenture stock or any part thereof.

Powers as to real estate.

9. The Association may subject to the laws of any province in that behalf, for the purposes of its business acquire real estate and sell and dispose of the same, but the Association shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise such real estate shall revert to the Crown.

10. Nothing herein contained shall be construed as entitling the Association to be exempt from the effect of any amendments or alterations which shall from time to time be made in the General Acts respecting Building Societies carrying on business with their head office in Ontario. General Acts to apply.

SCHEDULE.

THE DOMINION BUILDING AND LOAN ASSOCIATION, TORONTO, ONTARIO.

Amount Debenture

$..... No.....

The debentures of this Association are a first charge on all its assets.

Under the authority of an Act of the Parliament of Canada, Victoria, chapter , The Dominion Building and Loan Association hereby promises to pay to the order of on the day of in the year of Our Lord, one thousand hundred and , at the sum of dollars with interest in the meantime at the rate of per cent per annum from the date hereof, to be paid half-yearly during the currency of this debenture on presentation of the proper coupon as hereunto annexed.

This debenture is transferable by endorsement only, but notice of any transfer must be given to the Association at its office in Toronto.

GIVEN under the seal of the Association and signed by the president and general manager thereof this day of day of in the year of Our Lord, one thousand hundred and at the city of Toronto, in the Dominion of Canada.

President.

General Manager.

No. 48.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting The Dominion Building and Loan Association.

Received and read a first time, Friday, 23rd April, 1897.
Second reading, Monday, 26th April, 1897.

(PRIVATE BILL.)

Mr. COWAN.

OTTAWA
Printed by S. E. DAWSON
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1897

No. 49.] **BILL.** [1897.

An Act respecting the Richelieu and Lake Memphremagog Railway Company.

Preamble.

WHEREAS the Richelieu and Lake Memphremagog Railway Company was incorporated by an Act of the legislature of the province of Quebec, being chapter seventy of the statutes of 1892; and whereas the said company has by its petition prayed that its railway be declared to be a work for the general advantage of Canada, and the said company a body corporate within the jurisdiction of the Parliament of Canada, and that certain additional powers as hereinafter set forth be conferred upon the said company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Que., 1892, c. 70.

Declaratory.

1. The undertaking of the Richelieu and Lake Memphremagog Railway Company, a company incorporated by chapter seventy of the statutes of 1892 of Quebec, and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Incorporation.

2. The Company as now organized and constituted under the said statute of Quebec, is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, and this Act and *The Railway Act* shall apply to the Company and its undertaking instead of the said Act of incorporation and the Railway Act of Quebec; provided that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the said statute of Quebec, prior to 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.

Head office.

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

Line of railway described.

4. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on or near the River Richelieu, in the counties of Iberville or Missisquoi, thence to a point on the international boundary line in the parishes of St. Armand East or St. Armand West, in the said county of Missisquoi, with power to build a branch line from any point on the main line to the international boundary line, either in the said parishes of St. Armand East or St. Armand West, or in the township of Sut-

Junction with other lines.

ton, in the county of Brome, and may also form a connection at the international boundary line with the railway of the Boston and Maine Railway Company or the Central Vermont Railway Company, corporations organized under the laws of the state of Vermont, and generally with the railway system of the United States.

Branch lines.

5. The Company may also locate, construct and operate such other branch lines from all or any of the points aforesaid, or any other point on its said railway, or branches, as it deems advisable, to facilitate the working of its main line, not to exceed in any case ten miles in length.

Capital stock and calls thereon.

6. The capital stock of the Company shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem expedient, but no one call shall exceed twenty per cent of the shares subscribed by any shareholder, nor shall more than fifty per cent of the amount subscribed be called up in any one year, and the capital stock of the Company, as authorized by the statute of Quebec aforesaid, shall be deemed to be the same as the capital stock mentioned in this Act, and no right or claim to any share thereof shall be prejudiced by anything contained in this Act.

Annual meeting.

7. The annual meeting of the shareholders shall be held on the last Tuesday of September in each year, and the said annual meeting and any special meetings of the Company may be called by a notice sent to the address of each shareholder, as shown in the stock register of the Company, by registered letter deposited in the post office at least fifteen days before the meeting.

Election of directors.

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

Bonding powers.

10. The Company may issue bonds, debentures or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branch or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company, and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect to which the same are thus respectively issued, and upon the rents and revenues thereof, and upon all the property of the Company appertaining or belonging to such section, branch or extension.

1888, c. 29, s. 94.

11. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canada Atlantic Railway Company, the United Counties Railway Company or the Drummond Counties Railway Company for conveying or leasing to such company the railway of the Richelieu and Lake Memphremagog Railway Company in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, material, machinery and other property to it belonging, or for an amalgamation with such company, and may also enter into any agreement for the purpose of forming any connection authorized by section four of this Act, the whole upon such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that each such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and provided that each such agreement has also received the approval of the Governor in Council.

Agreements with other companies.

Approval of shareholders and Governor in Council.

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

Notice of application for sanction.

12. The Company may, for any purpose connected with its undertaking, acquire, equip, work and own, or may hire or charter or freight any ship, barge or vessel, and may use the same in any manner, and may contract for and undertake the transport by water of passengers and goods and other things, and may for such purposes acquire by agreement, take on lease or hire, or contract for the use of warehouses, wharfs, quays and docks.

Company may use vessels,

Carry passengers' goods, and acquire warehouses and docks.

No. 49.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Richelieu and Lake Memphremagog Railway Company.

Received and read a first time, Friday, 23rd April, 1897.
Second reading, Monday, 26th April, 1897.

(PRIVATE BILL.)

Mr. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 50] **BILL.** [1897.

An Act respecting The Atikokan Iron Range Railway Company.

Preamble.

WHEREAS the Atikokan Iron Range Railway Company has, by its petition, prayed that the Act incorporating the said company be revived and amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time extended for construction of railway.

1891, c. 61 revived.

1888, c. 29, s. 89.

1. Subject to the provisions of this Act, the Act to incorporate the Atikokan Iron Range Railway Company, being chapter sixty-one of the statutes of 1891, is hereby revived and declared to be in force, and the time limited for the commencement of the said railway, and expenditure of fifteen per cent of the amount of the capital stock required by section eighty-nine of *The Railway Act*, is hereby extended for the period of 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 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.

No. 50.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Atikokan Iron Range Railway Company.

Received and read a first time, Friday, 23rd April, 1897.
Second reading, Monday, 26th April, 1897.

(PRIVATE BILL.)

Mr. DYMENT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

[No. 51.] **BILL.** [1897.

An Act respecting The Langenburg and Southern Railway Company.

Preamble.

WHEREAS The Langenburg and Southern Railway Company has, by its petition, prayed that the time for the commencement and completion of its undertaking be extended; and for leave to extend its line of railway easterly towards Lake Dauphin to connect with the railway of The Lake Manitoba Railway and Canal 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:—

Line of railway described

1. The Langenburg and Southern 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 Langenburg, or from any point northerly thereof on the line of the Manitoba and North-western Railway, easterly towards Lake Dauphin, to connect with the line of The Lake Manitoba Railway and Canal Company.

Time extended for construction of railway.

1895, c. 53.

2. The railway of the Company and the extension hereby authorized shall be commenced within two years and completed within seven 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 Lake Manitoba Railway and Canal Co.

1895, c. 53, s. 9.

3. The Company may enter into an agreement or agreements with The Lake Manitoba Railway and Canal Company of the same kind as the Company is authorized, by section nine of chapter fifty-three of the statutes of 1895, to enter into with the Manitoba and North-western Railway Company of Canada, and such agreements shall be subject to the provisions in the said section contained.

No. 51.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting The Langenburg and Southern Railway Company.

Received and read a first time, Friday, 23rd April, 1897.
Second reading, Monday, 26th April, 1897.

(PRIVATE BILL.)

Mr. RICHARDSON.

OTTAWA
Printed by S. E. DAWSON
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1897

[No. 52] **BILL.** [1897.

An Act respecting The James Bay Railway Company.

Preamble.

WHEREAS The James Bay Railway Company has, by its petition, prayed for the passing of an Act for the purposes hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of railway.

1. The James Bay Railway Company, hereinafter called "the Company," may lay out, construct and operate an extension of its line of railway from Parry Sound in the province of Ontario, to the city of Toronto or to some point along the line of some existing railway adjacent to the said city of Toronto, in addition to the line of railway authorized by the Act incorporating the Company. 1895, c. 50.

Branch lines.

2. The Company may also lay out, construct and operate branch lines of railways to towns or other places adjacent to its said line of railway extension.

Use of electricity.

2. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting, heating and motor purposes in connection with its railway or any branch or part thereof.

Telegraph and telephone lines.

3. The Company may, subject to the provisions contained in section five of the Act, construct, equip, work and maintain a telegraph line and telephone lines along the whole length of the railway extension and branches, and may establish offices for the transmission of messages for the public and collect tolls for so doing; and for the purposes of erecting and operating such telegraph and telephone lines the Company may enter into a contract with any other company or may lease any of the Company's lines or any portion thereof.

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.

Approval of 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 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*, being chapter one hundred and thirty-two of the Revised Statutes, shall apply to the telegraphic business of the Company.

Powers shall apply to extension and branches.

4. All the provisions of the Act incorporating the Company as to the issue of bonds, debentures or other securities, and all the other powers of the Company, shall apply to the extension and branch lines hereby authorized.

Power to enter upon highway, etc.

5. 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

Erect poles,

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,

Stretch wires,

and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon; and, as often as the Company

Break up highway.

thinks proper, may enter upon, use, break up and open any highway or public place, subject, however, to the following provisions:—

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;

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

Surface of street to be restored.

poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company;

Future legislation as to carrying wires under ground.

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

Workmen to wear badges.

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

(*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 moy 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 unnecessary damage which it causes in carrying out or maintaining any of its said works; Liability for damage.

6. If the railway and the extension hereby authorized are not commenced within two years, and finished and put in operation within seven years from the passing of this Act, then the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway and extension as then remain uncompleted. Time limited for construction of railway.

No. 52.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting The James Bay Rail way Company.

Received and read a first time Friday, 23rd April, 1897.
Second reading, Monday, 26th April, 1897.

[PRIVATE BILL.]

Mr. LOUNT.

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1897

No. 53.] **BILL.** [1897.

An Act to revive and further amend the Acts respecting the Saskatchewan Railway and Mining Company, and to change the name of the company to the Saskatchewan Pacific Railway and Mining Company.

Preamble.

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

1889, c. 56; 1890, c. 88; 1891, c. 78; revived.

Time extended

1888, c. 29, s. 89.

1. Chapter fifty-six of the statutes of 1889, chapter eighty-eight of the statutes of 1890, and chapter seventy-eight 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 eighty-nine 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.

Name changed.

Existing rights and liabilities.

2. The name of the Company is hereby changed from "The Saskatchewan Railway and Mining Company" to "The Saskatchewan Pacific Railway and Mining Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing either by or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed and enforced as if this Act had not been passed.

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

3. Subsection one of section six of chapter fifty-six of the statutes of 1889 is hereby repealed, and in lieu thereof it is hereby enacted that John W. Cheeseworth, James French, George Washington Grant, Robert J. Tuffe, B. Wilson Clark, William Oliver and George E. Kidd, shall be the provisional directors of the Company.

1891, c. 78, s. 2 amended.

Branch lines.

4. Subsection one of section two of chapter seventy-eight of the statutes of 1891, is hereby amended by adding the following thereto: "or Churchill; and may also lay out, construct and operate branch lines from points at or near Saskatoon as follows:—

"(*a.*) Easterly by way of Humboldt and the Quill Lakes to Shellmouth and thence to Brandon; and

"(*b.*) Westerly by way of Battleford and Fort Saskatchewan to and through the Yellow Head Pass, and thence to a point on Burrard or Bute Inlet; and also

"(*c.*) Northerly crossing the North Saskatchewan River to Green Lake, and thence by way of the Beaver River Valley to the oil fields of Athabaska."

Timber lands and products secured.

5. The Company may acquire timber lands, and manufacture lumber, ties and other products in connection with its business and dispose of the same.

No. 53

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to revive and further amend the Acts respecting the Saskatchewan Railway and Mining Company, and to change the name of the Company to the Saskatchewan Pacific Railway and Mining Company.

Received and read a first time, Friday, 23rd April, 1897.
Second reading, Monday, 26th April, 1897.

(PRIVATE BILL.)

Mr. LOUNT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 54] **BILL.** 1897.

An Act respecting the North American Life Assurance Company.

Preamble.

WHEREAS the North American Life Assurance Company has, by its petition, prayed that its Act of incorporation, and the Act amending it, be further amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1879, c. 73, s. 1. 1882, c. 98, s. 1.

1. Section one of the said Act of incorporation as amended is hereby repealed and the following substituted therefor:—

Incorporation.

"**1.** The North American Life Assurance Company, hereinafter called "the Company," shall continue to be a corporation and body politic and corporate under the name of the "North American Life Assurance Company," and shall be legally authorized to effect contracts of life insurance throughout Canada and elsewhere with any person, to grant, sell or purchase annuities, to grant endowments, to purchase contingent rights, reversions or remainders, to enter into any transactions dependent on the contingency of life, and generally to carry on the business of life insurance in all its branches."

Powers of Company.

Section 3 replaced.

2. Section three of the said Act of incorporation is hereby repealed and the following substituted therefor:—

Guarantee fund.

"**3.** The guarantee fund so subscribed shall be liable for the payment of losses, and may be used for the purposes of the Company in such manner and to such extent as the directors may by by-law determine; the said guarantee fund shall be redeemable by the Company out of the accumulated surpluses, at such time and upon such terms as shall be decided by a majority of the members present at a general meeting called for that purpose, or at an annual general meeting of the Company; and, until redemption, the directors may pay to the holders of shares thereof dividends on the amount paid up, at such rate as may be agreed upon by the directors; and after such guarantee fund shall have been redeemed, the whole of the divisible profits of the Company shall belong exclusively to the policy holders in the participating branch, and shall be thenceforth divided among them in such proportion and at such times as the directors shall appoint: Provided that the redemption of the guarantee fund shall not be effected until the full deposit required by *The Insurance Act* shall have been made."

Dividends.

Proviso.

Section 15 replaced.

Investments.

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

"**15.** It shall be lawful for the Company to invest its funds in or on the debentures, bonds or stocks or other securities of the Dominion of Canada or of any province of Canada or the securities of any municipal or school corporation in the Dominion, or the security of the stock, bonds or debentures of any incorporated building society, loan or investment company, water-works company, gas company, street railway company, electric light or power company, electric railway or street railway company, telegraph company, fire or life insurance company or any company incorporated in Canada, or of bank stock, 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 the Dominion or in or on policies issued by the Company, or by other companies, or in the purchase of ground rents or reversions, 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, and to change and reinvest the same as occasion may from time to time require ; and to 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 re-payment, 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."

Additional securities.

Section 16 replaced.

4. Section sixteen of the said Act of incorporation is hereby repealed and the following substituted therefor :—

Power to hold real estate.

Proviso.

"**16.** The Company may hold such real estate as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered : Provided always, that all real estate so mortgaged or conveyed in security as aforesaid shall be sold and disposed of within ten years from the time of its becoming the absolute property of the Company, or within such further time as may be prescribed for the sale or disposal of the same by notice in writing from the Provincial Secretary or other member of the executive council of the province in which such real estate may be situated."

5. The Company shall not be subject to liability as a shareholder in respect of any stock held by the Company in any bank or company as collateral security for any debt due to the Company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly. Liability on collateral security.

No. 54.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the North American Life Assurance Company.

Received and read a first time, Friday, 23rd April, 1897.
Second reading, Mouday, 26th April, 1897.

(PRIVATE BILL.)

Mr. LOUNT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 55.] **BILL.** [1897.

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

Preamble

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

Incorporation.

1. Robert James McLaughlin, of Lindsay; Charles D. Curry, William Fielding, John H. Delamere, William Hartle, Ephraim C. Young and Michael Brown, of Minden; John Austin, of Kinmount; George W. Stevens, of Stanhope, and Reuben J. LeRoy, of Coboconk, together with such persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Minden and North-Western Railway Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the village of Minden in the provisional county of Haliburton.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near Irondale Junction on the Lindsay and Haliburton line of the Grand Trunk Railway in the township of Snowdon in the provisional county of Haliburton, Ontario, to some point at or near the village of Minden, thence northerly and westerly through the townships of Anson and Longford and through the southerly parts of the district of Muskoka to some point on the Georgian Bay in said district, or in the townships of Matchedash or Tay in the county of Simcoe, with a branch from some point at or near Minden to Mountain Lake, a distance of three miles, also touching with the main line or a branch, the village of Gravenhurst, and also navigation at the north end of Lake Couchiching or on the Severn River.

Provisional directors.

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

Capital stock and calls thereon.

5. The capital stock of the Company shall be 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.

6. The annual general meeting of the shareholders shall be held on the first day of August 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 ten persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Bonding powers.

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

Use of steam or electric power.

9. [The Company may operate the said railway by either steam or electricity, and acquire and utilize water power, and dispose of surplus power either directly or by converting the same into electricity.]

Agreements with other companies.

10. The Company may enter into an agreement with the Grand Trunk Railway Company of Canada, or the Irondale, Bancroft and Ottawa Railway Company [or any other Company whose line or proposed lines shall touch or intersect the proposed lines of the 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 of a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and provided that such agreement has also received the 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties or electoral districts through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.

No. 55.

2nd Session, 8th Parliament, 60 Victoria, 18

BILL.

An Act to Incorporate The Minden a
North-western Railway Company.

Received and read a first time, Friday, 23
April, 1897.
Second reading, Monday, 26th April, 189

(PRIVATE BILL.)

Mr. McHUGH.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

[No. 56] **BILL.** [1897.

An Act respecting the Medicine Hat Railway and Coal Company.

Preamble.

WHEREAS the Medicine Hat Railway and Coal Company has, by its petition, prayed that the time limited for the completion of its railway may be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1894, c. 80, s. 1.

Time extended for completion of railway.

1. The time limited by section one of chapter eighty of the statutes of 1894, for the completion of the railway of the Medicine Hat Railway and Coal Company, is hereby extended to the first day of January, one thousand nine hundred and one; and if the railway is not then completed, then the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 56.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Medicine Hat Railway and Coal Company.

Received and read a first time, Friday, 23rd April, 1897.
Second reading, Monday, 26th April, 1897.

(PRIVATE BILL.)

Mr. LOUNT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 58] **BILL.** [1897.

An Act respecting the Temiscouata Railway Company.

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

1. Subsection two of section two of chapter sixty-five of statutes of 1895, is hereby repealed. 1895, c. 65, s. 2, amended.

2. The extension authorized by subsection one of section two of the said Act, shall be commenced within three years, and completed within six 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. Time extended for construction of extension. 1895, c. 65, s. 2, amended.

3. The Temiscouata Railway Company, hereinafter called the "the Company," may lay out, construct and operate an extension of its line of railway from a point on the line authorized to be constructed by chapter sixty-five of the statutes of 1895, to a point of connection with the railway of the Central Railway Company at or near the Newcastle coal fields (so called) at Newcastle in the county of Queens, in the Province of New Brunswick. Extension of line of railway described.

4. The provisions of the original charter of the Company and of the Act confirming it, as to the issue of bonds and otherwise, with respect to its main line, shall apply also to the extension hereby authorized. Charter and confirming Act to apply to extension,

5. The Company may purchase, lease, or acquire running powers over the railway of the Central Railway Company, or any other line of railway in the Province of New Brunswick, provided that the terms of such purchase, lease or agreement for obtaining running powers have 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 : Control of Central Railway Company's railway. Proviso. Sanction of 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 two hundred and Notice of application for sanction. 1888, c. 29, s. 239.

thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

No. 58.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Temiscouata Railway Company.

Received and read a first time, Monday, 26th April, 1897.
Second reading, Wednesday, 28th April, 1897.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 59.] **BILL.** [1897

An Act to amend the Mounted Police Pension Act, 1889.

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

1. *The Mounted Police Pension Act*, 1889, is hereby amended by striking out the words "twenty-five" wherever they occur in sections three, seven and eight thereof, and inserting instead the words "twenty." R.S., c. 26, sections 3, 7 and 8 amended.

No. 59.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend the Mounted Police Pension Act, 1889.

Received and read a first time, Monday, 26th April, 1897.
Second reading, Tuesday, 27th April, 1897.

Mr. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 60] **BILL.** [1897.

An Act in further amendment of the Dominion Lands Act.

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

Second homestead entry by settler or his son.

1. Notwithstanding anything in the *Dominion Lands Act*, if a settler has obtained a homestead patent after three years' residence, or a certificate countersigned by the Commissioner of Dominion Lands or a member of the Dominion Lands Board, as mentioned in clause forty-two of the said Act, he may obtain a second homestead entry, or his son, over eighteen years of age, may obtain a homestead entry, provided that it is for land which is not more than five miles distant from the settler's first homestead.

Proviso.

Residence, requirements as to.

2. Such second homestead entry, or such homestead entry by a settler's son, and the patent which may be obtained thereunder, shall be subject to the provisions of the *Dominion Lands Act* with regard to homesteads, except that the requirements as to residence shall be sufficiently complied with by residence upon the settler's first homestead, reckoned in the manner provided in the said Act.

No. 60.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act in further amendment of the Dominion Lands Act.

Received and read a first time, Monday, 26th April, 1897.
Second reading, Tuesday, 27th April, 1897.

Mr. DOUGLAS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 61.] **BILL.** [1897.

An Act further to amend the Dominion Lands Act.

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

R.S.C., c. 54, s. 38 amended.

1. The sub-clause substituted by section three of chapter twenty-four of the statutes of 1891, for sub-clause six of clause thirty-eight of *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, is hereby repealed and the following substituted therefor:—

Other conditions on which patent may be obtained.

"6. In addition to the cases hereinbefore mentioned, any person claiming a patent under a homestead entry, or under a homestead and pre-emption entry, shall be entitled thereto upon proving, to the satisfaction of the Minister or of the Commissioner of Dominion Lands or of the Dominion Lands Board,—

Residence.

"(*a.*) That he has resided upon the quarter-section which was the subject of his entry for three years prior to his application for a patent;

Cultivation.

"(*b.*) That within the first of the three years and in each of the two succeeding years he has cultivated not less than one acre for garden purposes;

Fencing.

"(*c.*) That he has fenced sufficient land to be considered a *bona fide* settler;

Stock.

"(*d.*) That he has fifty head of stock;

Stables, etc.

"(*e.*) That he has erected stables and outhouses sufficient to winter fifty head of cattle."

1891, c. 24, s. 5 repealed.

2. Section five of chapter twenty-four of the statutes of 1881, is hereby repealed, and it is hereby enacted that the privilege of obtaining patents under sub-clauses six and seven of clause thirty-eight of *The Dominion Lands Act*, shall be discontinued only from and after the first day of January, one thousand nine hundred.

Privilege extended to 1st January, 1900.

Reckoning of service in N. W. Mounted Police.

3. In the case of a homesteader who has served in the North-west Mounted Police Force, five years' service in the said force may be counted as equivalent to one year's residence on his homestead.

No. 61.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Dominion Lands Act.

Received and read a first time, Monday 26th April, 1897.
Second reading, Tuesday, 27th April, 1897.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 62.] **BILL.** [1897.

An Act to amend the Mounted Police Act, 1894.

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

1894, c. 27, s. 4 amended.

1. Subsection one of section four of *The Mounted Police Act*, 1894, is hereby repealed and the following substituted therefor:

Officers.

"**4.** The Governor General may by commission appoint an officer who shall be called the comptroller of the North-west Mounted Police Force, a commissioner of police, an assistant commissioner of police, and one or more staff and other superintendents and inspectors, surgeons, assistant surgeons and veterinary surgeons of the police: Provided that all vacancies in the commission ranks, other than those of commissioner and assistant commissioner and of the medical officers, shall be filled by selection from those who have served in the ranks or from graduates of the Royal Military College."

Filling of vacancies.

Section 28 repealed.

2. Section twenty-eight of the said Act is hereby repealed and the following substituted therefor:

R.S.C., c. 18.

"**28.** *The Civil Service Superannuation Act* shall apply to all commissioned officers of the force, and their service shall be computed from the time they entered the ranks."

No. 62.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend the Mounted Police Act, 1894.

Received and read a first time, Monday, 26th April, 1897.
Second reading, Tuesday, 27th April, 1897.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 63.] **BILL.** [1897.

An Act to regulate Freight Rates on Railways.

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

Meaning of "railway."

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

(*a.*) The expression "railway" includes all bridges and ferries used or operated in connection with a railway, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement or lease.

"Transportation."

(*b.*) The expression "transportation" includes all instrumentalities of shipment or carriage.

"Carrier."

(*c.*) The expression "carrier" means and includes every common carrier to which this Act applies.

Application of Act.

2. This Act shall apply to common carriers engaged in the transportation of passengers or property wholly by railway or partly by railway and partly by water when both are used, under a common control, management or arrangement, for a continuous carriage or shipment, from one province of Canada to another province of Canada, or from any place in Canada to an adjacent foreign country, or from any place in Canada through a foreign country to any other place in Canada, and also to the transportation in like manner of property shipped from any place in Canada to a foreign country and carried from such place to a port of transhipment, or shipped from a foreign country to any place in Canada and carried to such place from a port of entry either in Canada or in an adjacent foreign country: Provided, however, that this Act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one province and not shipped to or from a foreign country from or to any province as aforesaid.

Charges to be reasonable.

3. All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited.

No special rate to be made.

4. If any carrier directly or indirectly, by any special rate, rebate, drawback, or other device, charges, demands, collects or receives from any person, a greater or less compensation for any service rendered, or to be rendered, in the transportation

of passengers or property subject to the provisions of this Act, than such carrier charges, demands, collects, or receives from any other person for doing him a like and contemporaneous service in the transportation of a similar kind of traffic under substantially similar circumstances and conditions, such carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited.

No undue preference.

5. No carrier shall make or give any undue or unreasonable preference or advantage to any person, or locality, or any particular description of traffic, or shall subject any person, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage.

Or discrimination.

6. All carriers shall afford all reasonable and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any carrier to give the use of its tracks or terminial facilities to another carrier engaged in the same business.

Rates to be equalized.

7. No carrier shall charge or receive for the transportation of passengers or of the same kind or property under substantially similar circumstances and conditions any greater compensation in the aggregate for a shorter than for a longer distance over the same line, in the same direction, the shorter being included with the longer distance; but this shall not be construed as authorizing a carrier to charge and receive as great compensation for a shorter as for a longer distance: Provided, however, that upon application to the commission appointed under the provisions of this Act, such carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation of this section.

Combinations.

8. No carrier shall enter into any contract, agreement, or combination with any other carrier for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in case of any such agreement, each day of its continuance shall be deemed a separate offence.

Schedule of rates.

9. Every carrier shall print, and keep open to public inspection, schedules showing the rates, fares and charges for the transportation of passengers and property which it has established and which are in force at the the time upon its route.

2. Such schedules shall plainly show the places upon its railroad between which property and passengers, will be carried, and shall contain the classification of freight in force, and

shall also show separately the terminal charges and any rules and regulations which in any wise change, affect or determine any part or the aggregate of such rates, fares and charges.

3. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places, in every depot, station or office of such carrier where freight or passengers, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

4. Any carrier receiving freight in Canada to be carried through a foreign country to any place in Canada shall also in like manner print and keep open to the public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such carrier to all points in Canada beyond the foreign country to which it accepts freight for shipment; and any freight shipped from Canada through a foreign country into Canada, the through rate on which has not been made public as required by this Act, shall, before it is admitted into Canada from such foreign country be subject to customs duties as if it were of foreign production.

5. No advance shall be made in the rates, fares and charges so established and published, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. Reductions in such published rates, fares or charges shall only be made after three days' previous public notice, to be given in the same manner as notice of an advance in rates.

6. When any carrier has so established and published its rates, fares and charges it shall be unlawful for it to charge, demand, collect or receive from any person a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges.

7. Every carrier shall file with the commission hereinafter provided for copies of its schedules of rates, fares and charges which have been so established and published and shall promptly notify such commission of all changes made therein. Every carrier shall also file with the said commission copies of all contracts, agreements, or arrangements with other carriers, in relation to any traffic affected by the provisions of this Act, to which it is a party. In cases where passengers and freight pass over continuous lines or routes, operated by more than one carrier, and the several carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also in like manner be filed with the said commission. Such joint rates, fares and charges on such continuous lines so filed shall be made public by such carriers when directed by the said commission, in so far as the commission deems practicable; and the commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares

and charges, or to such part of them as it deems it practicable for such common carriers to publish, and the places in which they shall be published.

8. No advance shall be made in joint rates, fares and charges, shown upon joint tariffs, except after ten days' notice to the commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect. No reduction shall be made in joint rates, fares and charges, except after three days' notice to be given to the commission as is above provided in the case of an advance of joint rates. The commission may make public such proposed advances, or such reductions, in such manner as it deems practicable, and may prescribe from time to time the measure of publicity which carriers shall give to advances or reductions in joint tariffs.

9. No carrier, party to any joint tariff, shall charge, demand, collect, or receive from any person a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare or charge is named thereon, than is specified in the schedule filed with the commission and in force at the time.

10. The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form when found expedient.

11. If any carrier neglects or refuses to file or publish its schedules or tariffs of rates, fares and charges or any part thereof, as provided in this section, such carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any court of competent jurisdiction in the judicial district wherein the principal office of the carrier is situated, or wherein such offence is committed, and if such carrier is a foreign corporation, then in the judicial circuit wherein such carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the Queen at the relation of the commissioners appointed under the provisions of this Act; and the failure to comply with its requirements shall be punishable as contempt; and the commissioners, as complainants, may also apply, in any court of competent jurisdiction for a writ of injunction against such carrier to restrain it from receiving or transporting property among the several provinces, or between Canada and adjacent foreign countries, or between ports of transhipment and of entry and the several provinces of the Dominion of Canada, as mentioned in the first section of this Act, until such carrier has complied with the provisions of this section.

No agreement to prevent continuous passage of freight.

10. No carrier shall enter into any combination, contract or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage, or interruption made by such carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place

of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this Act.

Damages to person injured.

11. If any carrier does, causes to be done, or permits to be done, any thing in this Act prohibited, or omits to do anything in this Act required to be done, such carrier shall be liable to the person injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act.

How claims for damages to be made.

12. Any person claiming to be damaged by a carrier may either make complaint to the commission as hereinafter provided for, or may bring suit in his own behalf for the recovery of the damages for which such carrier is liable under the provisions of this Act, in any court of competent jurisdiction; but such person shall not have the right to pursue both such remedies, and must in each case elect which one of the two methods of procedure herein provided for he will adopt. The court before which any such action brought for the recovery of damages is pending may compel any director, officer, receiver, trustee or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit.

Penalties.

13. Any carrier,—or if such ccarrier is a corporation, then any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such corporation,—who, alone or with any other corporation, company or person, party, willfully does or causes to be done, or willingly suffers or permits to be done anything in this Act prohibited, or who aids or abets therein, or willfully omits or fails to do anything in this Act required to be done, or causes or willingly suffers or permits anything so directed or required by this Act to be done not to be so done, or aids or abets any such failure, or is guilty of any infraction of this Act, or aids or abets therein, shall, upon conviction thereof in any court of the province within the jurisdiction of which such offience was committed, be liable to a fine not exceeding five thousand dollars for each offence; and if the offence is an unlawful discrimination in rates, fares or charges for the transportation of passengers or property such person shall, in addition to such fine, be liable to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, in the discretion of the court.

2. Any carrier, or, if such carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any device or means, knowingly and willfully assists, or willingly suffers or permits, any person to obtain transportation for property at less than the regular rates then established and in force on the line transportation of such carrier, shall, upon conviction thereof in any court of competent jurisdiction within the district in which such offence was committed, be liable, for

each offence, to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both, in the discretion of the court.

3. Any person or any officer or agent of any corporation or company, who delivers property for transportation to any carrier or for whom as consignor or consignee any such carrier transports property, who knowingly and willfully, by false billing, false classification, false weighing, false representation of the contents of a package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the carrier or its agents, obtains transportation for such property at less than the regular rates then established and in force on the line of transportation shall be deemed guilty of fraud, and shall, upon conviction thereof in any court of competent jurisdiction within the district within in which such offence was committed, be subject for each offence to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both, in the discretion of the court.

4. If any such person, or any officer or agent of any such corporation or company, by the payment of money or other thing of value, or by solicitation or otherwise, induces any carrier, or any of its officers or agents, to discriminate unjustly in his, its or their favour as against any other consignor or consignee in the transportation of property, or aids or abets any carrier in any such unjust discrimination, such person, officer or agent shall, upon conviction thereof in any court of competent jurisdiction within the district in which such offence was committed, be liable for each offence to a fine not exceeding five thousand dollars, or to imprisonment for a period of not exceeding two years, or to both, in the discretion of the court, and such person, corporation, or company shall also, together with the said common carrier, be liable, jointly or severally, in an action brought by any consignor or consignee discriminated against in any court of competent jurisdiction, for all damages caused there by or resulting therefrom.

Inter-provincial Commerce Commission.

14. A commission may be established, to be known as the Inter-provincial Commerce Commission, which shall be composed of five commissioners, appointed by the Governor in Council. Not more than three of such commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any carrier, or holding stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall be competent to act as a commissioner. The commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

Powers of commission.

15. The commission may inquire into the management of the business of all carriers, and shall keep itself informed as to the manner and method in which such business is conducted, obtain from such carrier full and complete information necessary to enable the commission to perform the duties and carry out the object for which it was created. Upon the request of the commission,any county attorney in any province

to which the commission applies, shall institute in the proper court and prosecute under the direction of the Attorney General of Canada all necessary proceedings for the enforcement of the provisions of this Act and for the punishment of all violations thereof, and the cost and expenses of such prosecution shall be paid by the Crown; and for the purposes of this Act the commission shall have power to require by subpœna, the attendance and testimony of witnesses, and the production of all books, papers, tariffs, contracts, agreements and documents relating to any matter under investigation.

2. Such attendance of witnesses, and the production of such documentary evidence may be required from any place in Canada at any designated place of hearing.

3. In case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of Canada in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section; and any of the courts of Canada within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to a carrier or other person, issue an order requiring such carrier or person to appear before such commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

4. The testimony of any witness may be taken, at the instance of a party in any proceeding or investigation depending before the commission by deposition, at any time after a cause or proceeding is at issue. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court in any of the provinces, or any clerk of a court, or any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness, and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

5. Every person deposing as hereinbefore provided shall be cautioned and sworn to testify the whole truth and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

6. If a witness whose testimony it is desired to take by deposition is in a foreign country, the deposition may be taken

before an officer or person designated by the commission or agreed upon by the parties by stipulation in writing to be filed with the commission.

7. Witnesses whose depositions are taken pursuant to this Act, and the magistrate or other officer taking the same shall severally be entitled to the same fees as are paid for for like services in the county court or superior court.

Proceedings where complaint against carrier.

16. Any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, complaining of anything done or omitted to be done by any carrier in contravention of the provisions of this Act, may apply to the commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such carrier, who shall be called upon to satisfy the complaint or to answer it in writing within a reasonable time, to be specified by the commission. If such carrier, within the time specified, makes reparation for the injury alleged to have been done, the carrier shall be relieved from liability to the complainant only for the particular violation of law thus complained of. If the carrier does not satisfy the complaint within the time specified, or there appears to be any reasonable ground for investigating the complaint, it shall be the duty of the commission on to investigate the matter complained of in such manner and by such means as it deems proper.

2 The commission shall in like manner investigate any complaint forwarded by the railway commissioner or railway commission of any province at the request of such commissioner or commission, and may institute any inquiry of its own motion in the same manner and to the same effect as though complaint had been made.

3. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Report of commission.

17. Whenever an investigation is made by the commission it shall be its duty to make a report in writing with respect thereto, which report shall include the findings of facts upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the carrier to any party found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *primâ facie* evidence as to each and every fact found.

2. All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who complained, and to any carrier complained of.

3. The commission may provide for the publication of its reports and decisions in such form and manner as it deems best adapted for public information and use, and such authorized publications shall be evidence of the reports and decisions of the commission therein contained, in all courts of Canada and of the several provinces without any further proof or authentication thereof. The commission may also cause to be printed for early distribution its annual report.

Notice to carrier.

18. If in any case in which an investigation is made by the commission it is made to appear to the satisfaction of

the commission, either by the testimony of witnesses or by other evidence, that anything has been done or omitted to be done in violation of the provisions of this Act or of any law cognizable by the commission, by any carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of such violation, the commission shall forthwith cause a copy of its report with respect thereto to be delivered to such carrier, together with a notice to such carrier to cease and desist from such violation, or to make reparation for the injury so found to be done, or both, within a reasonable time, to be specified by the commission ; and if, within the time specified it is made to appear to the commission that such carrier has ceased from such violation of law, and has made reparation for the injury found to be done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the carrier shall thereupon be relieved from further liability or penalty for such particular violation of the law.

Application to court by commission or party aggrieved.

19. Whenever a carrier violates, refuses or neglects to obey or perform any lawful order or requirement of the commission, the commission or any person interested in such order or requirement, may apply in a summary way, by petition, to the county court or superior court of the judicial district in which the carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement occurs, alleging such violation or disobedience, as the case may be ; and the said court may hear and determine the matter, on such short notice to the carrier complained of as the court deems reasonable ; and such notice may be served on such carrier, its officers, agents or servants in such manner as the court directs ; and the court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity but in such manner as to do justice in the premises, and to this end the court may, if it thinks fit, direct, and prosecute in such mode and by such persons as it appoints, all such inquiries as the court thinks needful to enable it to form a just judgment in the matter of such petition ; and on such hearing the findings of fact in the report of the commission shall be *primâ facie* evidence of the matters therein stated ; and if it is made to appear to the court, on such hearing or on the report of any such person, that the lawful order or requirement of the commission has been violated or disobeyed, the court may issue a writ of injunction or other proper process, mandatory or otherwise, to restrain the carrier from further continuing such violation or disobedience of such order or requirement, and enjoining obedience thereto ; and in case of any disobedience of such writ or other process, the court may issue writs of attachment or any other process of the court incident or applicable to such writ or other process, against the carrier, and if a corporation, against one or more of its directors, officers or agents, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ or other process ; and the court may, if it thinks fit, make an

order directing the carrier or other person so disobeying such writ or other process, to pay such sum of money, not exceeding for each carrier or person in default the sum of five hundred dollars, for every day, after a day to be named in the order, that such carrier or other person fails to obey such writ or other process; and such money shall be payable as the court directs, either to the party complaining or into the court, to abide the ultimate decision of the court; and payment thereof may, without prejudice to any other mode of recovering it, be enforced by attachment or order in the nature of a writ of execution, in like manner as if it were recovered by a final decree *in personam* in such court. When the subject in dispute is of the value of two thousand dollars or more, either party to such proceeding before such court may appeal to the Supreme Court of Canada, under the same regulations now provided by law with respect to security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may in every such matter order the payment of such costs and counsel fee as shall be deemed reasonable. Whenever any such petition is filed or presented by the commission it shall be the duty of the county attorney under the direction of the Attorney General of Canada to prosecute; and the costs and expenses of such prosecution shall be paid by the Crown.

Trial by jury

2. If the matters involved in any such order or requirement of the commission are founded upon a controversy requiring a trial by jury, and the carrier violates or refuses or neglects to comply therewith after notice given by the commission as provided in the section eighteen, any person interested in such order or requirement may apply in a summary way by petition to the county court or superior court of the province in which the carrier has its principal office, or in which the violation or disobedience of such order or requirement occurs, alleging such violation or disobedience, as the case may be; and such court shall by its order then fix a time and place for the trial, which shall not be less than twenty or more then forty days from the time the order is made, and it shall be the duty of the sheriff of the district in which the proceeding is pending to forthwith serve a copy of such petition and order upon each of the defendants, and it shall be the duty of the defendants to file their answers to the petition within ten days after such service. At the trial the findings of fact of the commission as set forth in its report, shall be *primâ facie* evidence of the matters therein stated, and if either party demands a jury or omits to waive a jury the court shall, by its order, direct the sheriff forthwith to summon a jury to try the cause; but if all the parties waive a jury in writing, then the court shall try the issues in the cause and render its judgment thereon. If the subject in dispute is of the value of two thousand dollars or more, either party may appeal to the Supreme Court of Canada under the same regulations now provided by law with respect to security for such appeal; but such appeal must be taken within twenty days from the rendering of the judgment of the court. For the purposes of this Act, excepting its penal provisions, the county courts and superior courts of the provinces, shall be deemed to be always in session.

Appeal to Supreme Court.

Working of commission.

20. The commission may conduct its proceedings in such manner as will best conduce to the proper despatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may, from time to time, make general rules or orders for the regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of Canada. Any party may appear before the commission and be heard in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. The commission shall have an official seal which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpœnas.

Salary of officers of commission.

21. Each commissioner shall receive an annual salary of two thousand dollars. The commission shall have a secretary who shall receive an annual salary of one thousand five hundred dollars. The commission shall have authority to employ and fix the compensation of such other employees as it finds necessary to the proper performance of its duties. Until otherwise provided by law, the commission may hire suitable offices for its use, and may procure all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage as are paid witnesses in the courts of the provinces.

Witness fees.

Expenses of commission.

2. All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders, in making any investigation, or upon official business in any other place than in the city of Ottawa, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission.

Where sessions to be held.

22. The principal office of the commission shall be in the city of Ottawa, where its general sessions shall be held, but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the Dominion. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of Canada, into any matter or question of fact pertaining to the business of any carrier.

Annual reports from carriers.

23. The commission may require annual reports from all carriers, fix the time and prescribe the manner in which such reports shall be made, and require from such carriers specific answers to all questions upon which the commission needs information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the

number of employees and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses, the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freight, or agreements, arrangements, or contracts with other common carriers, as the commission requires; and the commission may within its discretion, for the purpose of enabling it the better to carry out the purposes of this Act prescribe (if in the opinion of the commission it is practical to prescribe such uniformity and method of keeping accounts) a period of time within which all carriers, shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

Annual report of commission.

24. The commission shall, on or before the first day of December in each year, make a report, which shall be laid before Parliament during the first fifteen days of the next session thereof. This report shall contain such information and data collected by the commission as are considered of value in the the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission deems necessary, together with the names and compensation of the persons employed by the commission.

Exceptions to general clauses of Act.

25. Nothing in this Act shall prevent the carriage, storage, or handling of property free or at reduced rates for the Dominion, or the provinces, or municipal corporations, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, for the issuance of mileage, excursion, or commutation passenger tickets; and nothing in this Act shall be construed to prohibit any carrier from giving reduced rates to ministers of religion, or to municipal corporation for the transportation of indigent persons, or to the inmates of orphan homes or other charitable institutions, including those about to enter and those returning home after discharge, under arrangements with the board of managers of such homes, or institutions; and nothing in this Act shall be construed to prevent railways from giving free carriage to their own officers and employees, or to prevent the principal officers of any railway company from exchanging passes or tickets with other railway companies for their officers and employees; and nothing in this Act contained shall in any way abridge or alter the remedies now existent at common law or by statute, but the provisions of this Act are in addition to such remedies: Provided, that nothing in this Act shall prevent the issuance of joint interchangeable five thousand mile tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand or more miles. But before any carrier issues any joint interchangeable mileage tickets with special privi-

leges as aforesaid it shall file with the commission copies of the joint tariffs of rates, fares, or charges on which such joint interchangeable mileage tickets are to be based, together with specifications of the amount of free baggage permitted to be carried under such tickets, as carriers are required to do with regard to other joint rates by section six; and all the provisions of the said section relating to joint rates, fares and charges shall be observed by such carrier and enforced by the commission as fully with regard to such joint interchangeable mileage tickets as with regard to other joint rates, fares, and charges referred to in the said section. No carrier that has issued or authorized to be issued any such joint interchangeable mileage tickets shall demand, collect, or receive from any person a greater or less compensation for transportation of persons or baggage under such joint interchangeable mileage tickets than that required by the rates, fare, or charge specified in the copies of the joint tariff of rates, fares, or charges filed with the commission in force at any time, and the provisions of section thirteen of this Act shall apply to any violation of this provision.

Jurisdiction of courts.

26. The county and superior courts of the province shall have jurisdiction upon the relation of any person, firm or corporation alleging such violation by a carrier of any of the provisions of this Act as prevents the relator from having interprovincial traffic moved by the carrier at the same rates as are charged or upon terms or conditions as favourable as those given by the carrier for like traffic under similar conditions to any other shipper, to issue a writ of mandamus against the carrier, commanding it to move and transport the traffic or to furnish cars or other facilities for transportation for the party applying for the writ: Provided, that if any question of fact as to the proper compensation to the carrier for the service to be enforced by the writ is raised by the pleadings, a writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into court, or otherwise, as the court thinks proper, pending the determination of the question of fact: Provided, that the remedy hereby given by writ of mandamus shall be cumulative and shall not be held to exclude or interfere with other remedies provided by this Act.

Witnesses to be protected.

27. No person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he testifies or produces evidence, documentary or otherwise, before the commission, or in obedience to its subpœna, or in any such case or proceeding: Provided that no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Perjury.

Penalty for refusal to give evidence.

2. Any person who neglects or refuses to attend and testify, or to answer any lawful inquiry, or to produce books, parers, tariffs, contracts, agreements, and documents, if in his power to do so, in obedience to the subpœna or lawful require-

ment of the commission, shall be guilty of an offence and liable to a fine of not less than one hundred dollars nor more than five thousand dollars, or to imprisonment for not more than one year, or to both such fine and imprisonmennt.

No. 63.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to regulate Freight Rates on Railways.

Received and read a first time, Tuesday, 27th April, 1897.
Second reading, Wednesday, 28th April, 1897.

Mr. REID.

OTTAWA
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Printer to the Queen's most Excellent Majesty
1897

No. 64.] **BILL.** [1897.

An Act to incorporate the British Yukon Chartered Company.

WHEREAS a petition has been presented praying for the incorporation of a company for the purposes and 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:— Preamble.

1. His Highness Francis, Duke of Teck, G. C. B., Henry Coppinger Beeton, Adolph Drucker and Charles Herbert Wilkinson, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate, under the name of "The British Yukon Chartered Company" hereinafter called "the Company". Incorporation. Corporate name.

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

3. The Company may—

(*a.*) Purchase or otherwise acquire and work mines, mineral and mining rights in the Dominion of Canada, and may crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and may crush, smelt, reduce and amalgamate the ores and products of any mines, whether belonging to the Company or not: Business of Company. Mining.

(*b.*) Construct, or aid in, and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharves, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses and other buildings and works which are necessary or convenient for the purposes of the Company: Construction of works.

(*c.*) Erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy: Electric power.

(*d.*) 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, Carriers. Ship owners.

turn to account, or otherwise deal in and with the same; and

Storekeepers. 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 attainment of the above objects:

Patent rights. (*e.*) 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:

Acquire other businesses. (*f.*) Purchase, take over, or otherwise acquire from any person all or any of the businesses which the Company is hereby empowered to carry on, together with all or any of the assets, franchises and property, real and personal, movable and immovable, of the seller thereof, subject to the obligations, if any, affecting the same, and may pay the seller the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares, or in partly paid-up shares of the Company, or otherwise, and also undertake, assume, pay or guarantee all or any of the obligations or liabilities of the seller, or the obligations affecting the assets and property purchased from time to time.

Line of railway described. **4.** The Company may lay out, construct, and operate a railway of the gauge of four feet eight and one half inches, or of such other gauge as may be adopted by the Company, from a point in British Columbia, or in the North-West Territories near the north-western or western boundary of British Columbia, between the one hundred and thirty-fourth and one hundred and thirty-sixth degrees of longitude west of Greenwich, near the head of the Lynn Canal, or at some point in a north-easterly direction from the head of the Lynn Canal; thence across the White Pass, and thence northerly and westerly by the most feasible route to Selkirk.

Connecting lines. **5.** The Company may construct and operate one or more lines of railway or extensions for the purpose of connecting navigable waters and forming a system of railway and water transportation in British Columbia and the Yukon territory,

Branch lines. and may also construct, operate and maintain branch lines, not exceeding thirty miles in length, from any point on the line of the Company, for the purpose of connecting such navigable waters, and of connecting the said railway with any mines or mineral lands adjacent to the said railway, and all the powers and privileges conferred by this Act with respect to the main line are hereby conferred upon the Company with respect to such branch lines or extensions, and all the provisions of *The Railway Act* mentioned in section twenty of this Act shall apply to such branch lines or extensions.

Powers of Company. **6.** The Company may, for the purpose of its business—

Vessels, (*a.*) Construct, acquire, charter, equip, navigate and keep in repair steamers and other vessels upon or across the Lewes River, the Tes-lin-too or Hootalinka River, Teslin Lake, the Pelly River, the Yukon River, Tahkeena River, the White River, the Stewart River, the Big and Little Salmon Rivers and upon the other lakes and streams forming part thereof or

tributary thereto, or connecting therewith, and upon other inland waters of 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 railway and vessels, and may from time to time sell and dispose of such vessels:

Docks and storehouses.

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

Water supply.

(*d.*) Construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its railways and branches, and sell or otherwise dispose of any surplus water not required for the use of the Company.

Telegraph and telephone lines.

7. 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 railway to any point in the North-West Territories north of the northern boundary of British Columbia, and may lay submarine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all of such lines or any portion thereof.

Proceedings when extra land required.

8. If the Company requires land for wharves, 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 one hundred and seven to one hundred and eleven, both inclusive, of *The Railway Act* shall apply to the subject matter of this section and to the obtaining of such land and determining the compensation therefor.

1888, c. 29.

Power to receive grants and subsidies.

9. The Company may receive, either by grant from any Government, or from any person or municipal corporation, as aid in the construction of the railways, vessels and works provided for in this Act, any Crown lands, or any real or personal estate or property, or any sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate the land and other real and personal property not required for the purposes of the Company in carrying out the provisions of this Act.

Postal and police service.

10. The Company may enter into agreements with the Government of Canada for the performance of postal and police

service, and other services, or any of them, or for the performance of such other duties of administration as may be imposed upon it by any such agreement, and may enter into an agreement with the said Government for compensation for such services by royalty upon precious metals mined in the Yukon territory in Canada, or for such other consideration as may be from time to time agreed upon. The Company may also enter into agreements with the Government of the Province of British Columbia for the performance of any services for the said government, and upon such consideration as to royalty upon precious metals, or upon such other consideration as may from time to time be agreed upon.

Agreement with British Columbia Government.

Purchase of lands.

11. The Company, for the purpose of aiding the construction, equipment of maintenance of its undertakings, may purchase from the Government of Canada, or any other Government, corporation, or person, lands, including water powers and mill privileges, and may hold, dispose of, or mortgage such lands; and may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with its railways, vessels and works, and may operate the said vessels, works, railways or any branch thereof by electricity.

Use of electricity.

Provisional directors.

12. The said Henry Coppinger Beeton, Adolph Drucker, Charles Herbert Wilkinson and shall be the first or provisional directors of the Company.

Capital stock.

13. The capital stock of the Company shall be one million pounds sterling, divided into shares of one pound each, whereof seven hundred and fifty thousand shares shall be issued as preference shares, and two hundred and fifty thousand shares as ordinary shares.

Preference shares,

2. The preference shares shall have the special incidents and privileges defined by the following paragraphs, that is to say:—

To rank first for dividends.

(*a.*) The preference shares shall, up to five per cent per annum, entitle the holder thereof to rank first for dividends on the net profits of the Company, but if, in any year, the net profits of the Company shall not be sufficient to pay a dividend of five per cent to the holders of preference shares, the holders of such shares shall not be entitled to any cumulative preference in ranking for dividends, upon the net profits of the next or any succeeding year; and the deficiency of any year shall not be paid or made good out of the income of any succeeding year.

Proviso.

Ordinary shares.

(*b.*) Any profits remaining after payment of the dividend upon the preference shares, and divisible among the shareholders as dividend, shall be divided amongst the holders of ordinary shares.

Reserve fund.

(*c.*) The Company may set aside out of the profits such sum as it thinks proper as a reserve fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining any property or works connected with the business of the Company, and may invest the sum so set apart as a reserve fund.

14. The directors may make and issue as paid-up stock, shares in the ordinary stock of the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers, and also in whole or partial payment for the purchase, lease or other acquisition of wharfs, mining locations, lands, ships, power, appurtenances, franchises and other property which the Company is authorized under the provisions of this Act to acquire, construct, operate or own; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls. Allotment of paid-up stock.

15. The annual general meeting of the shareholders shall be held on the second Wednesday of October in each year. Annual meeting.

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

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

18. The Company may issue the bonds, debentures, or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branch or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect of which the same are thus respectively issued, and upon the rents and revenues thereof, and upon all the property of the Company appertaining or belonging to such section, branch or extension. Issuing of bonds. 1888, c. 29.

19. 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.

1888, c. 29.

20. Section thirty-seven, and sections ninety to one hundred and seventy-two, inclusive, of *The Railway Act* shall apply to the railway of the Company.

R.S.C., c. 118.

21. Subject to the provisions of this Act, *The Companies Clauses Act*, save and except sections seven, eighteen, thirty-nine and forty-one thereof, shall apply to the Company.

No. 64.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the British Yukon Chartered Company.

Received and read a first time, Wednesday, 28th April, 1897.
Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

Mr. Fraser (Guysborough).

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 65.] **BILL.** [1897.

An Act respecting the British Columbia Southern Railway Company.

WHEREAS the British Columbia Southern 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 forty-four of the statutes of 1888, under the name of "The Crow's Nest and Kootenay Lake Railway Company;"—that the said Act was amended by chapter sixty-three of the statutes of 1890;—that the said Acts were amended and the said company's name was changed to "The British Columbia Southern Railway Company," by chapter fifty-six of the statutes of 1891;—that the said Acts were further amended by chapter forty-seven of the statutes of 1893;—that the said Acts were consolidated by chapter fifty-three of the statutes of 1894;—that by the said Acts the said company is authorized to build its railway, of a gauge of not less than three feet, from the eastern boundary of British Columbia to New Westminster, in three sections, and a branch, as follows:— Preamble. B.C., 1888, c. 44. B.C., 1890, c. 63. B.C., 1891, c. 56. B.C., 1893, c. 47. B.C., 1894, c. 53. Line of railway described

(*a.*) The Eastern Section to consist of that portion of the said railway commencing at the junction of Summit Creek with Michel Creek; thence by way of Michel Creek to Elk River and the Upper Kootenay River, with power to go to the forty-ninth parallel and the Tobacco Plains: Eastern section.

(*b.*) The Central Section to consist of that portion of the railway commencing at a point on the Elk River, near the junction of the Elk River with the Kootenay River; thence in a northerly direction to a point at or near Cranbrook; thence by the Moyee Pass to the Lower Kootenay River, or by the alternative route from Cranbrook by way of St. Mary's River to Pilot Bay on Kootenay Lake, or to the Lardo River: Central section.

(*c.*) The Western Section to consist of that portion of the railway commencing from the western terminus of the Central Section to the coast, by the most convenient route, to a favourable place for crossing the Fraser River to the city of New Westminster; thence to a suitable terminus on Burrard Inlet, and shall include a branch line to Nelson, via Salmon River: Western section.

(*d.*) Also a branch line from a point on the main line at or near the forks of Michel Creek, thence by way of Michel Creek to Martin Creek. And whereas by an Act of the Legislature of the Province of British Columbia, being chapter fifty-three of the statutes of 1896, the time for the completion of the said sections and branch was extended as follows: "The Company shall construct and equip the Eastern Section on or before the 31st day of December, 1898; the Central Section and the branch line mentioned in subsection (*d.*) of the pre- Branch line. B.C., 1896, c. 53.

ceding section, on or before the 31st December, 1899, and the Western Section on or before the 31st December, 1900." And whereas the said company has, by its petition, further prayed that the said company and its undertaking may be brought within the legislative jurisdiction of the Parliament of Canada, and that certain additional powers as hereinafter set forth be conferred upon the said company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

Declaratory.

1. The undertaking of the British Columbia Southern Railway Company, hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Extension of railway.

2. The Company may extend its line of railway from its eastern terminus in the Crow's Nest Pass, across and over the eastern boundary of British Columbia, into the district of Alberta, thence in an easterly direction to Macleod, or to a point on the line of the Calgary and Macleod Railway and there to connect with the same, and thence easterly to Lethbridge.

Amount of bonds, etc., limited.

3. The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of its railway and branches, including the extension to Lethbridge, but such bonds, debentures or other securities may be issued only at the said rate for the length of railway constructed or under contract to be constructed.

Agreement with C.P.R.

Approval of shareholders and Governor in Council.

4. The Company may lease 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 be sanctioned by the consent in writing of every shareholder of the Company, and by the Governor in Council; or failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at a special general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette*, and in 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.

No. 65.

2nd Session, 8th Parliament, 60 Victoria, 189

BILL.

An Act respecting the British Columb
Southern Railway Company.

Received and read a first time, Wednesd
28th April, 1897.
Second reading, 30th April, 1897.

(PRIVATE BILL.)

Mr. LANDERKIN.

OTTAWA
Printed by S. E. DAWSON
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1897

No. 66.] **BILL.** [1897.

An Act relating to the Canadian Power Company.

Preamble

WHEREAS The Canadian Power Company, owing to causes beyond its control, has hitherto been prevented from carrying out the undertakings for which it was incorporated, and has, by its petition, prayed that the times for the commencement and completion of its works be extended, and for the powers hereinafter set forth,—and that its undertaking be declared a work for the general advantage of Canada,—and that its Act of incorporation and the amending Acts relating to the construction of works and the exercise of powers within the limits of Queen Victoria Niagara Falls Park be amended by vesting in the Governor in Council the protection of the public interests with respect to such park, and making necessary his consent only before any such works are constructed or such powers exercised within the limits of the said park, and it is expedient to grant the prayer of said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Declaratory.

1. The undertaking of The Canadian Power Company, hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Time extended for contruction of works.

2. The time for the commencement of the works of the Company is hereby extended for eighteen months from the tenth day of July, one thousand eight hundred and ninety-seven, and the time for the completion of works capable of delivering at least fifteen thousand horse power is hereby extended for four years and six months from the said date; and, notwithstanding anything contained in any Acts relating to the Company, the Company may extend its works from time to time in accordance with the demand for power for manufacturing and other purposes.

1887, c. 120, s. 23 amended.

3. Section twenty-three of the Act incorporating the Company, being chapter one hundred and twenty of the statutes of 1887, is hereby amended by striking out of the eighteenth and nineteenth lines thereof the words "fifty per cent off."

1888, c. 29.

4. Section ninety-four of *The Railway Act* shall apply to the Company, and to the bonds, debentures and other securities issued by the Company.

1887, c. 120, s. 29 amended.

5. Section twenty-nine of the said Act of incorporation is hereby amended by striking out all the words in the first five

lines thereof, and substituting therefor the words following, viz., "Sections ninety to ninety-two inclusive, ninety-nine to one hundred and sixty-nine inclusive, one hundred and eighty-three, one hundred and eighty-five to one hundred and eighty-nine inclusive, one hundred and ninety-four to one hundred and ninety-nine inclusive, and two hundred and eighty-one to two hundred and eighty-seven inclusive, of *The Railway Act*."

1887, c. 120, s. 30 repealed.

6. Section thirty of the said Act of incorporation is hereby repealed.

1893, c. 89, s. 6 amended.

7. Section six of chapter eighty-nine of the statutes of 1893, intituled *An Act respecting The Canadian Power Company*, is hereby amended by striking out the words "Lieutenant-Governor of Ontario in Council" at the end thereof, and inserting in lieu thereof the words "Governor in Council, but, with such consent and upon such terms and according to such plans as the Governor in Council may approve of, the Company may construct its works and exercise its powers under the said Acts and this Act within the limits of the said park; provided however that the only works to be constructed within the said park shall be canals and tunnels for the purpose of discharging into the Niagara River water from a canal to be constructed by the Company northerly from the Welland River."

No. 66.

2nd Session, 8th Parliament, 60 Victoria, 18

BILL.

An Act respecting the Canadian Pow Company.

Received and read a first time, Wednesd 28th April, 1897.
Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

Mr. GIBSON

OTTAWA
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1897

No. 67.] **BILL.** [1897

An Act to incorporate the Pilots serving between Quebec and Montreal.

WHEREAS the persons mentioned by name in section three of this Act, have, by their 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:— Preamble.

1. The pilots now having, or who may obtain branches for piloting within the Montreal pilotage district, are hereby constituted a body politic and corporate under the name of "The Corporation of Pilots between Quebec and Montreal," hereinafter called "the Corporation," and, in addition to the powers granted to corporations by paragraph forty-three of section seven of *The Interpretation Act*, shall have the powers granted by articles three hundred and fifty-seven to three hundred and sixty-three, both inclusive, of the Civil Code of the Province of Quebec. Incorporation. Corporate name. R.S.C., c. 1. Quebec Civil Code Art. 357 to 363.

2. The Corporation may acquire and hold real estate, not exceeding in value fifty thousand dollars. Power to hold real estate.

3. The affairs of the Corporation shall be managed by a board of five directors, and three directors shall constitute a quorum. Directors.

4. Cléophas Auger, Prudent Beaudet, Ferdinand Labranche, Louis Belleisle, and Wilbrod Gauthier shall be the first or provisional directors of the Corporation. Provisional directors.

5. The directors may, in addition to the powers conferred by section thirteen of *The Companies' Clauses Act*, make by-laws for maintaining discipline among pilots; for fixing the order in which the said pilots, or any separate class or number of them, shall serve as such, and for regulating all matters neceesary for the efficient working of this Act. Power to regulate pilots R.S.C., c. 118.

6. The directors may, by by-law, impose fines for the infraction of any by-laws, but no such fine shall exceed forty dollars for any infraction thereof. The said fines shall be recoverable by the Corporation in any court of competent jurisdiction, and shall belong to the Corporation. Imposition of fines.

7. No by-law shall be binding until one week after it has been approved by the Harbour Commissioners of Montreal. Approval of by-laws by Harbour Commissioners.

Copies of by-laws.

8. Any person may obtain from the officer of the Corporation having the custody of its by-laws, a copy of any by-law, on payment of ten cents for each hundred words of the same, and of twenty cents for certifying such copy.

First meeting of directors.

9. The first meeting of directors shall be held within two months after the passing of this Act, and shall be called by one of the provisional directors, by a notice in writing delivered to each of the directors in person or left at his usual residence, or by a registered prepaid letter mailed to his address one week at least before the day fixed for such meeting, and the said notice shall indicate the place, day, hour and objects of the meeting. The meeting shall be presided over by such director as the majority of directors present shall select, and two or more directors receive an equal number of votes, then the oldest director present shall preside.

Where no quorum.

10. If there is no quorum at such meeting, or if, for any reason, the said meeting is not held on the day so fixed, another meeting shall be called in the same manner, within two weeks thereafter, to be held one week at least after service of the notices calling the same.

Majority to decide.

11. At all meetings of directors every question shall be decided by the majority of the directors present.

Officers of Corporation,

12. The directors shall at once elect a president, a secretary-treasurer, and any other officer required.

Vote of president.

13. The president shall have the right to vote on every question, and shall in addition, have, a casting vote.

Absence of president.

14. If the president is absent for more than fifteen consecutive days from the place where the meetings of directors are held, or is incapable through illness, or otherwise, of performing his duties, the directors may elect a temporary chairman, who shall have all the rights and shall perform all the duties of the president, until the latter resumes the performance of his duties.

Chairman of meeting.

15. If at any meeting the president and the temporary chairman are both absent, the directors present shall appoint from amongst themselves a chairman, who shall have, during such meeting all the rights and powers of the regular chairman.

Vacancies among directors.

16. If the president or one of the directors is absent from the meetings of the board for more than three consecutive months, his office shall thereby become vacant, and, failing any by-law in that behalf, the board shall elect another member of the Corporation in his place for the remainder of his term of office.

Meetings of directors.

17. The president, or any director may require the secretary-treasurer to call a meeting of the directors in pursuance of the by-laws, or, if there is no such by-law, a meeting may be called by a registered prepaid letter mailed to the address of each director one week in advance; and an acknowledg-

ment of having received a notice of such meeting, signed by a director, shall be equivalent to a registered prepaid letter mailed to his address.

Subjects of discussion.

18. At meetings of directors, no subjects shall be taken into consideration other than those mentioned in the notice calling the meeting.

Secretary-treasurer to give security.

19. The secretary-treasurer shall give security within the time, in the manner, and to the amount determined by the directors.

Annual meeting.

20. The annual meeting shall be held on the second Tuesday in January in each year, and, if such day happens to be a legal holiday, then on the next juridical day, and shall be held either in the city of Quebec or the city of Montreal, or in the parish of Deschambault, whichever shall be determined by a resolution of the directors.

Notice of meeting.

21. The annual meeting shall be called by a notice mailed by prepaid registered letter, to each member of the Corporation, addressed to the post office nearest to his usual place of residence.

Chairman at meeting.

22. The president, or in his absence the temporary chairman, or in the absence of both, a member of the Corporation chosen by a majority of those present, shall preside at the annual meeting.

Election of directors.

23. The election of directors shall take place at the annual meeting, but if from any cause whatsoever the said election has not taken place on the day appointed as aforesaid, the secretary-treasurer shall forthwith call another meeting in the same manner for the same purpose.

How elected.

24. The election of directors shall be by ballot. Each ballot shall contain the names of five persons, and any ballot containing more than that number shall not be counted. If two or more candidates receive an equal number of votes, there shall be another ballot between such candidates only.

Length of term.

25. Directors shall be elected for one year only.

Auditors.

26. There shall also be elected in the same manner at the annual meeting two auditors for the ensuing year, whose duty it shall be to examine, verify and audit the accounts and books of the Corporation, and report thereon to the directors and to the general annual meeting.

Calling of general meetings.

27. The secretary-treasurer shall call general meetings whenever he shall be requested to do so either by the board of directors or by six members of the Corporation. The requisition to call such a meeting shall be in writing, and shall state the object of the meeting. Such meetings shall be called and held in the manner prescribed for the annual general meetings.

Report of directors.

28. At each annual general meeting the directors shall submit a report of their administration, and a detailed statement, accompanied with vouchers, of the receipts and expenditure of the Corporation during their term of office, and such report and statement, certified by the president and the secretary-treasurer, shall, within thirty days after such meeting, be transmitted by the secretary-treasurer to the Montreal Harbour Commissioners.

Income of Corporation.

29. The income of the Corporation shall consist of all sums of money arising : first, from the pilotage of all vessels required by law to take a pilot between Quebec and Montreal, or of vessels not required to do so which shall take a pilot; second, from all fines ; third, from any other revenue lawfully accruing to the Corporation.

Pilots to pay over moneys.

30. Every pilot who shall have received any sum of money forming part of the income of the Corporation, as hereinbefore mentioned, shall pay over the said sum to the secretary-treasurer within forty-eight hours after his arrival at the place where the office of the directors and of the secretary-treasurer is situate, and in default of his so doing he shall incur a fine not exceeding forty dollars.

Payment of pilot dues.

31. The master of every vessel clearing outwards from the port of Quebec or the port of Montreal, shall pay to the secretary-treasurer, in case of clearance from Montreal, and to the director or other person in charge of the office of the Corporation at Quebec, in case of clearance from the latter port, any sum he may owe to a pilot for services by him rendered, or to be rendered immediately in his capacity of pilot.

When clearance to be given.

32. The collector or other officer of Her Majesty's customs to whom application is made for a clearance as aforesaid, shall only give such clearance on the production of a certificate from the secretary-treasurer, or the person in charge of the office of the corporation, setting forth that no pilot has any claim for pilotage against such vessel, and that all pilotage dues have been paid, as well for the upward trip as for the downward trip of the vessel.

Customs officer may receive pilotage dues.

33. The officer of customs to whom application is made for such clearance, is hereby empowered to take and receive all pilotage dues in respect of the vessel for which such clearance is applied for, and shall grant a clearance on such payment being so made.

Such officer to render account.

34. Every officer of customs who shall receive any sum whatever forming part of the income of the Corporation, shall render a detailed account thereof to the secretary-treasurer, and shall pay such sum on or before the first day of the ensuing month.

Re-payment of pilotage dues.

35. If, by the fault of any pilot having charge of a vessel, any accident happens which causes the loss of the right to pilotage dues, the secretary-treasurer shall, without delay, repay to the master of the vessel the said pilotage dues if

paid. If the secretary-treasurer fails within forty-eight hours to repay the said pilotage dues after demand for the same has been made, the master may recover the amount due by action brought in his own name against the Corporation before any court of competent jurisdiction.

How profits to be applied.

36. The income of the Corporation, after deducting its expenses and the payment of its debts, shall be divided equally among the members of the Corporation, and the share coming to each member shall be paid to him on the tenth day of each month; provided that the directors may withhold from each pilot, until the fifteenth day of December, such proportion of his share, not exceeding ten per cent, as they deem expedient.

Deduction for default.

37. If a pilot wilfully, or by his fault, causes the loss to the Corporation of any pilotage fees, or causes it to suffer any damage, the amount of the pilotage lost, or of the damage, shall be deducted from the share of the income of the Corporation accruing to such pilot as aforesaid.

Corporation not responsible for action of pilot.

38. The Corporation shall not be responsible for the acts of any pilot while acting as such, nor for any damages caused by the act, fault or negligence of such pilot.

List of pilots.

39. The Corporation shall have in the cities of Quebec and Montreal an office which shall be held to be its place of business, and in which there shall constantly be exposed to view, in a place accessible to the public, a list showing all the pilots holding branches and available for piloting vessels.

Particular pilots may be selected.

40. The master or owner of every vessel may select the pilots they wish to pilot their vessels; the selection shall be notified to the Corporation by a letter delivered or mailed to the secretary-treasurer, at least twenty-four hours in advance, at the Quebec office if the pilot is required for piloting a vessel from Quebec to Montreal, and at the Montreal office if the pilot is required to pilot the vessel from Montreal to Quebec. From the moment that notification is received the pilot selected shall not be employed in any other pilotage, but shall be reserved to pilot the vessel for which he has been selected, and shall pilot the same unless he is then employed in another pilotage, or reserved for one, or it is impossible to notify him in time.

Pilots to report at office after arrival.

41. Every pilot, within twenty-four hours after his arrival at Quebec or Montreal with a vessel which he has piloted, shall report himself at the office in that city at which he arrives, and his name shall be forthwith inscribed upon the list kept as hereinbefore mentioned after the last name entered thereupon.

Order in which pilots to do duty.

42. Should no selection have been made, according to this Act, of a pilot to pilot a vessel, such vessel shall be piloted by the pilot whose name appears first on the list kept in the place from which the vessel is going.

Pilot selected to take allotted pilotage.

43. Every pilot selected, as aforesaid, or whose turn it shall be, except for sickness or exemption granted by the directors for some reasonable cause, of which they shall be the judges, shall take the pilotage thus coming to him, under pain of losing all right to the sum which such pilotage will yield.

Equalization of pilotage.

44. Except in case of urgent necessity, every pilot who is found to have made more pilotages than the other pilots, shall be considered as having piloted in his turn the next time his name appears on the aforesaid list, until the other pilots shall have taken as many pilotages as he; but the directors in charge of the offices, either at Quebec or at Montreal, shall always, in every case, have the right to select any particular pilot for a pilotage, and the pilot thus selected shall be bound to pilot as directed.

Proviso.

Absence of pilots.

45. Every pilot shall cease to share in the income of the Corporation during such time as, through absence, or sickness, or through failure to report, as above mentioned, his name shall not have been entered on the said lists, unless during such time he shall have been engaged in some other pilotage.

Pilots suspended.

46. Every pilot suspended or interdicted according to law shall cease, during the continuance of his interdiction or suspension, to form part of the Corporation and to share in its income.

Or deprived of branch.

47. Every pilot deprived of his branch shall cease to form part of the Corporation.

Admission of pilots.

48. The directors shall have the exclusive right to admit pilots and apprentice pilots within the said pilotage district of Montreal, and no pilots, except those already admitted, or to be so admitted, shall be recognized as such pilots or apprentice pilots.

Penalties.

49. Every contravention of this Act, or of the by-laws made under it, for which no other penalty is provided, shall subject the offender to a penalty not exceeding one hundred dollars, recoverable by the Corporation before any Court of competent jurisdiction.

Meaning of "master" and "vessel."

50. In this Act the word "master" shall mean any person having the command of a vessel; and the word "vessel" shall mean every ship which is bound to take a pilot between Quebec and Montreal, or which, not being so bound by law, takes a pilot.

By-laws made by pilotage authority.

51. Copies of every by-law made by the pilotage authority of Montreal respecting the said pilots and the Corporation, shall be furnished to the Corporation twenty days before such by-law is submitted to the Governor in Council for approval.

President to be ex-officio a Harbour Commissioner.

52. The president of the Corporation, or the person acting as such, shall be ex-officio a member of the pilotage authority of Montreal, and a Harbour Commissioner of Montreal for all matters concerning pilotage.

53. All Acts or parts of Acts contrary to the provisions of this Act, are hereby repealed in so far as they are contrary thereto. Repeal of Acts.

No. 67.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the pilots serving between Quebec and Montreal.

Received and read a first time, Wednesday, 28th April, 1897.
Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

Mr. GUAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 67.] **BILL.** [1897

An Act to incorporate the pilots serving between Quebec and Montreal.

[*Reprinted as amended and reported by the Committee on Miscellaneous Private Bills.*]

Preamble.

WHEREAS the persons mentioned by name in section three of this Act, have, by their 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:—

Incorporation. Corporate name.

1. The pilots now having, or who may obtain branches for piloting within the Montreal pilotage district, from the corporation hereby created are hereby constituted a body politic and corporate under the name of "The Corporation of Pilots between Quebec and Montreal," hereinafter called "the Corporation," and, in addition to the powers granted by this Act, shall have the powers granted to corporations by paragraph forty-three of section seven of *The Interpretation Act*.

Power to hold real estate.

2. The Corporation may acquire and hold real estate, not exceeding in value fifty thousand dollars.

Directors.

3. The affairs of the Corporation shall be managed by a board of five directors, of whom three shall constitute a quorum.

Provisional directors.

4. Cléophas Auger, Prudent Beaudet, Ferdinand Labranche, Louis Belleisle, and Wilbrod Gauthier shall be the first or provisional directors of the Corporation.

Power to regulate pilots R.S.C., c. 118.

5. The directors may, in addition to the powers conferred by section thirteen of *The Companies' Clauses Act*, make by-laws for maintaining discipline among those pilots who are members of the Corporation; for fixing the order in which the said pilots, or any separate class or number of them, shall serve as such, and for regulating all matters neceesary for the efficient working of this Act.

Approval of by-laws by Harbour Commissioners.

6. No by-law shall be binding until one month after it has been submitted to the Harbour Commissioners of Montreal for approval; and the said Harbour Commissioners shall have power, during the said month, to qush and annul such by-law, in whole or in part.

Copies of by-laws.

7. Any person may obtain from the officer of the Corporation having the custody of its by-laws, a copy of any by-law, on payment of ten cents for each hundred words of the same, and of twenty cents for certifying such copy.

First meeting of directors.

8. The first meeting of directors shall be held within two months after the passing of this Act, and shall be called by one of the provisional directors, by a notice in writing delivered to each of the directors in person or left at his usual residence, or by a registered prepaid letter mailed to his address one week at least before the day fixed for such meeting, and the said notice shall indicate the place, day, hour and objects of the meeting.

Auditors.

9. There shall be elected at the annual meeting two auditors for the ensuing year, whose duty it shall be to examine, verify and audit the accounts and books of the Corporation, and report thereon to the directors.

Calling of general meetings.

10. The secretary-treasurer shall call general meetings whenever he shall be requested to do so either by the board of directors or by six members of the Corporation. The requisition to call such a meeting shall be in writing, and shall state the object of the meeting. Such meetings shall be called and held in the manner prescribed for the annual general meetings.

Income of Corporation.

11. The income of the Corporation shall consist of all sums of money arising, first, from the pilotage received by the Corporation or its pilots from all vessels required by law to take a pilot between Quebec and Montreal and *vice versa*, or of vessels not required to do so which shall take a pilot of the corporation; secondly, from all fines; thirdly, from any other revenue or receipts lawfully accruing to the Corporation.

Payment of pilot dues.

12. The master of every vessel clearing outwards from the port of Quebec or the port of Montreal, shall pay either to the collector of customs or to the secretary-treasurer, in case of clearance from Montreal, and to the director or other person in charge of the office of the Corporation at Quebec, in case of clearance from the latter port, any sum he may owe to a pilot of the Corporation for services by him rendered or to be rendered immediately in his capacity of pilot.

Such officer to render account.

13. Every officer of customs who shall receive any sum whatever forming part of the income of the Corporation, shall render a detailed account thereof to the secretary-treasurer, and shall pay such sum on or before the first day of the ensuing month.

Re-payment of pilotage dues.

14. If, by the fault of any pilot of the Corporation having charge of a vessel, any accident happens which causes the loss of the right to pilotage dues, the secretary-treasurer shall, without delay, repay to the master of the vessel the said pilotage dues if paid. If the secretary-treasurer fails within forty-eight hours to repay the said pilotage dues after demand for the same has been made, the master may recover the amount due by action brought in his own name against the Corporation before any court of competent jurisdiction.

15. The Corporation shall not be responsible for the acts of any pilot while acting as such, nor for any damages caused by the act, fault or negligence of such pilot. Corporation not responsible for action of pilot.

16. The Corporation shall have in the cities of Quebec and Montreal an office which shall be held to be its place of business, and in which there shall constantly be exposed to view, in a place accessible to the public, a list showing all of its pilots holding branches and available for piloting vessels. List of pilots.

17. The master or owner of every vessel who may desire to engage a pilot of the Corporation, may select the pilot he wishes to pilot his vessel; the selection shall be notified to the Corporation by a letter delivered or mailed to the secretary-treasurer, at least twenty-four hours in advance, at the Quebec office if the pilot is required for piloting a vessel from Quebec to Montreal, and at the Montreal office if the pilot is required to pilot the vessel from Montreal to Quebec. From the moment that notification is received the pilot selected shall not be employed in any other pilotage, but shall be reserved to pilot the vessel for which he has been selected, and shall pilot the same unless he is then employed in another pilotage, or reserved for one, or it is impossible to notify him in time. Particular pilots may be selected.

18. Every pilot of the Corporation suspended or interdicted according to law shall cease, during the continuance of his interdiction or suspension, to form part of the Corporation and to share in its income. Pilots suspended.

19. Every pilot of the Corporation deprived of his branch shall cease to form part of the Corporation. Or deprived of branch.

20. The directors shall have the right to admit pilots and apprentice pilots within the said pilotage district of Montreal. Admission of pilots.

21. Every contravention of this Act, or of the by-laws made under it, for which no other penalty is provided, shall subject the offender to a penalty not exceeding one hundred dollars, recoverable by the Corporation before any Court of competent jurisdiction. Penalties.

22. In this Act the word "master" shall mean a person having the command of a vessel; and the word "vessel" shall mean a ship which is bound to take a pilot between Quebec and Montreal, or which, not being so bound by law, takes a pilot. Meaning of "master" and "vessel."

23. Copies of every by-law made by the pilotage authority of Montreal respecting the said pilots and the Corporation, shall be furnished to the Corporation twenty days before such by-law is submitted to the Governor in Council for approval. By-laws made by pilotage authority.

24. The president of the Corporation, or the person acting as such, shall be ex-officio a member of the pilotage authority of Montreal, for all matters concerning pilotage. President.

No. 67.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the pilots serving between Quebec and Montreal.

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

(PRIVATE BILL.)

Mr. GUAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 68.] **BILL.** [1897.

An Act respecting the American Bank Note Company.

WHEREAS the American Bank Note Company has, by its petition, represented that it is incorporated under the general laws of the State of New York, one of the United States, and that it is desirous of establishing offices and works at the city of Ottawa, for the purposes hereinafter mentioned; and whereas, the said company desires to have its organization and corporate powers recognized and confirmed by the Parliament of Canada, and also to have the powers hereinafter mentioned, and has prayed for the passing of an Act for the purposes aforesaid, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The American Bank Note Company, hereinafter called "the Company," is hereby invested with, and shall be entitled to all the powers, privileges and rights, as a corporation, necessary for the purpose of carrying on, in the city of Ottawa, Ontario, a general engraving, printing and lithographic business in all its departments, and of manufacturing such machinery as is required for its own use, and also of acquiring and holding such real and personal property as is from time to time required for the convenient and proper carrying on of its business: Provided that when any such property is no longer required for the said purposes, the Company shall forthwith sell and dispose thereof. Incorporation. Power to hold real estate, Proviso.

2. The service of any process or notice upon the Company may be made by leaving a copy thereof with the chief officer or manager of the Company at its head office in the city of Ottawa, or with any adult person in charge of such office, or elsewhere by leaving such copy with the president, secretary, chief officer or manager of the Company. Service of process on Company.

3. All books of the Company kept by the officer specially charged with that duty, shall be *prima facie* evidence of all facts purporting to be therein stated, in any suit or proceeding by, on behalf of, or against the Company or against any shareholder. Company's books to be evidence.

4. The provisions of *The Companies Clauses Act*, except sections two, three, four, five, six, and fourteen thereof, shall not apply to the Company. R.S.C., c. 118, ss. 2, 3, 4, 5, 6, 14.

No. 68.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the American Bank Note Company.

Received and read a first time, Wednesday, 28th April, 1897.
Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

MR. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 68.] **BILL.** [1897.

An Act respecting the American Bank Note Company.

(*Reprinted as amended and reported by the Miscellaneous Private Bills Committee.*)

Preamble.

WHEREAS the American Bank Note Company has, by its petition, represented that it is incorporated under the general laws of the State of New York, one of the United States, and that it is desirous of establishing offices and works at the city of Ottawa, Ontario, for the purposes hereinafter mentioned; and whereas, the said company desires to have its organization and corporate powers recognized and confirmed by the Parliament of Canada, so far as is necessary to carry out this Act, and also to have the powers hereinafter mentioned, and has prayed for the passing of an Act for the purposes aforesaid, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The American Bank Note Company, hereinafter called "the Company," is hereby invested with, and shall be entitled to all the powers, privileges and rights, as a corporation, necessary for the purpose of carrying on, in the city of Ottawa, Ontario, and elsewhere in Canada, a general engraving, printing and lithographic business in all its departments, and of manufacturing such machinery as is required for its own use, and also of acquiring and holding such real and personal property as is from time to time required for the convenient and proper carrying on of its business: Provided that when any such property is no longer required for the said purposes, the Company shall forthwith sell and dispose thereof.

Power to hold real estate,

Proviso.

Service of process on Company.

2. The service of any process or notice upon the chief 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 upon the Company.

Company's books to be evidence.

3. All books of the Company kept by the officer specially charged with that duty shall be *prima facie* evidence of all facts purporting to be therein stated, in any suit or proceeding against the Company or against any shareholder thereof.

No. 68.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the American Bank Note Company.

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

(PRIVATE BILL.)

MR. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No 69.] **BILL.** [1897.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company.

WHEREAS the Quebec, Montmorency and Charlevoix Railway Company has, by its petition, prayed for the passing of an Act for the purposes hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Section five of chapter fifty-nine of the statutes of 1895 is hereby repealed, and the following substituted therefor:— 1895, c. 69, s. 5 amended.

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

2. The proviso beginning on line seven of subsection one of section twenty-one, the whole of subsection two of the said section, and the whole of section twenty-two of the said Act, are hereby repealed and the following substituted therefor respectively:— 1895, c. 59, ss. 21, 22 amended.

"Provided that in the event of the Company acquiring the property of the Montmorency Electric Power Company, as provided for in subsection three of section fifteen of this Act, the Company may make and issue bonds, debentures or other securities to an amount not exceeding four million dollars, including said mileage issue, for the portions of its railway described in section twenty-three of this Act as the 'Montmorency Division' and 'Citadel Division'. Issue of bonds, etc., limited.

"2. The directors of the Company, or trustees of the mortgage deed, if any, securing such bonds, debentures or other securities as the case may be, shall, before any of such bonds or the proceeds thereof are applied to any other purpose, first apply such portion of the proceeds of the first issue of bonds made under this Act as may be necessary in payment or redemption of any interim or other bonds heretofore issued by the Company." Application of proceeds of bonds.

3. Section twenty-three of chapter fifty-nine of the statutes of 1895, is hereby amended by adding the following subsection thereto:— 1895, c. 59, s. 23 amended.

"2. Provided that in the event of the Company acquiring the property of the Montmorency Electric Power Company, as provided for in subsection three of section fifteen of this Act, the sections into which the Company may divide its undertaking shall, instead of those mentioned in subsection one hereof, be as follows, that is to say, either:— Alternative division of line into sections.

Montmorency division.

"*First*—(*a*) The lines from the terminal station in the lower town in the city of Quebec extending to Cap Tourmente, including all the branches and extensions thereof, shall be designated and known as section number one, or the 'Montmorency Division'.

Citadel division.

"(*b*). The lines within the city of Quebec subject to its franchise, and those west of the St. Charles river operated by electricity, and the works, buildings plant and machinery acquired from the Montmorency Electric Power Company shall be designated as section number two, or the 'Citadel Division'.

Saguenay division.

"(*c*) The lines extending from Cap Tourmente in a northeasterly direction, shall be designated as section number three, or the 'Saguenay Division.'

Montmorency Citadel division.

"*Or Second*—(*a*) The lines from the terminal station in the lower town in the city of Quebec extending to Cap Tourmente, including all the branches and extensions thereof; the lines within the city of Quebec subject to its franchise, and those west of the St. Charles river operated by electricity, and the works, buildings, plant and machinery acquired from the Montmorency Electric Power Company, shall be designated and known as section number one, or the 'Montmorency Citadel Division'.

Saguenay division.

"(*b*) The lines extending from Cap Tourmente in a northeasterly direction shall be designated as section number two, or the 'Saguenay Division'."

No. 69.

2nd Session, 8th Parliament, 60 Victoria

BILL

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company.

Received and read a first time, Wednesday, 28th April, 1897.
Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

Mr. LANGELIER

OTTAWA
Printed by S. E. DAWSON
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1897

No. 70.] **BILL.** [1897.

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

WHEREAS The Great North-West Central Railway Company has, by its petition, represented that the time limited by chapter forty-eight of the statutes of 1895 for the construction of the first portion of the extension of the said company's railway is about to expire, and that the time limited by the said Act for the complete construction of the said company's railway is insufficient for such purpose; and the said company has by its petition prayed that the times named in the said Act for the construction of the said railway be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1895, c. 48.

1. In lieu of the times limited by chapter forty-eight of the statutes of 1895 for finishing and putting in operation that part of the railway of The Great North-West Central Railway Company yet unconstructed to the Rocky Mountains, authorized by the charter of the said company in the said Act mentioned, the said company shall complete, before the end of the year one thousand eight hundred and ninety-nine, and during each year thereafter, such a portion of its railway as is from time to time prescribed by the Governor General in Council; otherwise the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time extended for completion of railway. 1895, c. 48.

No. 70.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

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

Received and read a first time, Wednesday, 28th April, 1897.

Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

Mr. RICHARDSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 71.] **BILL.** [1897.

An Act respecting the St. Lawrence and Adirondack Railway Company.

Preamble.

WHEREAS the St. Lawrence and Adirondack Railway Company, has, by its petition, prayed for the passing of an Act to authorize and confirm an issue of mortgage bonds and a mortgage securing the same for the purposes hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Issue of mortgage bonds confirmed.

Mortgage confirmed.

1. The issue of second mortgage bonds made by the St. Lawrence and Adirondack Railway Company, hereinafter called "the Company," to the amount of four hundred thousand dollars of one hundred dollars each, dated July first, one thousand eight hundred and ninety-six, and the deed of mortgage of the same date given by the Company to the Continental Trust Company of New York to secure the payment of the said bonds, a duplicate of which deed is deposited in the office of the Secretary of State of Canada, are and each of them are, hereby authorized, confirmed and declared to be legal and binding according to the purport thereof.

Rights of holders of bonds and mortgage.

1888, c. 29.

2. The holders of the said issue of bonds, the trustees under the said deed of mortgage, and the directors of the Company, shall, in respect of the said bonds and deed of mortgage, have the same lien, security, charge, rights, powers, duties, remedies and privileges respectively as are mentioned in the said deed of mortgage, and as are given or provided for under clauses ninety-three to ninety-seven of *The Railway Act* to the holders of mortgage bonds issued thereunder, and the said clauses of *The Railway Act* shall apply to the said bonds and mortgage deed, except that, as stated in the said mortgage deed, the said bonds and deed of mortgage are subject to the charge and lien created by a prior issue of mortgage bonds to the amount of eight hundred thousand dollars and a deed of mortgage securing the same to the Continental Trust Company of New York, both dated July first, one thousand eight hundred and ninety-six, and a duplicate of which last mentioned mortgage deed is deposited in the office of the Secretary of State of Canada.

No. 71.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act respecting the St. Lawrence and Adirondack Railway Company.

Received and read a first time, Wednesday, 28th April, 1897.
Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

Mr. BERGERON.

OTTAWA
Printed by S. E. DAWSON
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1897

No. 72] **BILL.** [1897.

An Act respecting the Lake Manitoba Railway and Canal Company.

Preamble.

WHEREAS The Lake Manitoba Railway and Canal Company has petitioned for the confirmation of a certain agreement with the Manitoba and North Western Railway Company of Canada, and also for the confirmation of the mortgage securing the bonds of the said company and for power to issue land grant and other bonds, to extend its railway to the River Saskatchewan, and to construct a branch to Shell River as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement confirmed.

1. The agreement, a copy of which is set out in schedule "A" to this Act, is hereby approved and confirmed, and declared to be binding in all respects on the parties thereto, and the said parties may do whatever is required to give effect to the substance and intention of the said agreement, and may agree to renew and extend the same.

Mortgage confirmed.

2. The mortgage, a copy of which is set out in schedule "B" to this Act, and the bonds and debentures secured thereby, are hereby sanctioned and confirmed, and declared to be binding as therein expressed.

Power to issue bonds, etc.

3. The Lake Manitoba Railway and Canal Company, hereinafter called "the Company," may issue bonds, debentures, or other securities, secured as follows:—

By mortgage on lands.

(*a.*) By mortgage upon any lands granted to the Company, in aid of the said railway, by the Dominion of Canada, the Province of Manitoba, or any municipality;

By second mortgage.

(*b.*) Bonds secured by mortgage second to the mortgage forming schedule "B" to this Act;

(*c.*) Bonds secured by the said lands and by mortgage second to the mortgage forming the said schedule "B."

Proviso.

Provided that the total issue of the Company's bonds shall not exceed the amount limited by chapter forty-one of the statutes of 1892; and that sections ninety-three and ninety-four of *The Railway Act* shall apply to the issue of such bonds.

1892, c. 41.

1888, c. 29.

Line of railway described

4. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from its present terminus, running in a northerly direction to the south bank of the River Saskatchewan, to a point between Cedar Lake and Cumberland House; and may build a branch

from a point on the Company's main line, at or near the town of Dauphin, through the Gilbert Plains, and thence by the most practicable route to the Shell River.

Time limited for completion of railway.

5. If the railway described in section four of this Act is not finished and put in operation within seven years from the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

SCHEDULE A.

THIS AGREEMENT made this first day of August one thousand eight hundred and ninety-six between The Manitoba and North Western Railway Company of Canada, hereinafter called "The North Western Company" of the first part;

Francis Douglas Grey of East Sheen, in the county of Surrey, England, Lieutenant-Colonel and Sir John Robert Heron-Maxwell Baronet of Hamilton House Tooting in the county of Surrey, England, the trustees under the deed of mortgage dated the sixteenth day of April, one thousand eight hundred and eighty-six, securing certain bonds issued by the North Western Company hereinafter called "The bondholders' trustees" of the second part;

George Hague, general manager of the Merchants Bank of Canada, and William Miller Ramsay, manager in Canada of the Standard Life Assurance Company, hereinafter called "The debenture stockholders' trustees" of the third part;

H. Montagu Allan of the city of Montreal, Esquire, the receiver of the undertaking and assets of the North Western Company appointed in the proceedings hereinafter referred to of the fourth part;

Augustus Meredith Nanton, of the city of Winnipeg, broker, the receiver of the revenues, freights, tolls, incomes, rents, issues, and profits of the first division of the North Western Company's Railway and Telegraph appointed in the proceedings hereinafter referred to of the fifth part;

Andrew Allan, H. Montagu Allan and Bryce J. Allan as individuals and H. Montagu Allan and Andrew A. Allan trustees of the estate of Arthur E. Allan creditors of the North Western Company having executions in the sheriff's hands hereinafter called "the execution creditors" of the sixth part;

And the Lake Manitoba Railway and Canal Company hereinafter called "The Lake Manitoba Company" of the seventh part.

Whereas the North Western Company is the owner of a line of railway part of which runs from the town of Portage la Prairie through the village of Gladstone in the Province of Manitoba a distance of about thirty-six miles;

And whereas by an order pronounced by Her Majesty's Court of Queen's Bench in the Province of Manitoba dated the eighth day of June one thousand eight hundred and ninety-three in a certain suit wherein the said Andrew Allan H. Montagu Allan and Bryce J. Allan and H. Montagu

Allan and Andrew A. Allan trustees of the estate of Arthur E. Allan were plaintiffs and the North Western Company were defendants it was ordered that the said H. Montagu Allan should be and he was appointed receiver of the undertaking and assets of the North Western Company until the hearing or other final determination of such suit;

And whereas by a decree pronounced in such suit upon the thirteenth day of July, one thousand eight hundred and ninety-three it was ordered and decreed that the said H. Montagu Allan should be continued as such receiver.

And whereas by an order pronounced by Her Majesty's Court of Queen's Bench of the Province of Manitoba dated the fourteenth day of August one thousand eight hundred and ninety-four in a certain suit wherein the bondholders' trustees were Plaintiffs and the North Western Company was Defendant it was ordered that a receiver of the revenues tolls and profits of that portion of the railway of the North Western Company known as the first division should be appointed;

And whereas the said Augustus Meredith Nanton was subsequently appointed such receiver;

And whereas by a decree pronounced in such last mentioned suit upon the seventeenth day of April one thousand eight hundred and ninety-five it was ordered and decreed that the said Augustus Meredith Nanton should be continued as such receiver;

And whereas by a decree pronounced in such last mentioned suit upon the tenth day of February one thousand eight hundred and ninety-six on appeal from the said decree of the seventeenth day of April one thousand eight hundred and ninety-five the said Augustus Meredith Nanton was thereby declared to be and since his appointment to have been receiver of so much of the revenues of the North Western Company's Railway and Telegraph as might be applicable to the said first division after payment of the working expenses of the said Company's entire railway and telegraph from which last mentioned decree the bondholders' trustees have appealed to the Judicial Committee of Her Majesty's Privy Council which appeal is now pending;

And whereas the bondholders' trustees are made parties hereto for the purpose of consenting to and confirming this agreement;

And whereas by a mortgage dated the fifteenth day of October one thousand eight hundred and eighty-eight made by the North Western Company to the debenture stockholders' trustees an issue of debenture stock to the extent of three thousand pounds (£3000) per mile of a portion of the said railway was secured on the property and assets of the North Western Company as therein described and the debenture stockholders' trustees are made parties hereto for the purpose of consenting to and confirming this agreement;

And whereas the execution creditors having recovered judgments against the North Western Company and having placed in the sheriff's hands executions on such judgments they are made parties hereto for the purpose of consenting to and confirming this agreement;

And whereas the said bondholders and the debenture stockholders have consented to and approved of this agree-

ment and have directed its execution by their respective trustees as testified by the endorsements hereon;

And whereas by an order pronounced by the said Court in the said suits the said court approved of this agreement being entered into and directed the execution thereof;

And whereas the said H. Montagu Allan and Augustus Meredith Nanton, parties hereto of the fourth and fifth parts, are made parties hereto, for the purpose of consenting to and confirming this agreement;

And whereas the running powers and other arrangements hereinafter mentioned have been agreed on;

Now this agreement witnesseth—

1. The expression "joint section" in this agreement means that portion of the railway of the North Western Company between ist point of junction with the railway of the Lake Manitoba Company at our near Gladstone to be hereafter made and its point of intersection with the west side of Main street in the town of Portage la Prairie.

The expression "terminals" means that portion of the main line tracks of the railway of the North Western Company lying east of the west side of Main street in the town of Portage la Prairie, and all the yards tracks buildings and other immovable property owned or used by the North Western Company situate east of the said west side of Main street.

2. The North Western Company grants to the Lake Manitoba Company the right for the purposes of this agreement to use the joint section tor all the engines and freight passenger express and other cars with their traffic that the Lake Manitoba Company desires to run over it; also the right for the purposes of this agreement to use all sidings and tracks connecting with other railways now or hereafter laid, and all station buildings water stations engine and car houses turn tables coal and wood sheds and other facilities which are now, or which hereafter may be erected or placed upon the joint section or which the North Western Company has the right to use on the joint section.

The North Western Company also grants to the Lake Manitoba Company the right for the purposes of this agreement to use all tracks sidings and tracks connecting with other railways now or hereafter laid and all buildings water stations engine and car houses turn tables coal and wood sheds and other facilities which are now or which hereafter may be laid erected or placed on the terminals.

The Lake Manitoba Company shall have the right to use as if they formed part of the joint section any branch lines or spur tracks, now or hereafter constructed or extended by the North Western Company and connecting with the joint section or terminals and in the event of such use the provisions of this agreement respecting rental per mile for the joint section and respecting the proportion of expense of repairing and maintaining the same payable on the wheelage basis and all other provisions respecting the joint section shall apply to such branch lines or spur tracks.

3. It is understood and agreed that the Lake Manitoba Company hereby acquires and shall subject to the terms of this agreement enjoy the rights above granted with respect to the

joint section and terminals branch lines and spur tracks equally with the North Western Company and that limited only by the necessary conditions of joint operation and the equal rights of the North Western Company and by the terms of this agreement these rights shall be as full and free as if the joint section terminals branch lines and spur tracks were the property of the Lake Manitoba Company.

4. The trains engines and cars and the conductors engine men train men and other employees of the Lake Manitoba Company connected with its trains engines and cars shall while on the joint section and terminals branch lines and spur tracks be subject to the rules and regulations of the North Western Company and to the orders of the manager superintendent train masters train despatchers and all other officers of the North Western Company in all matters relating to the movement of trains or in any way affecting the safe and proper working of the joint section and terminals branch lines and spur tracks and the Lake Manitoba Company shall on demand for reasonable cause stated by the North Western Company discharge any such conductor train man engine man or other employee.

5. The Lake Manitoba Company shall have the right at its own cost and expense from time to time to connect or to have connections made between the tracks of the North Western Company and the tracks of the Lake Manitoba Company at Gladstone and between the tracks of the North Western Company and those of any other railway company with which the Lake Manitoba Company desires to have connections made for its purposes and between the tracks of the North Western Company and the tracks connecting with any terminals hereafter acquired or established by the Lake Manitoba Company and such connections shall be made at such points and in such manner as shall be agreed upon between the companies parties hereto or in default of this agreement within a reasonable time then as shall be approved and determined by the Railway Committee of the Privy Council of Canada. As between the companies parties hereto the said connections shall as well as the frogs be kept in repair by the North Western Company at the sole expense of the Lake Manitoba Company during the continuance of this agrement; such expense is not to exceed however the actual cost of such repairs and the switches at such connections shall when not required for use be kept locked on the line of the North Western Company.

In the event of the North Western Company declining after ten days written request by the Lake Manitoba Company to do all such acts and take all such steps and proceedings as may be necessary for the purpose of having connections made as above mentioned between the tracks of the North Western Company and any other company as aforesaid the Lake Manitoba Company may in the name of the North Western Company do all such acts and take all such steps or proceedings at its own expense as it shall think necessary and at the like expense the proper officers of the North Western Company shall on demand execute all such documents and do all such acts as may be reasonably required by the Lake Manitoba Company in that behalf.

6. All time cards and rules and regulations for the operation of trains upon the joint section and terminals shall be made by the North Western Company and they shall be binding upon and be obeyed by the officers and employees of the Lake Manitoba Company they having first been reasonably brought to the notice of the superintendent or other designated officer of the Lake Manitoba Company; but such time cards rules and regulations shall be reasonable and just to both companies without unfair preference or discrimination in favour of or against either company and if at any time the Lake Manitoba Company deems any of such time cards rules or regulations to be otherwise than reasonable and just or if the North Western Company declines to make reasonable changes therein within ten days after notice has been given to it by the Lake Manitoba Company of the changes therein required to suit the requirements of the Lake Manitoba Company that company shall have the right to appeal to the arbitrator or arbitrators appointed as hereinafter provided who shall have full power and authority to alter and modify such time cards rules and regulations complained of so as to make the same reasonable and just to both companies, and in the event of the Lake Manitoba Company having after the expiration of such period of ten days suffered loss or damage by or through any unreasonable time cards rules or regulations of the North Western Company then the North Western Company shall be liable to the Lake Manitoba Company therefor.

7. The superintendent or other designated officer of the Lake Manitoba Company shall be consulted as to all schedules of time to be made for the running of trains of the Lake Manitoba Company over the joint section and in fixing the time of the arrival and departure of trains over and upon the joint section the interests of neither Company shall be unreasonably subordinated to the interests or necessities of the other.

8. Nothing herein is to be construed as limiting the right of either Company to send over the joint section and terminals special trains or engines at pleasure, subject to the usual rules and regulations of the North Western Company governing the running of the same.

9. The Lake Manitoba Company shall have the right during the continuance of this agreement to construct maintain and operate at its own expense telegraph and telephone lines along the right way of the joint section and terminals either by placing its wires not to exceed two in number on the poles of the North Western Company as now or hereafter at any time erected or. by erecting poles and lines on the opposite side of the track from the telegraph line of the North Western Company. The construction and erection of such lines are to be at the sole cost and expense of the Lake Manitoba Company and the work of such construction or erection is to be done under the direction of and in a manner satisfactory to an officer of the North Western Company to be appointed by it for that purpose.

10. The Lake Manitoba Company shall have the right at any time at its own expense to remove such lines and poles so erected by it from off the property of the North Western Company such removal to be done in such manner or to damage or interfere as little as possible with the lines poles and property of the North Western Company.

11. The term for which such running powers and the other rights and obligations herein provided for is to continue shall be fifty (50) years from the date fixed by or under clause 47 of this agreement and after such term of fifty years for a further period of one year from the date upon which the North Western Company or the Lake Manitoba Company shall give written notice to the other of its intention to terminate this agreement.

12. The Lake Manitoba Company may terminate the said term of fifty years and everything in this agreement contained at the expiration of five years from the commencement of the said term of fifty years upon giving to the North Western Company at least six months previous notice in writing of its intention so to do.

13. The Lake Manitoba Company may terminate this agreement in so far only as it relates to the terminals at the expiration of such period of five years upon giving to the North Western Company at least six months previous notice in writing of its intention so to do and in the event of such termination the Lake Manitoba Company shall have the right during the continuance of the term of fifty years and any extended term to the use of the main line track included in the terminals and tracks connecting the lines of other companies therewith as if the same formed part of the joint section and the provisions of this agreement respecting rental per mile for the joint section and respecting the proportion of expense of repairing and maintaining the same payable on the wheelage basis and all other provisions respecting the joint section shall apply to the said portion of the main line track and said connecting tracks included in the terminals.

14. The Lake Manitoba Company shall during the said term of fifty years and any extended term or until the provisions of this agreement are earlier terminated as herein provided pay to the North Western Company at its office in the city of Winnipeg a yearly rental for such running powers and all other rights and privileges herein agreed to be given to it at the rate of two hundred dollars ($200) per mile of the joint section the said mileage hereby being fixed at thirty-six miles and one thousand dollars ($1000) per annum for the use of the terminals and the same is to be paid in equal half yearly payments in each year from the commencement of said term whether the Lake Manitoba Company shall use the said property or not during such period unless any such non-user has been caused by some act or default of the North Western Company.

15. The Lake Manitoba Company shall in addition to the to said rentals pay to the North Western Company such proportion of the expense of repairing and maintaining the joint section during the last preceding calendar month as the number of wheels per mile The Lake Manitoba Company shall run over the joint section or any part thereof bears to the whole number of wheels per mile run over the said joint section or any part thereof during the same period of time and of all taxes and assessments municipal parliamentary or otherwise imposed upon the joint section and of all premiums of insurance paid for insurance on buildings and erections upon the joint section and of the wages of all station agents station men train dispatchers signal men track

men (but not train men) employed upon the joint section and of other expenses necessary to the safe and convenient working of the joint section and of the salaries and expenses of any general officers who may be employed on any special work done on the joint section during the time so employed.

16. The Lake Manitoba Company shall also in addition pay to the North Western Company half yearly at the same time as the rentals are payable such proportion of the interest at the rate of five per cent per annum reckoned upon the wheelage basis in the last clause mentioned of the cost to the North Western Company of any improvement made with the written consent of the Lake Manitoba Company upon the joint section including the erection of fences and sign boards referred to in clauses 22 and 23 hereof and of all property acquired with such written consent during such term or any extended term in connection with the joint section for the purposes of carrying the objects of this agreement into effect the right to use which is given to the Lake Manitoba Company by this agreement, and if any such improvements be made or property be acquired without such consent and should the Lake Manitoba Company refuse to pay such proportion of interest on the cost thereof the question as to whether it should or should not pay the same shall be referred for determination to arbitration as hereinafter provided for.

17. The Lake Manitoba Company shall also in addition pay to the North Western Company half yearly at the same time as the rentals are payable the proportion hereinafter defined of the interest at the rate of five per cent per annum on the cost of any improvements made with such written consent upon the property comprising the terminals and upon the cost of all property acquired with such consent during said term or extended term for the purposes of carrying the objects of this agreement relating to the terminals into effect and shall also pay monthly as in clause 18 hereof provided the said proportion of the cost of all repairs maintenance and renewals of the said terminal property and of all taxes and assessments whether municipal parliamentary or otherwise imposed upon the terminals, and of all premiums of insurance paid for insurance on buildings and erections upon the terminals such proportion being that which the business done at and upon the terminals by the Lake Manitoba Company bears to the total amount of business done at and upon the terminals during the same period of time and and also monthly as in clause 18 hereof provided its proportion reckoned on the aforesaid basis of the wages of all agents and employees emyloyed at the terminals and of all other expenses necessary to the safe and convenient maintenance and working of the tracks and switches included in the terminals and of all expenses of switching thereon and also its proportion reckoned on the aforesaid basis of salaries and expenses of any general officers who may be employed on any special work done on the terminals during the time so employed and also its proportion reckoned on the aforesaid basis of the cost of handling and billing of freight at and upon the terminals and if any such improvements be made or property be acquired without such consent and should the Lake Manitoba Company refuse to pay such proportion of interest on the cost thereof the question as to whether it should or should not pay the same shall

be referred for determination to arbitration as hereinafter provided for.

18. The amounts to be paid by the Lake Manitoba Company provided for in clauses 15, 34, 35, 37 and 39 of this agreement shall be settled and paid monthly between the twentieth and thirtieth days of each month during the continuance of this agreement.

For the purpose of ascertaining the said amounts and for the proper carrying into effect the terms of this agreement it shall be the duty of each Company on or before the fifteenth day of each month to cause to be made out and rendered to the other Company true and just accounts and statements in writing requisite for that purpose and each Company shall allow to the other or any of its officers proper inspection of all books accounts returns and vouchers for the purpose of checking or verifying the same and each Company shall have the right from time to time to employ an auditor to investigate the accuracy of the said statements or accounts and shall from time to time afford to the other all proper facilities for such investigation. The acceptance or making of any payment before an audit or verification shall not prejudice the rights of either Company to audit or verification or to demand and collect such further sum or any over payment as it shall justly be entitled to.

19. The Lake Manitoba Company shall have the right during the said term or any extended term at a nominal rent and under the form of lease at present in use by the North Western Company in similar cases to erect on the right of way of the North Western Company and to use any buildings which it considers necessary in addition to those of the North Western Company for the transaction of its business at or near any of the stations upon the joint section branch lines and spur tracks and to make and use all necessary connections between the said buildings and the line of the North Western Company the site and location of the said buildings to be mutually agreed upon between the Companies or if not so agreed upon to be referred to arbitration as hereinafter provided and the Lake Manitoba Company shall have the right at the expiration or other determination of this agreement or whenever it desires so to do to remove all such buildings, restoring as far as possible the right of way so occupied to its original condition.

20. The North Western Company agrees that it will at all times during the continuance of this agreement maintain and keep the joint section and terminals and all of its property which may at any time be used by the Lake Manitoba Company under the provisions of this agreement in good order repair and condition.

21. The North Western Company agrees that it will at all times during the continuance of this agreement keep the buildings upon the Joint Section and Terminals insured to the extent of their full insurable value and in the event of the destruction or damage by fire of any of such buildings or part thereof the Lake Manitoba Company shall only be called upon to contribute its proper proportion under the terms of this agreement of the cost of the restoration or repairing of any such building in excess of the full insurable value thereof whether the same has been so kept insured or not and whether

the insurance money has or has not been received. Provided always that any building so destroyed or damaged shall be rebuilt or restored to the same general character as before unless the Lake Manitoba Company consents to rebuilding or restoration of a more expensive character.

22. Defective fences or lack of fences along the right of way of the joint section and surrounding the property pertaining thereto and the failure to erect sign-boards at street and road crossings in compliance with the laws of the Dominion of Canada or the erection of sign-boards which do not fully comply with such laws and latent and unknown defects in the property comprised in this agreement or any part thereof or such defects therein as are equally well known to both Companies shall not be construed to be a breach of the above covenant to repair on the part of the North Western Company unless and until after notice in writing by the Lake Manitoba Company the North Western Company has failed to proceed with reasonable despatch to erect or repair and make good the same.

23. In the event of the North Western Company not proceeding with reasonable despatch after the giving of such notice to repair and make good such defects or to erect repair or make good such fences and sign-boards the Lake Manitoba Company may do so and for that purpose may enter upon the Joint Section and Terminals at reasonable times and thereafter may charge the cost of such erections and repairs to the North Western Company and deduct the same from any moneys which may become due thereafter under this agreement to the North Western Company and the Lake Manitoba Company after being reimbursed such cost or expense shall pay to the North Western Company such sum by way of contribution to repairs or proportion of interest on cost as the case may be as shall be proper under this agreement.

24. The rules and regulations of the Lake Manitoba Company shall provide that it shall at all times be the duty of its officers and employees to give prompt notice to the North Western Company of any defect which may at any time come to their notice but in no case shall the Lake Manitoba Company be liable in damages to the North Western Company or to any person using such property for any failure of the said officers or employees to give such notice or for the consequences of any such failure.

25. Should any tax be imposed upon the earnings of the joint section each Company shall pay its proper proportion of such tax according to its proportion of such earnings.

26. Each of the Companies shall provide and maintain at its own expense all trains and crews for its own business including fuel and supplies for its locomotives and cars and shall bear all expenses of removals of wrecks occurring to its own trains.

27. Each of the Companies hereby agrees to indemnify and hold harmless the other by reason of killing of stock personal injuries injuries resulting in death railroad fires and all other actions growing out of or due to its own negligence or the negligence of its own employees agents or servants or by reason of recoveries had against or payments made by it for or on account of such negligence by the other Company or its servants but it is understood that the liability of either Company

under this clause is not to extend beyond or comprehend more than the acts or negligence of its own employees.

28. All agents and servants of the North Western Company whose salaries or wages are included in the expenses to which the Lake Manitoba Company is to contribute hereunder shall be deemed to be common agents or servants of both Companies while they are engaged in the common employment provided however that the Lake Manitoba Company may object to any person continuing in the common employ and in the event of its so doing and of the North Western Company neglecting to remove the employee so objected to within a reasonable time such employee shall thereafter so long as he continues in such employment be considered the sole servant of the North Western Company as to the consequences of his acts or omissions but the Lake Manitoba Company shall continue to contribute to his wages.

29. In case one of the companies shall cause damage to the other company such other company shall sustain and pay its own loss unless it can be proved that such damage was caused by the negligence of the company causing the damage or of its servants or agents while not engaged in the common employment in which case the company at fault shall bear all loss.

30. The Lake Manitoba Company shall not establish a station or siding for the transaction of business at any point on its line within six miles of its point of junction with the line of the North Western Company at Gladstone.

31. The Lake Manitoba Company shall have the right to retain all earnings from the transportation on its own trains of passengers freight and other traffic originating at any point on its own line not less than six miles distant from the point of junction at Gladstone or on any other line beyond such six miles and so transported over the joint section through and beyond Portage la Prairie.

32. The Lake Manitoba Company shall have the right to retain all earnings from the transportation on its own trains of passengers freight and other traffic originating at any point beyond Portage la Prairie and so transported over the joint section through and beyond a point on its own line not less than six miles distant from the point of junction at Gladstone.

33. The Lake Manitoba Company shall have the right to retain all earnings from the transportation on its own trains of passengers freight and other traffic from or to any of the stations on the joint section destined for or originating at any point on the line of its own railway not less distant from the point of junction at Gladstone than six miles.

34. With respect to earnings by the Lake Manitoba Company from the transportation on its own trains of passenger traffic originating at any station on the joint section or at any point on its own line less than six miles distant from the point of junction at Gladstone and destined for any station off the joint section through and beyond Portage la Prairie or originating at any point off the joint section and passing throngh Portage la Prairie destined for any point on the joint section or for any point on its own line less than six miles distant from the point of junction at Gladstone the Lake Manitoba Company shall account for and pay over to the North-western Company eighty per cent of such portion of the said earnings on such passenger traffic as shall be applicable to the joint

section such eighty per cent to be calculated and ascertained on the basis of the then existing rates for similar business of the North Western Company.

35. With respect to earnings by the Lake Manitoba Company from the transportation on its own trains of freight and other traffic except passengers originating at any station on the joint section or at any point on its own line less than six miles distant from the point of junction at Gladstone and destined for any station off the joint section through and beyond Portage la Prairie or originating at any point off the joint section and passing through Portage la Prairie destined for any station on the joint section or for any point on its own line less than six miles distant from the point of junction at Gladstone whether such freight and other traffic be billed locally to Portage la Prairie and afterwards re-billed in the same form or otherwise on the balance of a through rate the Lake Manitoba Company shall account for and pay over to the North Western Company twenty per cent of such portion of the said earnings on such freight and other traffic as shall be applicable to the joint section such twenty per cent to be calculated and ascertained on the basis of the then existing rates for similar business of the North Western Company.

36. The Lake Manitoba Company shall have the right to retain all earnings from the transportation on its own trains of passenger traffic originating at Portage la Prairie and destined for Gladstone or any point on its own line less than six miles distant from the point of junction at Gladstone or originating at Gladstone or any point on its own line less than six miles distant from said point of junction and destined for Portage la Prairie.

37. With respect to earnings by the Lake Manitoba Company from the transportation on its own trains of passenger traffic from Gladstone or Portage la Prairie or any point on the line of the Lake Manitoba Company less than six miles distant from the point of junction at Gladstone to any intermediate station on the joint section or from any intermediate station on the joint section to Gladstone or Portage la Prairie or any point on the line of the Lake Manitoba Company less than six miles distant from the point of junction at Gladstone or between the intermediate stations on the joint section the Lake Manitoba Company shall account for and pay over to the North Western Company at its then existing rates eighty per cent of such portion thereof as shall be applicable to the joint section calculated and ascertained on the basis of the then existing rates for similar business of the North Western Company. It is understood that nothing in this agreement contained shall be so construed as to render it obligatory on the Lake Manitoba Company to do such business.

38. The Lake Manitoba Company shall have the right to retain all its earnings from the transportation on its own trains of freight and other traffic except passengers originating at Portage la Prairie the final destination of which is Gladstone or a point on its own line less than six miles distant from the point of junction at Gladstone or originating at Gladstone or a point on its own line less than six miles distant from said point of junction the final destination of which is Portage la Prairie.

39. The earnings by the Lake Manitoba Company from the transportation on its own trains of freight and other traffic

except passengers from Gladstone or any point on its own line less than six miles distant from the point of junction at Gladstone or from Portage la Prairie to intermediate stations on the joint section or between intermediate stations on the joint section shall be accounted for and paid over without deduction to the North Western Company at its then existing rates for similar business. It is understood that nothing in this agreement shall be construed so as to render it obligatory on the Lake Manitoba Company to do such business.

40. It shall be the duty of the various officers, agents and employees of the North Western Company who under clause 28 hereof are to be deemed common employees of the two companies to facilitate and do the business and service of each of the two companies with respect to the joint section and terminals branch lines and spur tracks without discrimination in favour of either company and to account to the Lake Manitoba Company in respect of its portion of such business as if such officers agents and employees were in the employment of that company.

41. For the use of foreign cars on the joint section returns and payments shall be made by whichever of the said two companies handles the same and the company so handling shall be responsible for the same and for such cars.

42. The North Western Company hereby agrees upon request from time to time so to do to supply to the Lake Manitoba Company fuel and small stores required at any of the stations on the joint section or at the terminals for the requirements of the Lake Manitoba Company's trains and business at the actual cost thereof to the North Western Company with ten per cent added.

43. All switching at the terminals shall be done under the direction of the North Western Company by the engines and the employees of the North Western Company.

44. All repairs required to be done by or for the Lake Manitoba Company at Portage la Prairie or elsewhere upon the joint section shall so far as the North Western Company's facilities will admit be done by the North Western Company at cost with fifteen per cent added for superintendence and similar charges.

45. The workshops and other buildings on the terminals and the machinery tools and materials used for repairing work shall be under the control of the North Western Company.

46. If the Lake Manitoba Company makes default for the period of three months in any payment to be made hereunder in respect of rental the North Western Company may at its option at any time thereafter while such default still continues terminate such term of fifty years or any extended term and all the provisions of this agreement at the expiration of three months from the service by the North Western Company after the expiration of such months default of a notice in writing of its intention so to do upon the president general manager or other chief executive officer of the Lake Manitoba Company and upon the trustees of any mortgage registered in the Winnipeg Registry Office or deposited with the Secretary of State of Canada at Ottawa securing bonds debentures or other securities issued by the Lake Manitoba Company whereupon but not otherwise under this clause if the default still continues this agreement shall ter-

minate without other act of the North Western Company at the expiration of such notice and without any forfeiture of the amounts due the North Western Company under this agreement

47. The said term of fifty years shall commence and the rentals and payments to be made hereunder shall accrue from the first day of October one thousand eight hundred and ninety-seven or from such earlier date as the Lake Manitoba Company may fix by ten days written notice thereof given to the North Western Company.

48. If any other company or companies desire to obtain running powers or any other rights in respect of the joint section or of the other property embraced in this agreement during the said term or extended term the same shall be granted at the instance of either of the two companies parties hereto but only upon terms to be first agreed upon by the said two companies or in case such two companies differ with regard to such terms to be settled by arbitration under the provisions of clause 49 of this agreement provided however that no award shall in any case increase the liabilities or obligations of either of the said two companies or detract from any rights powers or privileges under this agreement.

49. In the event of any dispute or difference between the companies in respect of any matter in this agreement mentioned a settlement whereof is not otherwise herein provided for the same shall be determined by the award of one arbitrator agreed upon by the companies and if the companies cannot agree upon such arbitrator each one shall appoint one arbitrator and a third shall be appointed by the two so appointed but if the two fail to appoint a third within ten days after the last of the two has been appointed then on application to the chief justice or to any other judge of the court of Queen's Bench or other court of superior jurisdiction of the Province of Manitoba by either of the companies such chief justice or other judge may appoint the third arbitrator and the award of the sole arbitrator or of a majority of the three arbitrators as the case may be shall be final and binding upon the companies as to the said dispute or difference. Provided further that in the event of either company failing to appoint an arbitrator within ten days after the other company shall have appointed an arbitrator the last mentioned company may apply to the said chief justice or other judge as aforesaid to make such appointment and any arbitrator so appointed shall have the same powers and the arbitration shall otherwise proceed in the same manner as if said last mentioned arbitrator had been appointed by the company so failing to appoint as aforesaid. Should any arbitrator die resign or refuse or become unable to act his place shall be filled in the same way as is provided for the original appointment.

50. Any notice to be given by either of the companies to the other shall be deemed sufficiently given if delivered to the general manager or chief executive officer of such other company or if posted to him in a registered envelope addressed to him at his chief office and any notice to be given by the North Western Company to the trustees of any mortgage referred to in clause 46 of this agreement shall be deemed sufficiently given if delivered to one of such trustees personally or if posted to all such trustees in registered envelopes addressed to them respectively at their last known places of address.

51. The provisions of this agreement shall extend to and be binding upon the successors and assigns and executors and administrators of the respective parties hereto but no trustee party hereto shall be deemed to have assumed any personal responsibility by reason of his having been made a party to this agreement and having executed the same.

52. An application shall be made on behalf of all parties to this agreement to the Parliament of Canada for an Act to ratify and confirm this agreement and the parties hereto hereby covenant that they will assist and promote in every way in their power such application and the obtaining of the passage of the said Act.

IN WITNESS WHEREOF this agreement has been duly sealed and executed by the parties hereto.

Signed sealed and delivered in the presence of	THE MANITOBA & NORTH WESTERN RAILWAY CO'Y OF CANADA.
G. W. ARMOUR, as to execution by the M. & N. W. Ry. Co., and by Andrew Allan.	ANDREW ALLAN, [L.S.] *President.* E. W. RILEY, *Secretary.*
as to signatures of Col. F. D. Grey and Sir J. R. Heron-Maxwell. HENRY J. HEATH. 57½ Old Broad St., E. C. Clerk to Norton Rose Norton & Co.	F. D. GREY. [L.S.] J. R. HERON-MAXWELL [L.S.] So far as authorized and without personal liability.
as to signatures of George Hague and William M. Ramsay. F. HAGUE.	G. HAGUE. [L.S.] W. M. RAMSAY. [L.S.] *The Debenture Stockholders Trustees.*
Witness as to signature of A. M. Nanton, Receiver First Division. C. M. TAYLOR.	H. MONTAGU ALLAN. [L.S.] *Receiver.* A. M. NANTON, [L.S.] *Receiver First Division.*
Witness as to signature of H. Montagu Allan, Receiver Attorney, Trustee and H. Montagu Allan. JOSEPH PARKER.	ANDREW ALLAN. [L.S.] H. MONTAGU ALLAN. [L.S.] BRYCE J. ALLAN. [L.S.] per pro H. MONTAGU ALLAN. [L.S.]
Witness as to signature of Andrew A. Allan. F. J. MCCLURE.	H. MONTAGU ALLAN. [L.S.] ANDREW A. ALLAN, [L.S.] *Trustees,* *Estate late Arthur E. Allan.*

[L.S.] FOR THE LAKE MANITOBA RAILWAY AND CANAL CO'Y.
FREDERIC NICHOLLS,
President.
CHAS. E. L. PORTEOUS,
Secretary.

Witness—
Z. A. LASH.

The within agreement is authorized approved and sanctioned and Messieurs George Hague and William Miller Ramsay the debenture stockholders trustees referred to therein are hereby authorized and directed to execute the said agreement for the purpose of consenting to and confirming the same as such trustees.

[L.S.] FOR THE CLYDESDALE BANK LIMITED.
WALTER DUNCAN,
Director.
JAS. REID STEWART,
Director.
JOHN HARVIE.
Secretary.

Executed by the Clydesdale Bank Limited in presence of ALEX. SWANSON Clerk to the Clydesdale Bank Limited, Glasgow.

At a meeting of the holders of the first mortgage bonds of the Manitoba and North Western Railway Company of Canada secured on the first division of 180 miles of the Company's railway held at the Cannon Street Hotel in the city of London on the 15th July 1896 at which holders of bonds to the extent of £479,000 were present either in person or by proxy which meeting had been duly called pursuant to the terms of the mortgage securing such first mortgage bonds the following resolution was passed :—

"Resolved that after having heard the explanation of the agreement signed in Canada between the Manitoba and North-western Railway Company of Canada of the first part Francis Douglas Grey and Sir John Robert Heron Maxwell of the second part George Hague and William Miller Ramsay of the third part H. Montagu Allan of the fourth part Augustus Meredith Nanton of the fifth part Andrew Allan H. Montagu Allan and Bryce J. Allan as individuals and H. Montagu Allan and Andrew A. Allan trustees of the estate of Arthur E. Allan of the sixth part and the Lake Manitoba Railway and Canal Company of the seventh part and after hearing the recommendations of the committee appointed at a meeting of bondholders held at the Cannon Street Hotel on the 14th day of June 1893 it is resolved that the said agreement be approved and that the trustees be requested and authorized to sign the same on behalf of the bondholders.

"Resolved that the trustees be authorized to make an application to the court by originating summons to confirm the above resolution and authorize their signature to the said agreement as above mentioned.

"F. D. GREY,
"*Chairman of the meeting.*"

SCHEDULE B.

THIS INDENTURE, made the first day of August, in the year of our Lord, one thousand eight hundred and ninety-six, between The Lake Manitoba Railway and Canal Company, a body corporate and politic, duly incorporated, and subject to the legislative authority of the Parliament of Canada, hereinafter called "the Company," of the first part: The Honourable Thomas Greenway, of the city of Winnipeg, Railway Commissioner of the Province of Manitoba, and the Honourable Robert Watson, of the same place, Minister of Public Works of the said Province of Manitoba, and their successors in the trust, hereinafter called "the Trustees," of the second part; and Her Majesty the Queen, hereinafter called "the Government," and herein represented and acting by the railway commissioner of the Province of Manitoba, of the third part:

Whereas, by Acts of the Parliament of Canada, being chapter 41 of the statutes of 1892 and chapter 52 of the statutes of 1895, the Company is empowered, among other things, to lay out, construct and operate the line of railway hereinafter mentioned, with respect to which the bonds hereinafter mentioned are issued;

And whereas, the Company proposes forthwith to proceed with the construction of such railway, and it is necessary to issue its bonds for the purpose of raising money for prosecuting its undertaking;

And whereas, by an Act of the legislature of Manitoba entituled "An Act to amend an Act respecting Aid to Railways," and being chapter 10 of the statutes of Manitoba for the year 1896, it was made lawful for the government, on such terms and conditions as might be agreed upon with the Company, to aid and assist the construction of a line of railway by the Company from a point in or near the town of Portage la Prairie or in or near the town of Gladstone or from some point on the line of the Manitoba and North Western Railway Company which may be authorized by the charter of the Company, running in a northerly or north-westerly direction west of Lake Manitoba to a point west of Lake Dauphin, or passing west of Lake Dauphin to a point at or near Lake Winnipegosis, in the Province of Manitoba, by guaranteeing the principal and interest of first mortgage bonds of the Company to the amount of eight thousand dollars per mile of such railway, bearing interest at the rate of four per centum per annum, for a term of thirty years from the date of the issue of the said bonds, and by exempting the Company, its property and franchises, from taxation during the period of such guarantee; such bonds and the interest thereon to be a first charge upon the line of railway, and the franchises of the Company, and the rolling stock, tolls and revenues of the said line of railway (other than any aid to which the Company may be or become entitled from the government of Canada) in pursuance of the Act of incorporation of the Company and the general Railway Act of Canada;

And whereas, by the said Act it is further provided that the guarantee upon the bonds of the Company authorized by the said Act, in order to be valid and binding, shall be en-

dorsed upon each guaranteed bond in the following form, namely: "The principal sum secured by the within bond and interest thereon, payable semi-annually, for thirty years, at the rate of four per centum per annum, is hereby guaranteed by the government of Manitoba;" and that such guarantee shall be signed by the provincial treasurer, and that the government shall thereafter be liable to pay the principal and interest of the said bonds, according to the tenor thereof;

And whereas, in pursuance of the said Act, an agreement dated May 7th, 1896, and a supplementary agreement thereto were entered into between the government and the Company, whereby the Company agreed to construct, or cause to be constructed and completed, a line of railway from a point to be selected by the Company in or near the town of Gladstone on the line of the Manitoba and North Western Railway, thence in a northerly or north-westerly direction running west of Lake Manitoba to a point to be selected by the Company west of Lake Dauphin or passing west of Lake Dauphin to or near Lake Winnipegosis; the said line, if begun at or near Gladstone, to be not more than one hundred and twenty-five miles in length; and whereby the government agreed to guarantee the payment of the principal and interest of the first mortgage bonds of the Company to the extent of eight thousand dollars per mile for said one hundred and twenty-five miles of the line of railway so contracted to be constructed;

And whereas, the said agreement of May 7th, 1896, provided that in the event of the failure of the Manitoba and North Western Railway Company of Canada, to make a certain contract with the Company for the exercise of running powers by the Company over that portion of the said the Manitoba and North Western Railway Company's line of railway between a point at or near Gladstone and a point at or near Portage la Prairie satisfactory to the government; the Company might begin its line of railway at the town of Portage la Prairie and extend the same northerly or north-westerly to the neighbourhood of Gladstone, and thence northerly or north-westerly upon the route above set out;

And whereas, the said Manitoba and North Western Railway Company of Canada have entered into the necessary contract with the Company satisfactory to the government for the exercise of said running powers, which contract bears date the first day of August, A. D. 1896, and is made between the said the Manitoba and North Western Railway Company of Canada, of the first part; Francis Douglas Grey and Sir John Robert Heron Maxwell, therein called the bondholders' trustees, of the second part; George Hague and William Miller Ramsay, therein called the debentures stockholders' trustees, of the third part; H. Montagu Allan, receiver of the undertaking, and assets of the said the Manitoba and North Western Railway Company of Canada, of the fourth part; Augustus Meredith Nanton, receiver of the revenues, et cætera, of the first division of the last named company's railway and telegraph, of the fifth part; Andrew Allan, H. Montagu Allan and Bryce J. Allan as individuals, and H. Montagu Allan and Andrew A. Allan, trustees of the estate of Arthur E. Allan, thereinafter called the execution creditors

of the sixth part; and the Company of the seventh part; and which contract is hereinafter referred to as "The Running Powers Agreement."

And whereas, by the said agreement with the government, it is declared that the mortgage to be given to secure the bonds so to be guaranteed by the government, shall not apply to any other portion of the Company's railway except that aided by the government under the provisions of the said agreement, and that the receipts or earnings applicable to the part so aided, shall not under any circumstances be chargeable as against the bondholders, the trustees for the bondholders, or the government, with any working expenses, operating expenses, repairs or cost of maintenance incurred or to be incurred, or arising in respect of any other portion of the railway except that which is aided, and which is comprised in the mortgage securing the said bonds:

And whereas, by the said agreement it is provided that the mortgage securing the said bonds shall be in such form as shall be satisfactory to the government:

And whereas, pursuant to and under the authority of the Acts of the Parliament of Canada, being chapter 8 of the statutes of 1895 and chapter 81 of the statutes of 1891, the government of the Dominion of Canada, for the purpose of aiding the Company in the construction of its said line of railway, entered into a contract with the Company, dated the fifth day of February, 1896, and agreed upon the terms and conditions in the said contract mentioned, to pay the Company certain sums of money per year for the period of twenty years from the date of the completion of the said railway, which contract is hereinafter referred to as "The Dominion Government Transport Contract:"

And whereas, in pursuance of and under the authority of the Parliament of Canada, the Company is entitled from the government of Canada, by way of aid for its undertaking, to a certain grant of land at the rate of six thousand four hundred acres per mile for its said line of railway subject to a lien as regards one-third thereof, in favour of the government of Canada, as provided for in "The Dominion Government Transport Contract:"

And whereas, the Company was empowered by the Acts relating to the same, to improve and connect the water communication for the purposes of traffic and navigation between the Lakes Manitoba and Winnipegosis and the North Saskatchewan River by the construction and maintenance of canals:

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

may be issued in aid of the construction of such canal, and such bonds shall be designated as series: "B"

And whereas, it is not the present intention of the Company to proceed with the construction of the said canal, or to issue bonds in respect thereof:

And whereas, the said Company has been duly organized and the amount of stock subscribed, and all other acts done to enable the directors, under the provisions of the Acts relating to the said Company, to issue the bonds when authorized by the shareholders:

And whereas, a contract for the construction of the Company's said line of one hundred and twenty-five miles in length has been duly made and entered into, and the same is now in course of construction thereunder:

And whereas, at a special general meeting of the shareholders of the Company, duly called for the purpose, and held on the seventh day of April, 1896, the following preamble and resolution were unanimously adopted, all the shareholders voting therefor:

"Whereas it is expedient for the Company to issue the bonds of the Company in pursuance of the powers contained in the statutes relating to the Company, and to secure the same:

"Therefore, be it resolved, that the directors of this Company are hereby empowered to issue the bonds of the Company under the provisions of the statutes relating to the Company in that behalf, to an amount not exceeding twenty thousand dollars (or its equivalent in sterling money of Great Britain) per mile of its railway or branches constructed, or under contract to be constructed, exclusive of the canal between Lakes Manitoba and Winnipegosis; such bonds shall be for such amount within the limits aforesaid as to the directors shall seem best, and may be secured upon the whole or part of the Company's property, and a portion of such bonds may be first mortgage bonds, and a portion second mortgage bonds, and may be secured by a mortgage or mortgages upon the whole or such part of the property as the directors may determine, and as shall be described in such mortgages; and the time and place or places for the payment of the principal and interest of such bonds, and the denomination thereof, and the form of the mortgage or mortgages, and the names of the trustees in, and the terms and conditions of, such mortgage or mortgages, and the property to be comprised therein, and all other terms and conditions, details and particulars relating to the bonds and the mortgage deed or deeds securing the same, shall be in the discretion of the directors; and the directors of the Company are hereby given all powers to borrow money which the Company has under the Railway Act and other Acts affecting the Company in respect of the Company's railway, and to take all steps which, to them, may seem expedient for that purpose."

And whereas, at a meeting of the directors of the Company, duly held, the following preamble and resolution were adopted:

"Whereas the shareholders of the Company have, at a special general meeting, held on the seventh day of April, 1896, empowered the directors of this Company to issue the

bonds of the Company under the provisions of the Acts relating to the Company in that behalf, and have conferred upon the directors full power in relation to the amount of such bonds, and how they are to be secured, and as to the time and place of payment of the principal and interest, and the denomination of the bonds, and the form of the mortgage or mortgages securing the same, and the terms and conditions thereof, and generally all powers to borrow money which the Company has under the Acts affecting the Company.

"And whereas in part performance of the powers and directions of such resolution the directors have determined to issue bonds to the extent of eight thousand dollars per mile of that portion of the Company's railway one hundred and twenty-five miles in length, extending from the point of junction with the Manitoba and North Western Railway near the town of Gladstone, Manitoba, thence in a northerly or north-westerly direction west of Lake Manitoba to a point one hundred and twenty-five miles from the said point of junction, measured along the said line of railway, to be selected by the Company, west of Lake Dauphin, or passing west of Lake Dauphin to or near Lake Winnipegosis;

"Now therefore be it resolved: "1st. That the directors of the Company do now issue its first mortgage bonds to the total amount of one million dollars, or its equivalent in sterling money of Great Britain, being at the rate of eight thousand dollars per mile for each mile of the said one hundred and twenty-five miles of the Company's railway within the points above mentioned.

"2nd. That these bonds shall be secured by a mortgage to trustees, and shall in pursuance of the Act of incorporation of the Company and the general Railway Act of Canada be a first and preferential claim and charge upon the said line of one hundred and twenty-five miles of railway, and upon the franchises of the Company, and the rolling stock, tolls and revenues of the said line other than any aid to which the Company may be or become entitled from the government of Canada, and which aid includes among any other aid which may have been or may be granted to the Company the moneys payable under the Dominion government transport contract made with the Company and dated the fifth day of February, A.D. 1896, and the grants of land to which the Company is or may become entitled from the said government in aid of the construction of its railway, all which are to be expressly excepted and reserved from the operation of the said mortgage, but the said mortgage shall include the agreement made by the Company with the Manitoba and North Western Railway Company of Canada and dated the first day of August, 1896, respecting certain running powers and other rights with respect to that portion of the Manitoba and North Western Railway thirty-six miles in length, extending from the said point of junction to Portage la Prairie, and respecting the terminals in Portage la Prairie.

"3rd. That the said mortgage and bonds shall be executed under the seal of the Company, signed by the president or other presiding officer, and countersigned by the secretary, and the coupons thereof shall be signed by the secretary.

"4th. That the said mortgage and bonds shall be dated the first day of August, one thousand eight hundred and ninety-

six, and the principal money thereby secured shall be payable on the first day of August, one thousand nine hundred and twenty-six ; interest to be payable at the rate of four per cent per annum, half-yearly, on the first days of February and August in each year during the currency of the said bonds, and such interest shall be represented by coupons attached to the said bonds, the first coupon for six months' interest being payable on the first day of February, one thousand eight hundred and ninety-seven.

"5th. That the place of payment of both principal and interest shall be at the office of the Bank of Scotland in London, England.

"6th. That the denomination of the bonds shall be one hundred pounds each.

"7th. That the form of bond now presented be adopted, and that the form of mortgage securing the same now presented be adopted, and that the bonds when executed shall be delivered to the government of Manitoba for the purpose of having its guarantee for the payment of the principal and interest endorsed thereon, and for the purposes of the agreement dated May 7th, 1896, and supplementary agreement between the Company and that government relating to such guarantee."

And whereas, the form of bond presented at the said meeting of directors was and is as follows :

DOMINION OF CANADA.

Province of Manitoba.

£100 Sterling. £100 Sterling

The Lake Manitoba Railway and Canal Company.

FOUR PER CENT FIRST MORTGAGE STERLING BOND.

GUARANTEED BY THE PROVINCE OF MANITOBA.

SERIES A. NO.

The Lake Manitoba Railway and Canal Company, for value received, hereby promises to pay to the bearer hereof, or, if registered, to the registered holder, one hundred pounds in sterling money of Great Britain on the first day of August, 1926, at the office of the Bank of Scotland in London, England, with interest thereon at the rate of four per centum per annum, payable half-yearly at the said place, in like manner, on the first days of February and August in each year on the presentation and surrender of the interest coupons hereto annexed as they severally become due.

This bond is one of a series of like tenor and date, amounting in all to two hundred and five thousand four hundred pounds (£205,400) the payment of principal of all said bonds and interest thereon is secured by a deed of mortge bearing even date herewith, duly executed by the Company to the Honourable Thomas Greenway the Railway Commissioner of the Province of Manitoba and the Honourable Robert Watson the Minister of Public Works of the said Province of Manitoba, and their successors in the trust as trustees, which conveys to the said trustees by way of mortgage the line of

railway of the said Company and the other premises and properties as in the said mortgage described, but not including payments to be received from the government of Canada under any transportation contract made in pursuance of chapter 8 of the statutes of Canada of 1895, or any subsidies, gifts or bonuses, whether in land, money or otherwise now granted or hereafter to be granted to the said Company ;

And payment of the principal of the said bonds and interest thereon is guaranteed by the Province of Manitoba, as thereon endorsed.

This bond may be registered in the books of the Company at its head office or at the office of the Bank of Scotland, London, after which no transfer, except upon the books of the Company, at the place of registry, will be valid, but it is not to be deemed registered until the name of the holder is registered on the back of the bond as well as in the said books. A transfer in favour of bearer may subsequently be registered, after which this bond will be transferable by delivery alone until again registered in the name of the holder.

This bond shall not become obligatory until it shall be certified by the trustees for the time being under the said mortgage.

In witness whereof the Lake Manitoba Railway and Canal Company has caused its seal to be hereunto affixed and these presents to be signed by its president and countersigned by its secretary this first day of August, one thousand eight hundred and ninety-six.

President.

Countersigned

Certified by *Secretary.*

Trustees.

INTEREST COUPON.

TWO POUNDS STERLING. COUPON NO.

The Lake Manitoba Railway and Canal Company will pay the bearer two pounds sterling on the day of , at the office of the Bank of Scotland in London, England, being half-yearly interest on bond number

SERIES A.

Secretary.

GUARANTEE.

Under the provisions of 59 Victoria, chapter 10, statutes of Manitoba, 1896, the principal sum secured by the within bond and interest thereon payable semi-annually for thirty years at the rate of four per centum per annum is hereby guaranteed by the government of Manitoba.

Dated the day of , A.D., 1896.

Provincial Treasurer.

And whereas, the Company has caused the said bonds to the extent of two hundred and five thousand four hundred pounds sterling, being the equivalent of one million dollars, to be duly executed: And whereas, the form of mortgage presented at the said meeting of directors, was and is the same as these presents: And whereas, these presents are satisfactory to the government:

Now this indenture witnesseth, that for and in consideration of the premises, and for the purpose of securing the payment of the said bonds and the interest thereon, as stated in the respective interest coupons thereto attached, the Company doth hereby grant and convey unto the trustees, their heirs and assigns, as joint tenants and not as tenants in common, that portion of the said railway of the Company aided under the provisions of the said recited statute of Manitoba, being 59 Victoria, chapter 10, and which may be described as that portion of the railway one hundred and twenty-five miles in length to be constructed and completed from the point of junction with the Manitoba and North-western Railway near the Town of Gladstone, and thence in a northerly or north-westerly direction west of Lake Manitoba to a point one hundred and twenty-five miles from the said point of junction, measured along said line of railway to be selected by the Company west of Lake Dauphin, or passing west of Lake Dauphin, to or near Lake Winnipegosis, which said portion is hereinafter called "the said railway," as the same is now located and constructed or is in course of construction, together with all the Company's property comprising telegraph and telephone lines erected along the said railway, or used in connection therewith, and with all rights of way and station grounds, station houses, engine houses, freight sheds, machine shops, and all other structures now held and acquired, which hereafter may be held or acquired by the Company, its successors or assigns for use in the construction, maintenance, operation and running of the said railway and telegraph and telephone lines, and also all locomotives, tenders, passenger, baggage, freight and other cars and all other rolling stock, steam shovels and equipment whatsoever, and all machinery, tools and implements, and all supplies and materials now held or hereafter acquired by the Company, its successors or assigns for constructing, maintaining, operating and repairing the said railway and telegraph and telephone lines, or any of the equipment or appurtences thereof, and all tolls, incomes, rents, issues, profits and sources of money arising or to arise from the said railway and other property, except as hereinafter provided, and also all other privileges, powers, immunities and all other corporate and other franchises in respect of the said railway now owned, held or enjoyed by the Company or hereafter to be held, owned or conferred upon it its successors and assigns, excepting, however, any aid to which the Company may be or become entitled from the government of Canada, and which aid includes among any other aid which may have been or may be granted to the Company, the moneys payable under "The Dominion Government Transport Contract," above in part recited, and the grants of land also in part above recited, excepting also any other or additional line of railway to the said portion, one hundred and twenty-five miles in length above

described, all which are hereby expressly excepted and reserved from the operation of these presents.

And for the consideration aforesaid, and for the purpose of securing payment of the said bonds and interest, the Company doth hereby assign, transfer and set over unto the trustees as joint tenants and not as tenants in common all rights, powers, privileges and advantages under and by virtue of "The Running Powers Agreement," above mentioned:

To have and to hold the above described property, premises, things, rights, privileges and franchises acquired and to be acquired, and hereby expressed to be conveyed and intended so to be unto the trustees, their heirs and assigns, according to the nature and quality thereof, as joint tenants and not as tenants in common, and to their successors in the said trust:

In trust, nevertheless, to and for the uses and for the purposes and conditions hereinafter set forth:

ARTICLE I.

Until default shall be made in the payment of the principal or interest of the said bonds hereby secured, or of some one or more of them, or in respect of something herein required to be done, or some condition or covenant to be performed by it, the Company and its assigns shall be suffered and permitted to possess, manage and enjoy the said railway, and all other property expressed to be conveyed hereby, together with the equipment and appurtenances thereof, and the franchises appertaining thereto, and the said "The Running Powers Agreement," and to take and use the rents, incomes, profits, tolls and issues thereof, in the same manner and with the same effect as if this deed had not been made, but subject or to be subject nevertheless to the lien of these presents.

ARTICLE II.

In case default shall be made in the payment of any interest to accrue on any of the aforesaid bonds to be issued by the Company, when such interest shall become payable according to the tenor of such bond or the terms of any coupons thereto annexed, and such default shall continue for a period of six months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the said Company, and such default shall continue for a period of six months after written notice thereof to the Company, then and from thenceforth, and in either of such cases, except as hereinafter mentioned, it shall be lawful for the trustees, personally or by their or his attorneys or agents, to enter into and upon all and singular the railway and property hereby conveyed or intended so to be acquired or constructed, and to be acquired or constructed, or any part thereof, and thenceforth to have, hold, possess and use the said railway and property, and each and every part and parcel thereof, then subject to the lien of these presents, and the rights, powers, privileges and advantages under the said "The Running Powers Agreement" with full power for the period of three months thereafter, and afterwards until the sale and subsequent

delivery of the said railway shall have been made as herein provided, to operate and conduct the business of the said railway, including all telegraph and telephone lines, by their superintendents, managers and servants or attorneys or agents, and to make, from time to time, all repairs and replacements, and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, rents, issues and profits of the same, and of every part thereof; or to lease to some other company the said railway and telegraph and telephone lines, with full power to such other company to operate and conduct the business of the railway and telegraph and telephone lines, and after deducting the expenses of operating the said railway and telegraph and telephone lines and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due under said "The Running Powers Agreement," or for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof, as well as just compensation for their own services and for the services of such attorneys and counsel and all other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this indenture created, the trustees shall apply the moneys arising from such collections and receipts, as aforesaid, to the payment of interest on the said bonds, but excluding all interest coupons which may have been paid by the government of Manitoba under its guarantee, in the order in which such interest shall have become and shall become due, ratably, to the persons entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising, as aforesaid, shall remain, and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the trustees, for the protection of the property, or to provide for the instalment of interest next thereafter to fall due, the same shall be applied in payment of the interest coupons which may have been paid by the government of Manitoba, and any surplus which shall remain after such payment shall be paid over to the Company or its assigns; but in case the principal of said bonds shall have become due, or shall have been declared by the trustees to be due, under the provisions of Article IV. of this indenture, the surplus arising, as aforesaid, shall be reserved, to be applied to the payment of said bonds, upon the sale of the said railway and premises as hereinafter provided.

ARTICLE III.

In case default shall be made in the payment of interest on the said bonds or any of them, as aforesaid, and shall continue as aforesaid, for the period of six months thereafter; or in case default shall be made in the payment of the principal of the said bonds, or any of them, or any part thereof, when the same shall respectively become due and payable, and shall continue for a period of six months thereafter, it shall be lawful for the

trustees, after such entry as aforesaid, or after other entry, or without entry, personally or by their attorneys or agents to sell and dispose of the said railway property, and all and singular the property, rights and franchises hereinbefore particularly described and expressed to be conveyed, and which shall be then subject to the lien of these presents, including the rights, powers, privileges and advantages under the said "The Running Powers Agreement," at public auction in the city of Winnipeg, in the Province of Manitoba, and at such time as the trustees shall appoint, having first given notice of the time and place of such sale, by advertisement, published not less than three times a week for three successive months, in one or more daily newspapers published in the cities of Winnipeg, London (England), Toronto and Montreal. And, after such notice. it shall be lawful for the trustees to make such sale, with or under any special conditions as to upset price, reserved bid, or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds or interest coupons secured hereunder, which may be prescribed or authorized by the bondholders in the manner hereinafter provided; also with power to rescind or vary any contract of sale that may have been entered into thereat, and re-sell with or under any of the powers herein. And the trustees may stop, suspend or adjourn such sale from time to time, in their discretion, and if so adjourning, and after one month's notice thereof, published not less than three times a week for one month in the said daily newspaper or newspapers, make such sale with or under any of the powers herein, at the time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway property, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the Company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from or under the said Company or its assigns. And, after deducting from the proceeds of such sale just allowances for all expenses thereof, including attorneys and counsel fees, and all other expenses, advances or liabilities, which may have been made or incurred by the trustees in operating or maintaining the said railway and property, or in managing the business thereof, and all payments by them made for taxes or assessments, and for charges and liens prior to the lien of these presents on the same or any part thereof, as well as reasonable compensation for their own services, and any other expenses or charges referred to in Article II., it shall be lawful for the trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of the said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders, including, however, any bonds and interest coupons paid by the government of Manitoba; and if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, the same shall be

applied in payment of the bonds and coupons which may have been paid by the government of Manitoba, and if any surplus thereafter to pay such surplus company or its assigns. And it is hereby declared and agreed that the receipt of the trustee shall be a sufficient discharge to the purchasor or purchasers at such sale for his or their purchase money; and that after payment of such purchase money, and having such receipt,such purchaser or purchasers shall not be obliged to inquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or non-application of such purchase money, or of any part thereof, nor shall he or they at any time be obliged to inquire at any time into the necessity, expediency or authority of or for any such sale.

ARTICLE IV.

In case default shall be made in the payment of any half-yearly instalment of interest on any of the said bonds, when such interest shall become payable according to the tenor of such bond or of any coupon thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of six months after the same shall have become payable as aforesaid and been demanded, and such default shall continue for six months thereafter, then and from thenceforth the principal sum of each of the bonds, aforesaid shall, upon a delaration of the trustees to that effect, made upon the request hereinafter provided for, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but such declaration shall not be made by the trustees unless a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding, and upon which default in the payment of interest shall have been made and shall be continuing, shall have requested the trustees so to do, by an instrument in writing under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, have instructed the trustees to declare such principal sum due; and such majority of the bondholders as aforesaid shall have the power to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe; provided always, that no act or omission either of the trustees or of the bondholders in the premises shall extend to, or be taken in any manner whatsoever to affect, any subsequent default, or the rights resulting therefrom.

ARTICLE V.

It shall be the duty of the trustees, but subject always to the provisoes in Article III. contained, to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity, or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the Company or its assigns, in

the manner, and subject to the qualifications herein expressed, upon the requisition of bondholders as herein prescribed, as follows:

1. In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid for a period of six months, then and in every such case, upon a requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or, if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they, being advised by counsel learned in the law, shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof; provided nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, to direct the trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and expressly agreed that no holder of bonds or coupons, secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this indenture, or the execution of the trusts thereof, except upon and after the refusal or neglect of the trustees hereunder to proceed to act in the premises, upon requisition and indemnification as aforesaid; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults, on which it is founded, in like manner as is hereinbefore provided for a direction to the trustees to waive default. And it is hereby further declared and provided that no action, taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or rights of the trustees, or of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

2. If the Company shall make default or breach in the performance or observance of any other condition, obligation or requirement by the said bonds or by this present deed imposed upon them, then and in such case the trustees shall, upon a requisition in manner aforesaid, of not less than one-fifth in interest of the bondholders, for the time being, and upon adequate and proper indemnification of the trustees against the costs, expense and liabilities to be by them incurred, proceed to enforce the rights of the bondholders under these presents in the manner by the first clause of this article provided, sub-

ject to a power in such majority at any time to direct in manner aforesaid, the trustees to waive such default or breach, upon reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the trustees or by the bondholders, under this clause, shall prejudice or in any manner affect the powers or rights of the trustees or of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

ARTICLE VI.

The trustees shall at all times during the continuance of the trust hereby created, have power and authority, to be exercised in their own discretion and not otherwise, to convey or release from the lien and operation of these presents, to any party who may be designated in writing by the Company to receive the same, any portion of the lands and premises which are conveyed hereby, or which are at any time acquired or held by the said Company or its assigns for use in connection with the said railway and telegraph and telephone lines or extension thereof, or the construction, maintenance or operation thereof, but which in the judgment of the trustees it shall be unnecessary longer to retain for use in connection therewith. And the trustees shall also have power and authority to allow the Company or its assigns from time to time to dispose of, in its discretion, any or any part of the locomotives, tenders, passenger, baggage, freight and other cars and other rolling stock, steam shovels, and equipment, machinery, tools and implements required or held for the use of the said railway and telegraph and telephone lines or the extension thereof as shall become unfit or unnecessary for such use.

ARTICLE VII.

In the event at any time of the interest upon the said bonds remaining upaid and owing, then at the next ensuing annual general meeting of the Company all the holders of the bonds hereby secured shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof.

ARTICLE VIII.

All bonds hereby secured shall be payable to bearer, and negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided; and the Company shall keep at its head office or at its transfer office in the counting house of the Bank of Scotland, in the city of London, England, a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at either of the said places a written statement of the said particulars and verifying his title to

such bond by production thereof; and every registration of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon, no transfer shall be made or shall be valid except in writing, in a suitable transfer book to be kept by the Company at the said place for such transfers, signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer book, so as to show the number of the bond transferred, and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

The Company shall from time to time and at all times hereafter well and truly defend and keep harmless and fully indemnify the government against all loss, costs, charges, damages and expenses which the government may at any time or times hereafter bear, sustain or be put to for, by reason or on account of the Company failing to pay the said coupons and bonds or any of them.

In the event of the government under the terms of its guarantee paying the interest coupons upon such bonds, or any of them, or paying the said bonds themselves or any of them, the government shall be subrogated to all the rights of the holders of such coupons and bonds so paid by the government, and the government shall in such event be deemed to be purchasers of such coupons and bonds so paid, and shall have all the rights and remedies which are provided in this instrument for the protection of original holders of such bonds, and the trustees shall in such event be deemed to be trustees for the government in respect of the coupons and bonds so paid by the government, and may be called upon by the government to exercise and shall then exercise all the powers and remedies herein provided in the event of any default in payment on the part of the Company so as to fully secure payment and recoupment to the government of any and of all coupons and bonds paid by it under the terms of the said guarantee. And the trustees shall in such event and upon being requested so to do have the right to apply to a court of competent jurisdiction for and to secure the appointment of a receiver of the undertaking, assets and revenues of the Company.

Provided, however, that no steps shall be taken by the said trustees or by the government to enforce the payment by the Company to the government of any instalment of interest paid by the government before the expiration of four years from the completion of the said railway unless and until the certificate of the chief justice of the Court of Queen's Bench of Manitoba has been given that during the financial year in which such certificate is given there have been net earnings of the Company over and above the working expenses of the railway, and that such net earnings or some part thereof have not been applied in payment of interest upon the said bonds guaranteed by the government. And in the construction of

this mortgage the term "working expenses" shall in no case be held to include the salary of any officer or employee whose time is not wholly employed bona fide in the operation or management of the said railway except that as to officers and employees whose services are necessary or desirable but whose whole time is not fully taken up in the service of the railway company under the head of "working expenses" there shall be included a reasonable remuneration for the time actually expended and services actually rendered by such officer or employee to the Company in connection with the operation or maintenance of the railway, and that under the term "working expenses" there shall not be included any expenses, payments or outgoings not reasonably necessary for the efficient management, maintenance, operation and repair of the said railway, but that any rental paid by the Company to the Manitoba and North-Western Railway Company of Canada and any expenses for maintenance, repair and operating of the said railway necessarily paid by the Company in respect of the Company's traffic over the Manitoba and North-Western Railway Company shall be held to be a portion of the working expenses of the Company, and that all receipts and earnings of the Company in respect of traffic over the Manitoba and North-Western Railway shall be held to be earnings of the Company.

Provided further, however, that the said trustees shall not take any steps for the sale of the said railway or for the foreclosure of this mortgage or other steps which would have the effect of returning to the bondholders the principal or part of the principal of their bonds before the maturity thereof at the instance of the government or its assigns or any person acting on their behalf or in their interest, until the principal money of the said bonds is to become due in accordance with the terms of such bonds, or has been declared by the trustees to be due under the provisions of Article IV of this indenture, it being agreed and intended that the principal money of the said bonds shall not be called in at the instance of the government until the principal money of the said bonds becomes due according to the terms thereof or has been declared by the trustees to be due under the provisions of Article IV of this indenture, and that no proceedings by way of sale, foreclosure or otherwise which would have the effect of returning to the bondholders the principal or part of the principal of their bonds before the maturity thereof shall be taken at the instance of or on behalf of or in the interests of the government, and that any interest and coupons not paid by the government under the terms of the said guarantees shall be paid in priority to the claim of the government for any interest paid under the terms of the guarantee.

The said chief justice shall have full power to decide what are proper working expenses, and in so deciding may take evidence or consult with experts and use his own judgment in coming to a decision and the decision of the chief justice thereon shall in any and all cases be final and binding without appeal. Three months' notice of any application for the granting of a certificate by the chief justice as aforesaid shall be given to the Company by leaving the same at its head office or by publishing the same in a daily newspaper of the city of Winnipeg.

ARTICLE IX.

The trustees, or any trustee hereunder, may take such legal advice and employ such assistance as may be necessary in their judgment to the proper discharge of their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation the Company hereby promises and agrees to pay; but in case the Company should make default in such payment, the same shall be retained by the trustees out of any trust moneys coming into their hands.

ARTICLE X.

The trustees shall not, nor shall any trustee hereunder, be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trusts, and not the one for the other or others of them, or the acts or defaults of the other or others.

ARTICLE XI.

The trustees shall be the parties who occupy the offices of Railway Commissioner and Minister of Public Works in the province of Manitoba, and their successors in such offices from time to time, and, in the event of those offices becoming vacant, then the government shall have power to appoint such person or persons as to the government may seem meet to be trustees under the terms of this mortgage, and on such appointment each person so appointed shall, and on a successor in such office succeeding thereto, he shall be vested with the same powers, rights and interests, and charged with the same duties and responsibilities as if he had been named among the parties of the second part to this instrument in place of the trustee whom he succeeds, without any further assurance, conveyance, act or deed; but in the event of any conveyance or other instrument being thought necessary or suitable, for the purpose of assuring the new trustee so appointed a full general estate in the premises, then the Company shall forthwith execute the same.

ARTICLE XII.

Meetings of the bondholders under this deed of trust may be called in such mode as may be fixed by regulations prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy; and the quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum, and make such regulations or by-laws, such powers may be exercised by the trustees. And the trustees shall have the right, at or

before any meeting of the bondholders, to require that any act or resolution of the bondholders affecting the duties of the trustees, shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever, and as often as any contingency shall arise, in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the trustees, and such trustees shall be and are hereby authorized and required to call a meeting of the holders of bonds secured hereby, to be held at any city in Canada, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the Company, and may be defrayed, if necessary, from the trust fund) to be published three times in each week for six weeks, in one or more daily newspapers of good circulation among the business community in the cities of Winnipeg, London (England), Toronto and Montreal, and in default of such meeting being called by the trustees within thirty days after notification to them in writing by any bondholder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the Company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person, or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. But, until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds for the time being, shall be required to constitute a quorum at any such meeting.

ARTICLE XIII.

Each of the trustees hereby accepts the trusts hereby created and agrees to discharge the same unless and until he be legally discharged therefrom either by resignation or removal as hereinbefore provided or otherwise.

ARTICLE XIV.

If the Company, or its assigns, shall pay the principal of each and every of the bonds secured by this instrument when the same shall become payable, and all interest coupons thereon as they shall from time to time mature, according to the tenor of such bonds and coupons respectively, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents to be by them or either of them done or observed, then and in that case all the estate, right, title and interest of the trustees by these presents created shall cease, determine and become void; otherwise the same shall remain in full force and virtue. And upon any such deter-

mination of such interest, the trustees shall execute such reconveyance and re-assignment of the premises as may be necessary or expedient.

ARTICLE XV.

And the Company, for itself and its assigns, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that the bonds hereby secured or intended so to be, shall be issued only at such times and in such amounts as hereinbefore limited; that the said Company will, in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from said railway, branches and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year, on said bonds, when the same shall become due, until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed, or intended or contemplated so to be, which may not be covered by the exemption from taxation under the said recited Act, so as to keep the mortgaged premises free and clear from any encumbrance by reason thereof; and that it will, from time to time, and at all times herafter, and as often as thereunto requested by the trustees under this indenture, execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law, for the better assuring unto the trustees, upon the trusts herein expressed, the railway aforesaid, acquired and to be acquired, constructed and to be constructed, together with their equipment, appurtenances and franchises, and all and singular the lands, property and things hereinbefore mentioned or described, acquired and to be acquired, and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed, and for perfectly and fully assigning and assuring to the trustees the running powers agreement and all the Company's rights, benefits, powers and privileges under and by virtue of the running powers agreement, to the trustees, or their successors in the trust created by these presents, as by the trustees, or by their counsel learned in the law, shall be reasonably advised, devised or acquired, so that the trustees or their successors in the trust and their assigns may become fully possessed of and entitled to the same.

The Company for itself and its assigns hereby covenents and agrees to and with the trustees and their successors in the trust created by these presents and with the government as follows:

(*a*) At all stations upon the said railway there shall always be permitted the loading of grain into cars from farmers vehicles or flat warehouses, subject to reasonable regulations made by the Company, and at all reasonable times during the period of the guarantee hereinbefore referred to, proper facilities therefor shall be afforded.

(*b*) No lease, agreement, contract or transaction shall be at any time entered into the effect of which will be to interfere with or prevent the fulfillment of the various covenants herein entered into, on the part of the Company.

(*c*) No lease of the said railway, no contract for running powers or wheelage over the said railway, no traffic contract or contract for the operation of the said railway, made or entered into during the currency of the said bonds without the consent of the government shall be valid as against the government after default made by the Company in payment of interest on any of the bonds so guaranteed by the government.

(*d*) During the currency of the said bonds, the said line of railway shall be preserved in a proper and efficient state of repair and equipment, and it shall be efficiently and regularly operated.

(*e*) Proper and correct books of account shall be kept by the Company which shall show all the transactions of the Company, and particularly shall clearly exhibit a statement of the working expenses of the said railway and the earnings thereof, and all earnings properly applicable to the railway hereby contracted to be built, whether the same is further extended or connected with another railway or other railways or not, and the Company shall deliver to the government within one month after the 31st day of December in each year after the date hereof a statement of such working expenses and earnings in such detail as shall be required by the government.

(*f*) All reasonable facilities shall be furnished to any other railway company for the receiving and forwarding and delivering of traffic upon and from the line of railway belonging to or worked by such companies respectively, and for the return of carriages and cars and no undue or unreasonable preference or advantage shall be made or given to or in favour of any particular person or company or any particular description of traffic in any respect whatsoever, nor shall any particular person or company or any particular description of traffic be subjected to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and all due and reasonable facilities for receiving and forwarding over the said railway of the traffic arriving by such other railway or railways shall be forwarded without any unreasonable delay and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction is afforded to the public desirious of using such railway as a continuous line of communication and so that all reasonable accommodation by means of the railways of the several companies is at all times afforded to the public in that behalf, and any agreement made between the said Company or its assigns and any other company or its assigns and any other company contrary to the provisions of this instrument or anything therein contained shall be null and void.

(*g*) The construction of a line of railway between Portage la Prairie and Gladstone shall not be proceeded with by the Company without the consent of the government being first had and obtained, or unless the said bonds and all coupons are first paid by the Company.

(*h*) If requested so to do by the government, the Company will make an application to the Parliament of Canada for an

Act to ratify and confirm and make binding upon the Company and its assigns everything herein contained, and the parties hereto covenant that they will assist and promote in every way in their power such application and the obtaining of the passage of the said Act.

(*i*) The government shall be entitled to take proceedings by way of injunction to prevent the infringement of any of the terms or provisions of this instrument, and in the event of the Company failing to fully and completely perform all such terms and provisions, the government shall be entitled to enforce such performance.

In witness whereof the Company has caused its corporate seal to be hereunto affixed and these presents to be signed by its president and secretary; and the trustees, to evidence their acceptance of the said trust, have likewise signed and sealed these presents; and the government have also caused these presents to be executed under the hand and seal of the Railway Commissioner of the Province of Manitoba.

Signed, sealed and delivered by the Company in the presence of } THE LAKE MANITOBA RAILWAY AND CANAL COMPANY. [L.S.]

BY

EDWARD G. GOODWIN.

FREDERIC NICHOLLS,
President.

CHAS. E. L. PORTEOUS,
Secretary.

By the trustees In the presence of W. E. PERDUE.

THOMAS GREENWAY, [L.S.]
Trustee.

ROBT. WATSON, [L.S.]
Trustee.

By the government In the presence of W. E. PERDUE.

THOMAS GREENWAY, [L.S.]
Railway Commissioner of the Province of Manitoba.

No. 72.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Lake Manitoba Railway and Canal Company.

Received and read a first time, Wednesday, 28th April, 1897.
Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

Mr. RICHARDSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No 73.] **BILL.** [1897.

An Act to Incorporate the Kaslo and Lardo-Duncan Railway Company.

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

Incorporation. **1.** Daniel J. Munn, of the city of New Westminster, David W. Moore, of the town of Kaslo, and N. Franklin Mackay, of the said city of New Westminster, in the Province of British Columbia, with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Kaslo and Lardo-Duncan Railway Company," hereinafter called "the Company." Corporate name.

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

Head office. **3.** The head office of the Company shall be at the town of Kaslo, in the Province of British Columbia, or in such other place in Canada as the directors from time to time determine by by-law.

Line of railway described **4.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Kaslo, in the district of West Kootenay, in the Province of British Columbia, thence by Kootenay Lake to a point at or near Lardo, thence to a point at or near the southern end of Upper Kootenay Lake, thence along or near the shore of said Upper Kootenay Lake to a point at or near the mouth of the Duncan River, thence along the said Duncan River to its head water, with a branch line beginning at or near the mouth of the Lardo River, thence by the most feasible route to and by Trout Lake, to a point at or near Lardeau on Arrow Lake.

Branch lines. 1888, c. 29. 2. Subject to the provisions of sections one hundred and twenty-one and one hundred and twenty-two of *The Railway Act* the Company may construct and operate one or more branches from convenient points on its main line or on the branch line from the mouth of the Lardo River to Lardeau on Arrow Lake, to any mine adjacent to such main or branch line, but no such branch line shall exceed twenty miles in length.

Power to build docks, elevators and vessels,

Charge storage,

Convey passengers and freight.

5. The Company, at any point where the railway or any branch thereof, touches or crosses any navigable water, may, for the purposes of its business, build, equip and operate docks and elevators, and steam and other vessels, and may collect wharfage and storage charges for the use of its wharves and buildings, and may, in connection with its railway, convey passengers and freight, between ports in Canada and ports outside of Canada, and may carry on a general transportation service in connection with the said railway and may sell and dispose of such vessels.

Provisional directors.

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

Capital stock and calls thereon.

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

Annual meeting.

8. The annual general meeting of the shareholders shall be held on the first Monday in October 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 five persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Amount of bonds, etc., limited.

10. The Company may issue bonds, debentures or other securities to the extent of thirty-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.

Issue of bonds.

11. The Company may issue the bonds, debentures or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branch or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company ; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect to which the same are thus respectively issued, and upon the rents and revenues thereof and upon all the property of the Company appertaining to or belonging to such section, branch or extension.

1888, c. 29.

Agreements with other companies.

12. The Company may enter into an agreement with the Kaslo and Slocan Railway Company, or the Canadian Pacific Railway Company, or with any steamboat company carrying on business in the Kootenay district for conveying or leasing to such company its railway in whole or in part or any rights or powers acquired under this Act, as also the surveys, plans, work, plant, material, machinery, franchises and other property to it belonging, or for an amalgamation with any of the said companies on such terms and conditions as are agreed upon,

and subject to such restrictions as to the directors seem fit; provided that such agreement has first been approved by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same—at which meeting shareholders representing at least two-thirds in value of the stock are present 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.

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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for sanction.

No. 73.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Kaslo and Lardo-Duncan Railway Company.

Received and read a first time, Wednesday, 28th April, 1897.
Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

Mr. Bostock.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 74.] **BILL.** [1897.

An Act to incorporate The National Life Assurance Company of Canada.

WHEREAS the persons whose names are hereinafter mentioned have, by their 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:— Preamble.

1. Henry S. Howland, Elias Rogers, George L. Milne, Robert A. Stevenson, Thomas C. Irving, William Store, John Pugsley, and Richard H. Tomlinson, together with such persons as become members of and shareholders in the company hereby incorporated, are hereby constituted a body corporate, under the name of "The National Life Assurance Company of Canada," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The persons whose names are set forth in the first section of this Act, together with such persons, not exceeding six, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company. Provisional directors.

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, in the province of Ontario, at which general meeting the shareholders present in person or represented by proxy who have paid not less then ten per cent on the amount of shares subscribed for by them, shall elect a board of directors. First meeting of Company. Election of directors.

Qualification of directors.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock 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-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice shall be given of any call: Provided that the Company shall not commence the business of insurance until fifty 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.

Amount to be subscribed before business 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 meeting.

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

Head office.

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

Branch offices.

Investment of funds.

10. The Company may invest its funds in the debentures, bonds, stock 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, incorporated or doing business in Canada, or on the security of the policies of such company, or on the security of any of the said debentures, bonds, stock, securities or policies, or on the security of paid up shares of any such building society, loan or investment company, and whether such debentures, bonds, stock, securities, policies or shares are assigned absolutely or conditionally, or by assignment in the nature of a charge or mortgage thereon to the Company, or to any officer of the Company or other person in trust for the Company, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for a term or terms of years, or in ground rents on real estate or other estate or interests in real property or mortgage security thereon in any province of Canada; and in or upon any bonds or debentures of any of the States of the United States, or of any municipalities in the United Kingdom, or in the United States, or in mortgages on real estate therein; but the amount so invested in the United Kingdom shall not at any time

Proviso.

exceed the reserve upon all outstanding policies in force in the United Kingdom, and 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 such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act;* 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.

Terms of loans to be fixed by directors.

2. Any investment or loan above authorized to be made, may be on such terms and conditions, and in such manner, and at such time and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, as the directors from time to time determine, and either in satisfaction of, or as collateral security for, debts due to the Company, or judgments recovered against any person in its behalf, or in security for the payment thereof or of any part thereof.

Additional securities.

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

Foreign securities.

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

Powers as to real estate.

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 all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company, shall be sold and disposed of within ten years from the time of its becoming the absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

Real estate required for 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.

Distribution of profits.

14. The directors may from time to time set apart such portion of the net profits as they shall deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart, which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof; but no dividends 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, and the directors shall not be obliged to allot such portion of profits to such holders of participating policies oftener than once in five years.

Participating policy holders right to vote.

15. 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; 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.

Policy held for benefit of another.

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

Paid up policies in certain cases.

16. Whenever any holder of a participating 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 and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum to be ascertained upon principles to be adopted by by-laws applicable generally to all such cases as may occur, provided he shall demand such paid up and commuted policy or such cash payment while the original policy is in force, or within six months after his failure to pay a premium thereon.

R.S.C., c. 124.

17. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act* and any Act amending it.

R.S.C., c. 118, ss, 18, 39.

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

No. 74.

2nd Session, 8th Parliament, 60 Victoria, 18

BILL.

An Act to incorporate the National L
Assurance Company of Canada.

Received and read a first time, Wednesd
28th April, 1897.
Second reading, Friday, 30th April, 1897.

(PRIVATE BILL.)

Mr. LOUNT.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 75.] **BILL.** [1897.

An Act respecting the attachment of the salaries of Dominion employees.

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

Attachment by judgment creditor.

1. Any judgment creditor of a person employed in the public service of Canada may attach the future salary of such employee by serving on the accountant by whom such employee's salary is paid, an order to that effect made by a judge of the court in which judgment was recovered; and the accountant shall pay such employee's salary in accordance with such order.

No. 75.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the attachment of the salaries of Dominion employees.

Received and read a first time, Wednesday, 28th April, 1897.
Second reading, Friday, 30th April, 1897.

Mr. Richardson.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 76.] **BILL.** [1897

An Act to incorporate The British Pacific Railway Company.

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

1. Incorporation.

together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The British Pacific Railway Company," hereinafter called "the Company." Corporate name.

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

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the city of Victoria in the Province of British Columbia, by way of Bute Inlet, Cariboo, Edmonton and Prince Albert, to a point in or near the city of Winnipeg in the Province of Manitoba; also a branch line down the valleys of the Canoe, Columbia and Kootenay rivers to the forty-ninth parallel of latitude, and also a branch line from a convenient point on the main line to a port on Hudson's Bay. Line of railway described. Branch lines.

4. The Company may also construct branch lines or extensions, not exceeding twenty miles in length, from any point on the lines of the Company, for the purpose of connecting the said railway with any coal, iron or other mines or mineral lands. Branch lines to mines.

5. The Company may acquire and utilize water and steam power for the purposes of generating electricity for lighting and motor purposes in connection with its railway or any branch or part thereof, or generally, and may operate the said railway or any branch or part thereof by electricity. Use of electricity.

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

Capital stock.

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

First meeting of shareholders.

Election of directors.

8. So soon as one million dollars of the capital stock has been subscribed and ten per cent thereof has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the place where the head office is situate, at such time as they think proper, at which meeting the shareholders who have paid at least ten per cent on the amount of stock subscribed for by them shall elect the number of directors prescribed by section ten of this Act.

Annual meeting.

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

Number of directors.

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

Executive committee.

11. The directors may annually appoint from among themselves an executive committee at Montreal, or elsewhere, for such purposes and with such powers and duties as the directors by by-law determine; and the president shall be *ex-officio* a member of such committee.

Issue of bonds.

Application of proceeds.

12. The Company, being first authorized by a resolution passed at a special general meeting of the shareholders duly called for the purpose, may, from time to time, issue bonds in aid of the acquisition of elevators, warehouses, tramroads, canals, water lots, docks, wharves, steamships and other vessels, 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 the same as the case may be, according to the terms and intention of such resolution, and each such resolution shall indicate by some general description the elevators, warehouses, tramroads, canals, water lots, docks, wharves or steamships or other 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 each issue of such bonds the Company shall execute a deed of mortgage in such form and containing such provisions as are approved by a resolution of such general meeting of shareholders as aforesaid,—each of which deeds shall be made to trustees to be appointed at such special general meeting for that purpose, and may contain provisions establishing the amount secured upon the elevators, warehouses, tramroads, canals, water lots, docks, wharves, steamships or other vessels to which it relates, the rank and privilege to appertain to the bonds intended to be secured by it, the rights and remedies to be enjoyed by the respective

holders of such bonds, the mode of assuring the application of the proceeds of such bonds to the purposes for which they are to be issued, the rate of interest payable upon them and the place and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms thereof, and for the protection of the holders of such bonds; and it may charge and bind the tolls and revenues of the said elevators, warehouses, tramroads, canals, water lots, docks, wharves, steamships or other vessels to which it relates, and the whole or any part of any subsidy to be earned in connection therewith (but not the railway proper or the tolls and revenues thereof) in the manner and to the extent therein specified; and each such deed of mortgage shall create absolutely and exclusively a lien and encumbrance according to its priority on the elevators, warehouses, tramroads, canals, water lots, docks, wharves, steamships or other vessels, as the case may be, therein described, as well as their tolls, revenues and subsidy therein hypothecated,—the whole for the benefit of the holders of the bonds with respect to which it is made.

Property secured by such mortgage

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

How bondholders to rank.

Duplicate of mortgage to be kept by Secretary of State.

15. The Company may also issue bonds, debentures or other securities, to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed, and the Company may issue such bonds, debentures or other such securities in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents, and revenues of the Company, present or future, or both, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued and which shall be described in the mortgage deed made to secure the same.

Amount of bonds, etc., limited.

16. The Company may also issue mortgage bonds (to be called land grant bonds) to the extent of one dollar per acre on any land granted in aid of the undertaking authorized by this Act, and when so issued such bonds shall constitute a first mortgage upon such lands, and any such mortgage may be evidenced by a deed or deeds of mortgage, which said mortgage may confer upon the trustee or trustees named thereunder, and upon the holders of the bonds secured thereby, such remedies or authorities, powers and privileges, and

Land grant bonds.

may contain such provisions and conditions not inconsistent with law or this Act, as may from time to time be agreed upon between the Company and the other parties thereto.

Company may receive subsidies, etc.

17. The Company may, from time to time, receive from any government, person or corporation, in aid of the construction, equipment and maintenance of the said railway and of any line of steamships running in connection therewith or otherwise, grants of land, bonuses, loans or gifts of money, or securities for money, and may also purchase or lease from any government, 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: first 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.

Purchase lands, etc.

Proceeds of sales to be held in trust.

Such sales to discharge existing liens.

18. 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 person or persons entitled to receive the purchase money, shall thereby be forever 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 lien created by the Company thereon the same shall be applied in accordance with the trusts in the next preceding section declared.

How proceeds of sales to be applied.

Disposal of surplus lands.

19. Any lands acquired 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.

Form of bonds, as to payment.

20. The bonds, debentures or other securities authorized by this Act, may be so issued, in whole or in part, in the denomination of dollars, pounds sterling, 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 whole or any of such bonds may be pledged, negotiated or sold upon such conditions and at such price as the directors shall from time to time determine.

Bonds may be hypothecated or sold.

Powers of Company as to vessels,

21. The Company may build, purchase, acquire, charter and possess, work and operate steam and other vessels on any lakes, rivers or other navigable waters, as it deems proper and expedient, in connection with its railway, and may do all such things as are necessary for improving the navigation of such rivers, or between any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters, may construct a railway or tramroad between any of such lakes or rivers and others of them, and also around the rapids or any other obstruction of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite; and may also build, purchase, acquire or lease, work and operate grain elevators and other warehouses, and may carry on a general warehousing business, and may purchase grain and other freight, and sell or dispose of the same; and the Company may erect and maintain docks, dockyards, wharves and piers at any point on or in connection with the said railway, and at the termini thereof or at any port of call of any of its steamers for the accommodation of vessels, elevators and warehouses.

Railways or tramroads,

Canals,

Elevators,

Freight,

Docks, etc.

Telegraph and telephone lines.

22. The Company may construct and operate lines of telegraph and telephone in connection with and along the line of the railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said railway to any point on James' Bay, Hudson's Bay and Hudson's Straits, and may lay submarine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by any such lines.

Power to enter upon highway, etc.

Erect poles.

Stretch wires.

Break up highway.

23. 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 enter upon, use, break up and open any highway or public place, subject, however, to the following provisions:—

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;

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.

Notice to 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.

Liability for damage.

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

Erection of buildings on Company's land.

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

Company may build tramways, canals, etc.

25. The Company may make advances to or assist in any way any individual or corporation engaged in any business or enterprise calculated to promote the welfare of the Company

or of the districts traversed by its lines, and may also build and operate tramways, canals, ditches, and flumes, and may lease the same, and may work any mines upon the lands owned or acquired by the Company, and may erect mills and manufacturing establishments, and sell the products of the same, and may also erect and maintain hotels and dwelling-houses for its employees and others, and may generally perform any and all acts which will assist in developing and improving the districts through which its line passes.

Work mines.

Erect mills, hotels, etc.

26. The Company may, for the purposes aforesaid,

Powers of Company.

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

Acquire property for transmission of electricity.

(*b*.) Build and maintain power houses and stations for the development of electrical force and energy, and buy or lease the factories or stations of other like companies, or lease their works, equipment and apurtenances or a portion thereof;

Maintain power houses.

(*c*.) Acquire by lease, purchase or otherwise any rights in letters patent, franchises or patent rights, for the purpose of the undertaking of the Company, and again dispose of such rights;

Acquire patent rights.

(*d*.) Sell or lease any power which the Company develops or acquires, and dispose of the same either as water power or when converted into electricity or other force for the distribution of light, heat or power, or any other purpose for which electricity may be used.

Sell power.

27. The Company may enter into an agreement with the Trans-Canadian Railway Company, the Canadian Western Central Railway Company, the Esquimalt and Nanaimo Railway Company, the Calgary and Edmonton Railway Company, the Great North-West Central Railway Company, the Manitoba and North-Western Railway Company of Canada, the Winnipeg Great Northern Railway Company, the Northern Pacific and Manitoba Railway Company or the Lake Manitoba Railway and Canal 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, or for the purchase or lease of any or all of the said railways or any sections thereof by the Company, and each and all of the said companies may enter into such agreements with the 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;

Agreements with other companies.

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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in

Notice of application for sanction.

one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.

Time limited for construction of railway

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

No. 76.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the British Pacific Railway Company.

Received and read a first time, Friday, 30th April, 1897.
Second reading, Monday, 3rd May, 1897.

(PRIVATE BILL.)

Mr. OLIVER.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 77] **BILL.** [1897.

An Act to incorporate the Hudson's Bay and Yukon Railways and Navigation Company.

Preamble.

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

Incorporation.

1. Charles Thompson Harvey, Robert Alexander Grant, Stapleton Caldecott, the Honourable Samuel Hume Blake, John Woodburn Langmuir, Robert Kilgour and James Scott, 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 Hudson's Bay and Yukon Railways and Navigation Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Toronto, but may be changed to such other place in Canada as is fixed by by-law passed at any annual general meeting or at any special meeting of shareholders duly called for that purpose.

Line of railway described

3. The Company may lay out, construct and operate a railway of the gauge of four feet, eight and one-half inches, from a point on Chesterfield Inlet in the north-west part of Hudson's Bay, in the North-West Territories, to a point on the Great Slave Lake, or any navigable water connected therewith, and from a point on the Mackenzie River to a point on the Porcupine or Yukon Rivers, or to or from a point on the tributaries or branches of any such rivers, or any navigable waters in the territory lying between the waters aforesaid, together with such branch lines as the purposes of the Company may require.

Provisional directors.

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

Capital stock and calls thereon.

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

Annual meeting.

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

Election of directors.

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

Amount of bonds, etc., limited.

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

Powers of Company.

9. The Company may, for the purpose of its business, and in connection with its railways,

Control vessels,

(*a*) Construct, acquire, charter, control, equip and dispose of steam and other vessels upon Hudson's Bay, Great Slave Lake, the Mackenzie River, Porcupine River and the Yukon 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;

Carry passengers and freight,

Construct docks, warehouses, etc.

Generate electricity.

(*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;

Acquire patent rights.

(*c*) Acquire exclusive rights in letters patent, franchises or patent rights and again dispose of the same.

Time limited for construction of railway.

10. The railways hereby authorized shall be commenced within five years and finished and put in operation within ten years from the passing of this Act, otherwise the powers granted by this Act shall be null and void as respects so much of the railways as then remain uncompleted.

No. 77.

2nd Session, 8th Parliament, 60 Victoria, 189

BILL.

An Act to incorporate the Hudson's Ba and Yukon Railways and Navigatio Company.

Received and read a first time, Friday, 30t April, 1897.
Second reading, Monday, 3rd May, 18.7.

(PRIVATE BILL.)

Mr. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No 78] **BILL.** [1897.

An Act respecting the Ontario Accident Insurance Company.

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

1. Section five of chapter eighty-three of the statutes of 1895 is hereby repealed, and the following substituted therefor:— 1895, c. 83, s. 5. repealed.

"**5.** The Company may make and effect contracts of insurance with any person against any accident or casualty, of whatsoever nature or from whatsoever cause arising, to individuals, including sickness, not ending in death, or in case of death from any accident or casualty, not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon; and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties, of whatever nature or from whatever cause arising, whereby the insured suffers pecuniary loss or damage or incurs costs." Scope of insurance contracts. Workmen and employees.

No. 78.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Ontario Accident Insurance Company.

Received and read a first time. Friday, 30th April, 1897.
Second reading, Monday, 3rd April, 1897.

(PRIVATE BILL..)

Mr. OSLER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 79.] **BILL.** [1897.

An Act to incorporate the Dominion Portland Cement Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company for the purposes and 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:

Incorporation.

Corporate name.

1. J. C. Browne, Roderick C. Carter, C. A. Lingham, and George W. Wright, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Dominion Portland Cement Company," hereinafter called "the Company."

Head office.

2. The head office of the Company shall be in the town of Deseronto, in the Province of Ontario, but the Company may establish other offices and places of business elsewhere.

Provisional directors.

3. The persons named in the first section of this Act shall be the first or provisional directors of the Company.

Capital stock.

Increase of capital.

4. The capital stock of the Company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, but the capital stock may be increased from time to time, to an amount not exceeding one hundred thousand dollars, by a resolution of the shareholders passed and approved by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy, at a special general meeting of the shareholders duly called for the purpose of considering the same.

First general meeting.

Notice of meeting.

5. When and so soon as ten thousand dollars have been subscribed, and ten per cent paid in thereon, a general meeting of the Company shall be held at the town of Deseronto at such time as the provisional directors or any three 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 capital stock present or represented by proxy, who have paid all calls due on their shares, shall chosse to be directors not less than five nor more than nine persons, one or more of whom may be paid directors.

Powers.

7. The Company may :—

Manufacture of cement.

(*a.*) manufacture and sell cement and other like products for any of the purposes for which the same may be used ;

General manufacturers and merchants.

(*b.*) carry on the business of general manufacturers and general merchants;

Acquire buildings.

(*c.*) acquire, construct, lease and maintain all buildings and properties necessary or convenient for the proper carrying on of the businesses aforesaid, and again dispose of the same;

Use of water and other power.

(*d.*) acquire and use water, steam, electric or other power for the purposes aforesaid ;

Acquire patent rights.

(*e.*) acquire by purchase, license or otherwise, and use, license or otherwise dispose of any invention, patent right or letters patent for the purposes of the works and undertakings hereby authorized, and may pay the seller the price thereof either wholly or partly in cash, or by royalty, or wholly or partly in fully paid-up shares of the Company, or in partly paid-up shares of the Company, or by any combination of such methods of payment, and may assume or pay any obligations or liabilities of the seller thereof:

Licence to use patent rights.

(*f.*) grant licenses to any person or compaay to use any patent, license or right held and owned by the Company, and may 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 by royalty upon any such patent, license or right, and the Company may become a shareholder in any such company and may grant proxies to any person on its behalf to vote at all meetings of shareholders of such other companies.

Mortgages for purchase money.

8. The Company may, in the course of buying andselling, take conveyances and give mortgages for the purchase money or any part thereof, and may take mortgages on real or personal property in the course of its business, and as conditions may require, and may sell and assign the said mortgages, and generally may do all things requisite for the proper and efficient management of the said business.

Borrowing powers.

9. The directors may, when authorized by a by-law for that purpose passed and approved of 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 duly called for considering such by-law :—

Issue of bonds.

(*a.*) borrow money upon the credit of the Company, and issue bonds, debentures or other securities for any sums borrowed, at such prices as are deemed necessary or expedient, but no such debentures shall be for a less sum than one hundred dollars.

Hypothecate Company's property.

(*b.*) hypothecate or pledge the real or personal property of the Company to secure any sums borrowed by the Company, but 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 the limitation made by this section shall not apply to commercial paper discounted by the Company.

Proviso.

R.S.C., c. 118.

10. Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

No. 79.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Dominion Portland Cement Company.

Received and read a first time, Friday, 30th April, 1897.

Second reading, Monday, 3rd May, 1897.

(PRIVATE BILL.)

Mr. BRITTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 80] **BILL.** [1897.

An Act to revive and amend the Acts respecting the Quebec Bridge Company.

WHEREAS a petition has been presented praying for the passing of an Act to revive and amend, as hereinafter set forth, the Acts respecting the Quebec Bridge Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act incorporating the Quebec Bridge Company, hereinafter called "the Company," being chapter ninety-eight of the statutes of 1887, as amended by chapter one hundred and seven of the statutes of 1891, is hereby revived and re-enacted, and all the powers thereby granted to the Company are hereby again conferred upon the Company, and everything heretofore done in virtue of the said Act, is hereby ratified and confirmed. 1887, c. 98, revived. 1891, c. 107.

2. The directors may, with the consent in writing of any shareholder of the Company, cancel and annul, in whole or in part, any subscription of stock in the Company made by any such shareholder; provided, however, that such cancellation shall not take away or impair, in any manner whatsoever, the rights of any creditor of the Company against such shareholder. Directors may cancel stock. Proviso.

3. Section eight of the said Act of incorporation is hereby repealed, and the following substituted therefor: 1887, c. 98, s. 8 repealed.

"**8.** On the first Tuesday in September in each year thereafter, at the principal office of the Company, there shall be held a general meeting of the shareholders of the Company, at which said meeting the said shareholders may elect directors for the then ensuing year in the manner and qualified as hereinafter provided; and public notice of such meeting and election shall be inserted for two weeks in the English and French languages in one or more newspapers published in the city of Quebec, and in the *Canada Gazette*; the number of directors shall not be less than nine nor more than eleven. Annual meeting. Election of directors. Notice of meeting.

2. No person shall be a director unless he is the holder and owner of at least twenty shares of the stock of the Company, or of any other larger number of shares fixed by a by-law to be made by the directors. Qualifications of directors.

3. Until a by-law is made by the directors fixing the number of directors, the number shall be eleven. Number of directors.

4. Five directors shall constitute a quorum. Quorum.

Additional director.

4. Subject to the provision of the last preceding subsection, every government or municipal corporation in Canada which financially assists the Company to the amount of two hundred and fifty thousand dollars, may appoint a director, who shall remain in office during the pleasure of the government or municipal corporation by whom he was appointed.

1887, c. 98, s. 14 amended.

5. Section fourteen of the said Act of incorporation is hereby amended by adding the following paragraph thereto:—

Arrangements with other companies for use of bridge.

"2. The Company may enter into arrangements with any telegraph or telephone company for the laying of the wires of such company on the said bridge and the railways connecting therewith, and may also enter into arrangements with any electric tramway company for the passage of its cars on the said bridge and the railways connecting therewith."

1891, c. 107, s. 2, repealed.

Time limited for construction of bridge and railways.

6. The section enacted by section two of chapter one hundred and seven of the statutes of 1891 in lieu of section twenty-five of the said Act of incorporation is hereby repealed, and in lieu thereof it is hereby exacted that the bridge and the railways connecting therewith shall be commenced within two years, and completed within five years from the passing of this Act, otherwise the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said bridge and railways as then remain uncompleted.

No. 80.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to revive and amend the Acts respecting the Quebec Bridge Company.

Received and read a first time, Friday, 30th April, 1897.
Second reading, Monday, 3rd May, 1897.

(PRIVATE BILL.)

MR. LANGELIER.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 81.] **BILL.** [1897.

An Act respecting the Great Northern Railway Company.

Preamble.

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

1892, c. 40, ss. 3, 10, repealed.

1. Sections three and ten of chapter forty of the statutes of 1892, respecting the Great Northern Railway Company, hereafter called "the Company," are hereby repealed.

Time extended for construction of railway.

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

Time extended for completion of bridge.

3. The bridge, the construction of which is authorized by section five of the said Act of 1892, shall be commenced within three years and completed within five years from the passing of this Act; otherwise the powers granted under the said section five shall cease and be null and void.

Power to build branch lines.

4. The Company may build branch lines in any direction, provided the length of any such branch line does not exceed forty miles, and may also extend its line from Hawkesbury, or some point east thereof, to the city of Ottawa, there to connect with the Ottawa, Arnprior and Parry Sound Railway.

Purchase or lease of other railways.

5. The Company may lease or purchase the whole or any portion of the following railways: the Lower Laurentian Railway, the Quebec and Lake St. John Railway, or any other railway connecting with the railway of the Company, or sell or lease its railway to any of the companies owning the said railways, or may amalgamate with any of the said railways.

Amalgamation with or sale to other companies.

All such agreements to be sanctioned by shareholders and Governor in Council.

6. No agreement by the Company for leasing or purchasing in whole or in part any of the railways mentioned in section five of this Act, or for amalgamating with any of the said railways, or for selling or leasing the railway and franchises of the Company to a company owning any of the said railways, shall be legal and valid unless such agreement has been first

sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock of the Company are present or represented by proxy, and that such agreement has been approved by the Governor General in Council.

Agreement confirmed.

7. The agreement entered into between the Great Northern Railway Company and the Quebec and James Bay Railway Company, set out in the schedule to this Act, is hereby confirmed, and all the rights and privileges conferred upon the said Quebec and James Bay Railway Company by chapter seventy of the statutes of 1887, are hereby transferred to the Great Northern Railway Company, provided the said railway shall be completed to some point on James Bay within seven years from the passing of this Act.

Proviso.

Debenture stock.

8. The directors may, when authorized by resolution of the shareholders, issue from time to time preferential or debenture stock, ranking immediately after the bonded debt, not exceeding in amount fifteen thousand dollars per mile of completed road, bearing interest, non cumulative, at a rate not exceeding five per cent per annum.

SCHEDULE.

AGREEMENT entered into at Quebec this 28th day of April, 1897, between the Quebec and James Bay Railway Company and the Great Northern Railway Company.

Whereas the Quebec and James Bay Railway Company was incorporated by Act of the Parliament of the Dominion of Canada 50-51 Victoria, chapter 70, assented to 23rd June, 1887, with power to construct a railway from Quebec or some point on the Quebec and Lake St. John Railway to some point on or near the shore of James Bay, and whereas work has been begun from Roberval northwards, and whereas it is desirable that the time for the completion of the line and its charter rights should be extended, and such extension can be most conveniently obtained by means of a transfer of its rights to the Great Northern Railway Company, which is controlled by the Quebec and Lake St. John Railway, as contemplated by clause 20 of the said Act, all the three said companies being composed, to a large extent, of the same persons.

Now this agreement witnesseth that the Quebec and James Bay Railway Company, for valuable considerations, hereby transfers and makes over to the Great Northern Railway Company, accepting thereof, all the rights, privileges and franchises

conferred upon the said Quebec and James Bay Railway Company by the said Act of the Parliament of the Dominion of Canada, 50-51 Victoria, chapter 70.

E. BEAUDET,
Chairman.

J. G. SCOTT,
Secretary pro. tem.
Quebec and James Bay Ry. Co.

P. GARNEAU,
President.

J. G. SCOTT,
Secretary,
Great Northern Railway Co.

No. 81.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Great Northern Railway Company.

Received and read a first time, Friday, 30th April, 1897.
Second reading, Monday, 3rd May, 1897.

[PRIVATE BILL.]

Mr. LANGELIER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 82] **BILL.** [1897.

An Act to incorporate the Mining, Development and Advisory Corporation of British America, (Limited).

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

Incorporation.

1. James Martin, John J. Moynahan and J. N. Blake, all of Rossland, British Columbia; James Walker, of Calgary, Charles S. Warren, of Spokane, United States; Molyneux St. John, of Victoria, British Columbia, J. A. Gemmill, of Ottawa, D. L. Mather of Rat Portage, Wesley Orr, of Calgary, Louis Castellain, of Regina, F. J. Bowles, of Leesburg, Virginia; Hon. J. N. Kirchoffer, of Brandon, H. A. Ward, of Port Hope, and C. H. Mackintosh, of Regina, together with such persons as become members and shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Mining, Development and Advisory Corporation of British America," (Limited), hereinafter called "the Company."

Corporate name.

Powers of Company to mine,

2. The Company may carry on a mining, development and advisory or trust business, and any other business incident thereto or connected therewith, and may for all or any of the said purposes, purchase, hold, lease or otherwise acquire any coal bearing lands, mining rights, mines or other mineral property, timber limits, licenses to cut timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, and operate, improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, turn to account or otherwise deal in and with the same; and may establish shops or stores on the said lands and may purchase and vend general merchandise, the product of mines, and real estate, and carry on farming and stock-raising; and generally do all such other things as are incidental or conducive to the attainment of the above objects.

Acquire land, docks, vessels, etc.,

Vend merchandise, etc., and farm,

Smelt ores, etc.,

2. The Company may engage in the business of crushing, smelting, reducing and amalgamating mineral ores to render marketable the produce of mines, and may make coke and other products from coal.

Construct tramways,

3. The Company may also construct, or aid in and subscribe towards the construction, maintenance and improvement of roads, tramways (to be operated by steam, electric, pneumatic pressure or other power), telegraph, telephone and telepherage

lines, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, mills, ore houses and other buildings and works necessary or convenient for the purposes of the Company, and may, with the consent of the Governor General in Council and Lieutenant Governor in Council of the province in which the same may be situate, erect bridges over navigable waters adjacent to the Company's lands, and levy such tolls for the passage of foot passengers, vehicles and animals as may be approved of by the Governor General in Council.

Erect bridges and levy tolls,

Construct vessels,

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

Use electric power,

5. The Company may also, for the purpose of the said business, erect, use, and manage works machinery, and plant for the generation, transmission and distribution of electric power and energy.

Acquire patent rights,

6. The Company may acquire by lease, purchase or otherwise any exclusive rights in letters patent, franchises or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights.

And other businesses,

7. The Company may acquire any business similar to that which the Company is hereby empowered to carry on, together with all the assets, franchises and property of the owners of such business 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 shares, or in partly paid up shares of the Company, or otherwise, and also assume, pay or guarantee all or any of the obligations or liabilities affecting the assets, franchises and property so purchased.

Use tunnels,

8. The Company may contract with the owners or lessees of other mineral properties to construct and operate tunnels for the purpose of carrying on underground mining and transporting the product of mines.

Examine and report upon mining properties.

9. The Company may also engage in the business of examining, reporting and advising upon mines and mines and mineral properties and may act as agents or trustees for individuals or corporations in the purchase or working of the same.

Head office.

3. The head office of the Company shall be in the city of Vancouver or in such other place in Canada as the Company from time to time by by-law appoints.

Capital stock and calls thereon.

4. The capital stock of the Company shall be one million pounds sterling divided into shares of one pound sterling each, or the equivalent in dollars or francs, to be issued in whole or in part 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 five shillings per share, nor be made at less intervals than two months, and such shares, in whole or in part, may be issued and allotted as paid up shares, upon such terms and considerations as the directors determine.

Preference stock may be created by by-law.

5. 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.

Approval of by-law.

2. No such by-law shall have any force or effect whatever until it has been sanctioned by the vote of not less than two-thirds in value of the shareholders present or represented by proxy at a general meeting of the Company, duly called for considering the same, or sanctioned in writing by the same proportion in value of the shareholders of the Company.

Representation of preference shareholders on board of directors.

3. The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the Company as may be considered expedient.

Extent of preference limited by by-law.

4. Holders of such preference stock shall be shareholders 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 original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Rights of creditors.

5. Nothing in this section shall affect or impair the rights of creditors of the Company.

Deferred shares.

6. The directors may, of the first issue of shares of the Company, set aside a certain proportion, not being more than twenty-five per cent of the issue, which shall be called deferred shares, and which shares shall be entitled to share in the earnings of the Company only to such extent and in such manner as the directors at the time of issue determine.

Provisional directors,

7. The persons mentioned by name in the first section of this Act are hereby constituted the first or provisional directors of the Company, and shall have and possess all the powers which are conferred upon directors by *The Companies Clauses Act* and this Act, and until otherwise ordered by by-law or resolution of the provisional directors, any three of them may call meetings of the provisional directors to be held at the head office of the Company at such times as they determine, provided that notice in writing, signed by any three of the provisional directors calling any such meeting, of the date and place of holding the same, shall be mailed by registered letter to the address of each of the other provisional directors not less than thirty days previous to the date of such meeting: Provided always that the first meeting of the provisional directors may be held at Rossland, in the Province of British Columbia.

Meetings,

Notice,

First meeting.

Quorum.

2. Five of the provisional directors shall form a quorum.

First general meeting.

8. At any time after the passing of this Act the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company to be held at the head office of the Company at such time 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

Notice.

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.

Annual meeting.

9. The annual meeting of the shareholders shall be held on the first Tuesday in the month of November in each year, at the head office of the Company.

Borrowing powers.

10. The directors, by resolution passed at the first general meeting of the shareholders, or at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow 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, pledge, hypothecate or charge any of the assets and property of the Company.

Issue of debentures.

11. The directors, under the authority of the shareholders given at any general meeting called for the purpose,—at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company, which shall not be less than fifty thousand pounds sterling, are present or represented by proxy,—may, from time to time issue debentures, bearing such rate of interest as is agreed upon, for sums not less than twenty pounds sterling 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 two of this Act; and the directors may sell or pledge the said debentures for the purpose of borrowing money or of paying or securing the indebtedness of the Company: Provided that the total amount of debentures at any time outstanding shall not exceed the amount of the paid-up stock of the Company; and the said debentures and interest thereon, may be secured by mortgage upon the property and assets of the Company.

Proviso.

R.S.C., c. 118.

When business may be commenced

12. Section eighteen of *The Companies Clauses Act* shall not apply to the Company, but the Company may commence business as soon as one half of the first issue of the capital stock has been subscribed, and ten per cent paid thereon.

No. 82.

2nd Session, 8th Parliament, 60 Victoria, 1897

An Act to incorporate the Mining, I
lopment and Advisory Corporatio
British America (Limited.)

BILL.

Received and read a first time, Friday,
April, 1897.
Second reading, Monday, 3rd May, 1897

(PRIVATE BILL.)

Mr. MORRIS

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majest
1897

No. 83] **BILL.** [1897.

An Act to confer on the Commissioner of Patents certain powers for the relief of The Mycenian Marble Company of Canada, (Limited).

WHEREAS The Mycenian Marble Company of Canada, (Limited), has, by its petition, represented that on and prior to the second day of January, one thousand eight hundred and ninety-six, it was, by divers mesne assignments, the holder and owner of Letters Patent under the Great Seal of Canada, dated the third day of January, one thousand eight hundred and ninety-one, for an improvement in artificial marble, being patent number thirty-five thousand six hundred and ninety-six; that on or before the expiration of the first five years of the said Letters Patent, which were granted for a term of fifteen years (only the partial fee for the first five years being paid upon the issue thereof), the said Mycenian Marble Company of Canada, (Limited), was entitled upon application therefor, to a certificate of renewal of the same as provided by the twenty-second section of *The Patent Act*, chapter sixty-one of the Revised Statutes of Canada; that the said The Mycenian Marble Company of Canada, (Limited), and others had prior to the said second day of January one thousand eight hundred and ninety-six, invested large sums of money in the purchase of the said Letters Patent, and in the manufacture of artificial marble thereunder; that the said Company inadvertently omitted to make such application and to pay the further fee required for the renewal or extension of the said patent; that it was the intention of the said Company to make such application and to pay such fee, and that the omission was caused solely by the inadvertence of the officer of the Company whose duty it was to make such application; that on and after the third day of January one thousand eight hundred and ninety-six, the commissioner of patents could not then accept the further fee and grant such renewal certificate; and whereas the said The Mycenian Marble Company of Canada, (Limited), has petitioned for an Act authorizing the Commissioner of Patents to receive the application of the said Company and the fee for the remainder of the term of fifteen years for which the said Letters Patent were conditionally granted, and to grant and issue to the said Company the certificate of payment provided by *The Patent Act*, and an extension of the term of such Letters Patent in as ample a manner as if application had been duly made within five years from the date of such Letters Patent, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. R.S.C., c. 61.

1872, c. 26.

R.S.C., c. 61.

Commissioner of Patents may extend duration of Letters Patent.

1. Notwithstanding anything to the contrary in *The Patent Act of* 1872, and amending Acts thereto, or in *The Patent Act*, being chapter sixty-one of the Revised Statutes of Canada, or in the said Letters Patent, the Commissioner of Patents may receive from The Mycenian Marble Company of Canada, (Limited), the application and usual fee for a renewal or extension of the said Letters Patent for the remainder of the term of fifteen years from the date thereof, and grant and issue to the said The Mycenian Marble Company of Canada (Limited), the certificate of payment or of renewal provided by *The Patent Act*, and an extension of the period of the duration of the said Letters Patent to the full term of fifteen years, in as full and ample a manner as if application therefor had been duly made within five years from the date of the issue of such Letters Patent.

No. 83.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to confer on the Commissioner of Patents certain powers for the relief of The Mycenian Marble Company of Canada, (Limited).

Received and read a first time, Friday, 30th April, 1897.
Second reading, Monday, 3rd May, 1897.

(PRIVATE BILL.)

Mr. ROSAMOND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 84.] **BILL.** [1897

An Act to incorporate the Continental Heat and Light Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company for the purposes and 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 :—

Incorporation.

1. William M. Doull, Robert D. McGibbon, William Hanson and Edwin Hanson, all of the city of Montreal in the Province of Quebec, and Frank L. Slocum of the city of Pittsburg, in the State of Pennsylvania, one of the United States, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Continental Heat and Light Company" hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be at 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 in other provinces of Canada and elsewhere.

Provisional directors.

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

Non resident directors may vote by proxy.

2. The provisional directors resident out of Canada may vote and act as such provisional directors by proxy or power of attorney, and the holders of such proxies need not be provisional directors of the Company.

Capital stock.

4. 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.

5. The first general meeting of the Company shall be held in the city of Montreal at such time as the provisional directors, or any four 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 first general meeting of the Company and at each annual meeting, the subscribers for capital stock present or represented by proxy, who have paid all calls due on their shares, shall choose to be directors of the Company not less than three nor more than nine persons, each of whom shall hold at least ten shares of the capital stock of the Company.

Duration of office.

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

May vote by proxy.

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

Change in number of directors.

4. The number of directors may be changed from time to time, by vote of the shareholders at any general meeting of the Company.

Powers of Company.

7. The Company may :—

Gas.

(*a.*) Manufacture, supply, sell and dispose of gas and electricity for the purpose of light, heat or motive power, and any

Electricity.

other purpose for which the same may be used ; and may deal with, manufacture and render saleable and sell or otherwise

Tar, etc.

dispose of coke, coal-tar, pitch, asphaltum, ammoniacal liquor, and other residual products arising or to be obtained from the materials used in the manufacture of gas.

Gas works.

(*b.*) Acquire, manufacture, construct, lay, erect, maintain and operate all works for holding, receiving and purifying gas, and all other buildings and works, structures, apparatus, metres, 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.

Patent rights, etc.

(*c.*) Acquire by purchase, license or otherwise, and use, license or otherwise 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, or any of the residual products thereof.

Acquire property.

(*d.*) Acquire and operate the works, stock, property, franchises, assets and business of any person, company, city, town, municipality or village, and whether incorporated or not, authorized to carry on any business comprised in the objects of this Act, or enter into any arrangement for such purpose or in connection therewith, and for assuming the liabilities of such person, company, city, town, municipality or village in respect thereof, and acquire, hold or dispose of the whole or any part of the shares, debentures, and securities of such person, company, city, town, municipality or village, with which the Company has entered into an arrangement or contract.

Construct works.

(*e.*) Construct furnaces, coke ovens, tramways, wharfs, docks, offices and all necessary buildings, and purchase, hire, build

Contral vessels.

and repair steam and other vessels for the purposes of the Company.

Grant licenses.

(*f.*) Grant licenses to any person, company, or municipal corporation to use any patent, license or right held and owned by the Company, and may 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 the Company may become a shareholder in any such

company, or in any construction or other company which may undertake any work for the Company, and may hold shares therein, and may grant proxies to any person on its behalf to vote at all meetings of shareholders of such other companies.

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 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 may also, with such consent, enter upon any highway or public place for the purpose of laying and maintaining pipes for the conveyance of gas;—and may supply gas and electricity to any municipal corporation, or to any unincorporated town or village, and, as often as the Company thinks proper, may enter upon, use, break up and open any highway or public place, subject, however, to the following provisions:— Power to enter upon highway, etc. Erect poles, Stretch wires, Lay pipes, Supply gas and electricity, 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.

(*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 or pipes under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company; Supervision of municipality. Surface of streets 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 conspiciously 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 pur- Private rights.

pose 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 unnecessary 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 provision respecting the redemption of such securities as may be deemed proper.

Issue of bonds, etc.

Directors may issue paid up shares.

10. The directors may make and issue as paid-up and unassessable 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 in 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, or services rendered to the Company, and any such issue and allottment 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 or services rendered to the Company wholly or partly in paid-up shares or wholly or partly in debentures as to the directors may seem proper.

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 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 dealt with in the same manner as the original capital of the Company. Increase of capital.

12. 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 ten 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 capital stock of the Company. Debenture stock.

13. 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. How debenture stock 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 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. Entry of debenture stock in register.

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. Transfer of stock.

16. The Company shall 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.

2. The directors may, with respect to the issue of certificates of debenture stock, delegate the powers of the Company to Powers of attorney by directors.

agents and attorneys or to any corporation organized for the purpose of transacting such business.

Rights of debenture stock holders.

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 any qualification, but it shall, in all respects not otherwise provided for by or under this Act, 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.

Exchange of bonds and stock.

18. 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 may be deemed expedient.

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

19. 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.

Guarantee of bonds of another company.

20. The Company may guarantee the principal and interest, or the principal or interest, of the bonds or debentures of any allied or subsidiary company organized for similar purposes, on such terms and conditions as may be deemed expedient.

Power to receive aid.

21. The Company may receive from any Government or from any person, city, town, municipality or village, and whether incorporated or not, and having power to make or grant the same in aid of the construction, equipment and maintenance of the said works, grants of lands, exemption from taxation, loans, gifts of money, guarantees and other securities for money, and may hold and dispose of the same for the purposes of the Company.

R.S.C., c. 118.

22. *The Companies Clauses Act*, except sections eighteen, thirty-nine and forty-one thereof shall apply to the Company.

No. 84.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Continental Heat and Light Company.

Received and read a first time, Friday, 30th April, 1897.
Second Reading, Monday, 3rd May, 1897.

(PRIVATE BILL.)

Mr. ROSAMOND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 85] **BILL.** [1897.

An Act to incorporate the Hull, St. Louis' Dam and Victoria Springs Railway Company.

Preamble.

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

Incorporation.

1. Thomas George Brigham, Edward D. Moore, Charles A Moore, John J. Heney and Arthur R. M. Boulton, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of the "Hull, St. Louis Dam and Victoria Springs Railway 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.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in the city of Hull, in the province of Quebec, thence; southerly across the proposed interprovincial bridge or any other bridge that may be built at that point, thence along the Canal Reserve of the city of Ottawa to the head of the Deep Cut, thence easterly through the now vacant property to the present rifle range, then across the Rideau River to a point at or near the Montreal Road, thence to what is known as the Victoria Springs, situated in the province of Ontario, township of Gloucester, thence to the Ottawa River, thence north-westerly along the said Ottawa River to a point at or near Rockliffe, thence south-westerly to a point at or near what is known as Beechwood, thence to the point of the crossing of the Rideau River also along the St. Lawrence and Ottawa Railway Company's tracks from the point of intersection of the proposed line with the lines of the railway mentioned, to the Sussex Street depot; and may also construct a branch line from the head of the said Deep Cut, in a southerly direction to what is known as Hog's Back on the Rideau Canal, the whole being approximately about fifteen miles.

Provisional directors.

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

Capital stock and calls thereon.

5. The capital stock of the Company shall be 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.

6. The annual meeting of the shareholders shall be held in the first week in the month of April in each year, and on such day as the directors by by-law determine.

Election of directors.

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

Amount of bonds, etc., limited.

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

Agreements with other companies.

9. The Company may enter into an agreement with the Canadian Pacific Railway Company, the St. Lawrence and Ottawa Railway Company, the Canada Atlantic Railway, the Ottawa Electric Railway Company, the Hull Electric Railway Company, or the Ottawa and Gatineau Valley 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 either of such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as the directors seem fit, provided that such agreement has been approved by two-thirds of the votes at a general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,— and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Application of notice for sanction.

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

No. 85.

2nd Session, 8th Parliament, 60 Victoria, 18

BILL.

An Act to incorporate the Hull, Louis Dam and Victoria Spring Railway Company.

Received and read a first time, Friday, 30 April, 1897.
Second reading, Monday, 3rd May, 1897.

(PRIVATE BILL.)

Mr. EDWARDS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 86] **BILL.** [1897.

An Act respecting La Banque du Peuple.

WHEREAS La Banque du Peuple, incorporated by an Act of the Parliament of Canada, being chapter sixty-six of the statutes of 1843, has, by its petition, represented that at a meeting of its depositors and creditors it obtained an extension of two years from the first day of May, one thousand eight hundred and ninety-seven, to pay the debts due by the said bank to the said depositors and creditors; and that the directors of the said bank have been authorized by the said depositors and creditors to pay in instalments of ten per cent the amount of their claims as soon during the said two years as the said directors shall realize upon the securities of the said bank, as set out in the resolution in schedule "A" to this Act; and whereas the said bank has, by its petition, prayed that an Act be passed to confirm the said resolution, 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. 1843, c. 66.

1. The resolution contained in schedule "A" to this Act is hereby ratified and confirmed, and the extension of time and the manner of such extension granted to the corporation of the Banque du Peuple hereinafter called "the Bank," to pay its creditors and depositors, is hereby declared valid and binding from the first day of May, 1897, notwithstanding anything to the contrary contained in the Bank's Act of incorporation, or the Acts amending the same, or in *The Bank Act* or *The Winding Up Act*. Resolution confirmed. Time extended for payment of creditors. 1890, c. 31. R.S.C., c. 129.

2. The directors and the representatives of the depositors creditors and shareholders of the Bank shall, for the purposes of this Act, be considered the liquidators of the Bank. They shall in addition to the powers conferred upon them by the resolutions in schedules "A" and "B" to this Act, have the same powers and duties as liquidators appointed by virtue of *The Winding Up Act*, but their services shall be gratuitous. Who to be liquidators.

3. Nothing in this Act or in the said resolutions shall be construed to discharge the Bank or its directors from their obligations, nor to affect the respective rights and obligations of the parties, but, during the period of the additional extension granted to the Bank to re-imburse its creditors and depositors, the recourse of the latter against the directors personally shall be suspended. Nothing herein to affect existing rights of parties.

4. This Act shall apply to suits pending, except as to costs. Act to apply to pending suits.

SCHEDULE A.

Extract from the minute book of the board of directors of La Banque du Peuple.

MONTREAL, Monday, March 8th, 1897.

MEETING OF DEPOSITORS.

The manager Mr. Ovide Dufresne, read the notice calling the depositors to discuss several important propositions as follows :—" At the time of the agreement by which the creditors of this bank consented to divide their claims into four equal payments, everybody, and the board of directors first of all, expressed themselves as confident that the return of commercial and industrial activity favoured a prompt realization of the assets. This confidence has been confirmed by the very fact of payment of the first two instalments agreed upon. However, as we can ascertain by the published reports of financial institutions, and by the uniform tone of the entire financial press of Canada and the United States, the general depression rages with an intensity which, for six months past, has been increasing so much the more in force as the delay is the more prolonged in the regulation of tariff matters, a delay which affects every industrial institution, financial and commercial in the entire country and in Montreal in particular. Our entire active community awaits better days, but meanwhile the realizing of securities is in abeyance, and prudent capitalists prefer not to precipitate matters but rather to wait patiently so that this realization may be made gradually until entire payment is made. During the last few months the directors of the Banque du Peuple have ascertained that by pressing collection too hard they expose these securities to a depreciation dangerous to the interest of the creditors of the bank, and which would bring about a catastrophe which must be avoided at all costs. Many promissory notes and other simple contract debts can be made to produce their full amount by the exercise of tact and patience. The real estate, if converted into cash, would have to suffer too much sacrifice in view of the weakness of prices and receipts from all real property. By reason of this difficult situation, which, in spite of their best efforts, the directors have not been able to prevent, and of which every one experiences the effects, temporarily only we hope, they believe themselves to be justified in submitting the following proposition. Firstly, a further extension of an indefinite period, but not to exceed two years. Secondly, authority to complete the payments remaining due to the creditors, proportionately on the basis of ten per cent in proportion as the securities are realized. This method would unquestionably avoid a hastened liquidation, and one inevitably very costly for the creditors. The meeting of depositors and others interested will take place on Monday, the 8th instant, immediately after the meeting of shareholders called for 3 p.m., the same day.

OVIDE DUFRESNE JR., *Manager.*

Then followed supplementary explanations, in the course of which the president, J. Grenier, stated that the 10 per cent in question would be payed upon the 50 per cent which remains due to the depositors and, of course, interest would continue to run. Finally on motion of John P. Kelly, seconded by John Crawford, the following resolution was adopted unanimously: "Whereas an extension of two years was granted the board of directors of La Banque du Peuple, in order to pay the creditors of the said bank the total amount of their claims; and whereas the board of directors has already been able, within the extension agreed on, to realize and pay fifty per cent of the said claims in the ordinary way of business; and whereas notwithstanding that the board of directors has for several months past, by reason of the general depression in business, been face to face with insurmountable difficulties in the way of realizing within the period of extension agreed on the two other payments still due as is explained in the joint circular addressed to those present; and whereas this meeting of those interested in La Banque du Peuple are confident that a revival of business will soon take place; and whereas those interested have no reason for insisting on a liquidation which would be likely to depreciate, with profit to no one, securities which can be realized upon in full after a reasonable delay; and whereas the present administration of the bank possesses the confidence of those interested. Resolved, firstly, that the parties interested grant to the existing directors of La Banque du Peuple a further extension of two years, commencing from the first day of May, 1897, to pay the two instalments still due on their claims. Secondly, that the directors be authorized to pay the said two instalments, namely fifty per cent being the balance of the claims still due in payments of ten per cent in proportion as the securities are realized on. Thirdly, that the parties interested are confident that this realization will be made within the extension of two years asked for, to end on the first of May, 1899. Fourthly, that a general meeting of creditors of La Banque du Peuple shall be called every six months from the first of May next, until the first of May, 1899, for the purpose of keeping those interested informed of the progress of the voluntary liquidation. And the meeting was then declared closed, after a vote of thanks to the Honourable A. Boyer, and Mr. John Crawford, representing the depositors.

A true copy,
OVIDE DUFRESNE, Jr.,
Manager.

J. GRENIER,
President.

SCHEDULE B.

EXTRACT from the minute book of the board of directors of La Banque du Peuple, Montreal, 10th January, 1896. The meeting of shareholders adjourned from the third instant to consider the report of the committee on valuation of the assets of the bank met again this day (10th January, 1896) at 10 a.m. James Grenier, Esq., President of the bank in the chair. After a long discussion, it was resolved on motion of Mr. MacMaster, seconded by the Reverend Father Adam and Mr. Lavery "That this meeting now name a shareholder of

at least one years standing ; that the creditors of La Banque du Peuple be requested to name in the same manner one from their number, which two persons shall be a committee to represent the shareholders and the creditors of the bank for the following purposes : Firstly, the committee acting jointly with the directors shall choose a competent person outside the service of the bank, who has a knowledge of banking business, and the directors shall appoint him cashier of the said bank. Secondly, they shall consult from time to time with the directors, as often as it may be necessary, upon the best method of realizing upon the assets of the bank until all debts are paid. Thirdly, and they shall in the mean time obtain from the directors the greatest amount of security possible, in order to guarantee as much as possible the payment in entirety of all the debts of the bank, everything, however, being without prejudice to any existing rights against those responsible for the administration of the bank." The meeting then choose its representatives, and it was moved and resolved : "That Mr. J. N. O. Crawford be named to represent the shareholders, and the Hon. Arthur Boyer and the Hon L. P. Pelletier to represent the depositors, and they are now named to advise with the board of directors in the administration of the affairs of the bank."

J. GRENIER, *President.*
ARTHUR GAGNON, *Secretary.*

A true copy.

OVIDE DUFRESNE, Jun.,
Manager.

No. 86.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting La Banque du Peuple.

Received and read a first time, Friday, 30th April, 1897.
Second reading, Monday, 3rd May, 1897.

(PRIVATE BILL.)

Mr. PRÉFONTAINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 87] **BILL.** [1897.

An Act to incorporate the Columbia River Bridge Company.

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

1. F. August Heinze, of Trail, in the Province of British Columbia, Chester Glass, of Spokane, in the District of Washington, F. E. Ward, F. P. Gutelius and Carlos Warfield, all of Trail, aforesaid, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Columbia River Bridge Company," hereinafter called "the Company". Incorporation. Corporate name.

2. *The Railway Act*, in so far as applicable, shall apply to the Company and its undertakings. 1888, c. 29.

3. The Company may construct, maintain and use a bridge with the necessary approaches thereto, across the Columbia River, in the Province of British Columbia, at a point at or near the town of Robson, in the said province, for railway purposes and for the passage of pedestrians and vehicles, cars or carriages propelled or drawn by electrical, horse or other power, and may lay tracks on the said bridge and approaches for the passage of railway and other cars, and may charge toll for the passage of cars, vehicles and pedestrians over the said bridge. Power to construct a bridge.

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

5. The Company shall not commence the construction of the said bridge until it has first submitted to the Governor in Council plans of such bridge, and of all intended works thereunto appertaining, nor until such plans and the site of such Plans to be approved by Governor in Council.

bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works have been complied with, nor shall such plan be altered, or any deviation therefrom be allowed, except by permission of the Governor in Council, and upon such conditions as he shall impose.

Union with other companies,

6. 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 two hundred and thirty nine of *The Railway Act* :—

To build bridge,

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

To sell or lease bridge.

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

Equal rights of passage to all railways.

7. As soon as the said bridge is completed and ready for traffic, all railways in Canada now constructed or hereafter to be constructed shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in traffic rates of transportation shall be made in favour of or against any such railway whose business or cars pass over the said bridge.

Disputes to be determined by railway committee.

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

Provisional directors.

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

Capital stock and calls thereon.

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

Head office.

11. The head office of the Company shall be at the town of Trail in the Province of British Columbia.

12. The annual meeting of the shareholders shall be held on the second Tuesday of the month of April in each year at the head office of the Company, or at such other place in Canada as the shareholders by by-law appoint. Annual meetin

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

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

No. 87.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Columbia River Bridge Company.

Received and read a first time, Friday, 30th April, 1897.
Second reading, Monday, 3rd May, 1897.

(PRIVATE BILL.)

Mr. BOSTOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 88.] **BILL.** 1897.

An Act to incorporate Les Cisterciens Réformés.

Preamble.

WHEREAS the persons hereinafter named have, by their petition, represented that they are associated together in a religious order called *Lee Cisterciens Réformés*, and commonly known as Trappists, and that they desire 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:—

Incorporation.

1. The Reverend Father Marie Louis de Bourmont, Father Marie Paul Pelletier, Father Marie Pie Barriquant, Father Marie Joseph Le Vardois, Father Marie Etienne Belanger, and such persons as are now members of the religious order at the Monastery of Notre-Dame des Prairies, in the village of St. Norbert, in the Province of Manitoba, or hereafter become members thereof, either at that monastery or at any other of the same order hereafter established in the said province, or in the North-West Territories, are hereby constituted a body politic and corporate under the name of "*Les Cisterciens Réformés*," hereinafter called "the Order."

Corporate name.

Location of monasteries.

2. The Order may maintain its present monastery in the village of St. Norbert, and may establish and maintain in the Province of Manitoba and in the North-West Territories, other monasteries or houses of their Order.

Head office.

3. The domicile and head office of the Order, for the time being, shall be at the Monastery of Notre-Dame des Prairies, in the village of St. Norbert.

Establishment of farms, factories, etc.

4. The Order may organize, establish and maintain, in connection with its monasteries, experimental and other farms, schools of agriculture, butter and cheese factories, and any other branch of farming, including horticulture, arboriculture, apiculture and stock raising.

Lands and money may be acquired.

Amount limited.

5. The Order may, from time to time, on behalf of its respective monasteries, acquire by purchase, gift, devise or otherwise such lands, moneys, mortgages, securities or other property as are required for the purposes of the Order: Provided that the annual value of the real estate which it may possess in any one place where a monastery is established, shall not at any time exceed the sum of
dollars, and that the annual value of such real estate outside of the said village shall not in any one place exceed the sum

of dollars, to be calculated in each case at four per cent per annum upon the value of the said immovable property; and provided also, that the Order shall, within ten years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much thereof as is not required for the use of the Order.

Proviso.

Property may be sold or leased.

Investments.

6. The Order may, for its respective monasteries, sell, alienate, exchange, mortgage, lease or demise any real property held by the Order; and may also, from time to time, invest any of its moneys upon mortgage security of real estate, and in debentures of municipal or public school corporation, provincial or Dominion stocks, or securities in any part of Canada, and for the purposes of such investments may take mortgages, or assignments thereof, and whether such mortgages or assignments are made and executed to it in its own corporate name, or to some person in trust for it; and may sell, assign, transfer and discharge such mortgages either in whole or in part.

Executive council.

7. The temporal affairs and business in each monastery, respectively, shall be managed, conducted and administered by an executive council composed of those members of the Order who may be selected for that purpose in accordance with the by-laws and regulations of the Order, and the superior and the secretary of the Order shall be members of the said council.

Execution of documents.

8. All deeds and other instruments, shall be in the name of "*Les Cisterciens Réformés* of the Monastery of (giving title of monastery)" and all such deeds and other instruments, in order to be binding, shall be signed in the name of the Order by the superior and the secretary of the monastery concerned, and sealed with the corporate seal of the order.

Moneys, to whom payable.

9. All moneys payable to the Order, in relation to any monastery, shall be paid to the superior of such monastery, or to such person as he may appoint.

How temporary loans obtained.

10. If at any time, the council of any monastery of the Order should require a temporary loan or advance of money for the purposes for which it is incorporated, it may obtain such loan or advance by way of mortgage upon its real estate or any part thereof, or by note or otherwise as the council of such monastery may determine.

Constitution and by-laws.

11. The Order may frame and adopt a constitution and regulations for the management and government of the order and may make regulations for enforcing discipline in the Order, and for the appointment, deposition, deprivation, or removal of any person as a member of the Order, or bearing office therein; for the acquiring and disposing of property, and for the convenient and orderly management of the property, affairs and interests of the Order.

Return to Government, when required

12. The Order shall, at all times when required, make a full return of all property, real and personal held by it, with such information relating thereto as may be demanded by the Governor in Council or either House of Parliament.

No. 88

2nd Session, 8th Parliament, 61 Victoria, 1897

BILL.

An Act to incorporate "Les Cisterciens Réformés."

Received and read a first time, Friday, 30th April, 1897.
Second reading, Monday, 3rd May, 1897.

(PRIVATE BILL.)

Mr. LaRivière.

OTTAWA
Printed by S. E. Dawson
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1897

No. 89.] **BILL.** [1897.

An Act further to amend the Mounted Police Pension Act, 1889.

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

1. Section three of *The Mounted Police Pension Act*, 1889, is hereby repealed and the following subtituted therefor:— 1889, c. 26, s. 3 repealed.

"**3.** Subject to the provisions of this Act, every constable who became a member of the force on or after the twenty-third day of May, one thousand eight hundred and seventy-three, or who becomes a member of the force after the passing of this Act;— Constables who shall be entitled to pensions.

"(*a.*) If he has completed not less than twenty years' service, shall be entitled to retire and receive a pension for life; and— For service.

"(*b.*) If he as completed not less than ten years' service, and is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled to retire and receive a pension for life; For service and infirmity.

"But any constable who receives a pension under this section before he has completed twenty years' service shall be subject to return to service, as provided by this Act, if he ceases to be incapacitated." Return to service.

2. Section four of the said Act is hereby repealed and the following substituted therefor:— Section 4 repealed.

"**4.** The pension to a constable on retirement shall be according to the following scale, that is to say:— Scale of pensions.

"(*a.*) If he has completed ten but less than sixteen years' service, an annual sum equal to one-fiftieth of his annual pay for every completed year of service;

"(*b.*) If he has completed sixteen but less than twenty years' service, an annual sum equal to twenty-fiftieths of his annual pay with an addition of two-fiftieths of his annual pay for every completed year of service above sixteen years;

"(*c.*) If he has completed twenty years' service, an annual sum equal to thirty-fiftieths of his annual pay with an addition of one-fiftieth of his annual pay for every completed year of service above twenty years, so, however, that the pension shall not exceed two-thirds of his annual pay at his retirement."

No. 89.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Mounted Police Pension Act, 1889.

Received and read a first time, Friday, 30th April, 1897.
Second reading, Monday, 3rd May, 1897.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 90] **BILL.** [1897.

An Act respecting the Montreal Bridge Company.

Preamble.

WHEREAS the Montreal Bridge Company has, by its petition, prayed for the passing of an Act to extend the time limited for the completion of its bridge, and for other purposes, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time extended for completion of bridge.

1890, c. 93, s. 14.

1. The Montreal Bridge Company, hereinafter called "the Company," shall complete its bridge within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and determine as respects so much of the said bridge as then remains uncompleted.

Issue of bonds upon railway.

1890, c. 93, s. 11,

1888, c. 29.

2. The Company may, in addition to the bonds authorized to be issued under the provisions of section eleven of its Act of incorporation, issue bonds, debentures, or other securities to the extent of twenty-five thousand dollars per mile on all lines of railway constructed or purchased for the purpose of connecting its bridge with any existing or future lines of railway; and may divide its undertaking into sections, and issue the bonds, and other securities authorized to be issued, separately with respect to each of the said sections, or as to certain sections combined; and such bonds or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section 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.

Issue of bonds on railway property in Montreal.

How bonds secured.

3. The Company may also issue bonds, debentures, or other securities upon the security of the stations, warehouses, elevators, sidings and any property connected with the terminal facilities provided by it in the city of Montreal, to an amount not exceeding the actual cost of each such property; and such bonds may be secured by a mortgage which shall contain a description of the property upon which the said bonds are issued, and such bonds shall form a first charge upon, and be limited to the particular property with respect to which they are issued.

No. 90.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Montreal Bridge Company.

Received and read a first time, Tuesday, 4th May, 1897.
Second reading, Wednesday, 5th May, 1897.

(PRIVATE BILL.)

MR. PRÉFONTAINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 91] **BILL.** [1897.

An Act respecting the Sun Life Assurance Company of Canada.

WHEREAS the Sun Life Assurance Company of Canada has, by its petition, prayed that an Act be passed to extend its powers of investment, 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. 1865, c. 43. 1882, c. 100.

1. The Sun Life Assurance Company of Canada, hereinafter called "the Company," may, in addition to the powers heretofore conferred upon the Company, invest its funds in ground rents on real estate or other estate or interests in real property or mortgage security thereon, in any province of Canada, and in or upon any bonds or debentures of any state of the United States, or of any municipality in the United States, or in mortgage 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 such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act.* Investments authorized. In Canada, In the United States. Proviso. R.S.C., c. 124.

2. The Company may also, in addition to the powers already conferred upon the Company, and subject to the laws in that behalf of any province to which it extends its business, acquire, hold, alienate, convey and mortgage real estate in the Province of Ontario to the annual value of forty thousand dollars; in the Province of Quebec to the annual value of forty thousand dollars; and in each of the other provinces of Canada to the annual value of ten thousand dollars in each province, in addition to any real estate of whatever value which, being mortgaged or hypothecated to the Company, is acquired by it for the protection of its investments. Power to hold real estate, In Ontario, In Quebec, In other provinces.

No. 91.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Sun Life Insurance Company of Canada.

Received and read a first time, Tuesday, 4th May, 1897.
Second reading, Wednesday, 5th May, 1897.

(PRIVATE BILL.)

Mr. ROSAMOND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 92.] **BILL.** [1897.

An Act respecting the Great Eastern Railway Company.

Preamble.

WHEREAS the Great Eastern Railway Company has, by its petition, prayed for the passing of an Act to extend the time limited for the completion of its railway and for other purposes, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1894, c. 63, s. 6.

Time extended for completion of railway.

1. The Great Eastern Railway Company, hereinafter called "the Company," shall complete its railway within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and determine as respects so much of the said railway as then remains uncompleted.

1891, c. 98, s. 3 amended.

2. Section three of chapter ninety-eight of the statutes of 1891 is hereby amended by striking out the word "twenty" in line five thereof, and inserting in lieu thereof the words "twenty-five."

Branch line.

3. The Company may lay out, construct and operate a branch line of railway not exceeding fifteen miles in length, to connect its line with the United Counties Railway or the Drummond County Railway at some point in the county of St. Hyacinthe.

Powers of Company.

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

Control vessels,

(*a.*) Build, charter, lease, purchase and operate steam, electric or other boats or vessels on any navigable waters reached by its lines of railway; and construct and maintain docks, wharfs and other buildings necessary for the use of the Company;

Construct docks and wharves,

Manage parks,

(*b.*) Lay out and manage parks and pleasure grounds, lease the same, contract with any person or corporation for their occupation and use; and provide entertainments, exhibitions and attractions therein to induce and stimulate travel;

And hotels,

(*c.*) Build, purchase, lease and manage hotels, dwelling-houses and restaurants along its lines of railway;

Acquire patent rights.

(*d.*) Acquire any exclusive rights in letters patent, franchises or patent rights, for the purpose of its works and undertaking, and again dispose of such rights.

Agreements with other companies.

5. The Company may enter into an agreement with the Drummond County Railway Company, the United Counties Railway Company, the Montreal and Province Line Railway Company, or the St. John's and Sorel 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, or for the purchase or lease by the Company of any or all of the said railways or any sections thereof, and each and all of the said companies may enter into such agreements with the 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

No. 92.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act respecting the Great Eastern Railway Company.

Received and read a first time, Tuesday, 4th May, 1897.
Second reading, Wednesday, 5th May, 1897.

(PRIVATE BILL.)

MR. PRÉFONTAINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 93.] **BILL.** [1897.

An Act to incorporate the Columbia and Western Railway Company.

Preamble.

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

Incorporation.

1. F. August Heinze, of Trail, in the Province of British Columbia, Chester Glass, of Spokane, in the district of Washington, F.E. Ward, F.P. Gutelius and Carlos Warfield all of Trail in the Province of British Columbia, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Columbia and Western Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Head office.

3. The head office of the Company shall be in the town of Trail in the Province of British Columbia.

Line of railway described.

4. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Sayward in British Columbia; thence extending through or near the towns of Trail and Midway to a point on Okanogan Lake at or near the town of Penticton in the districts of West Kootenay and East Yale.

Power to control vessels,

5. The Company may construct, acquire, charter, control, navigate and keep in repair steamers and other vessels to ply between the ports on its line of railway, and between such ports and ports outside of Canada, and carry and convey passengers and freight, and carry on a general transportation service in connection with the said railway, and may, for the purposes aforesaid construct, acquire or lease elevators, warehouses, wharfs, quays and docks.

Convey passengers and freight.

Use of electricity.

6. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes, in connection with its railway or its bridges, docks, wharfs, elevators and warehouses, and may sell or lease such electrical power.

Provisional directors.

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

Capital stock and calls thereon.

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

Annual meeting.

9. The annual meeting of the shareholders shall be held on the first Tuesday in May 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.

Issue of bonds, etc., limited.

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

Agreement with Columbia and Western Railway Co.

12. The Company may enter into an agreement with the Columbia and Western Railway Company, a corporation incorporated by the legislature of the Province of British Columbia, for acquiring by purchase or otherwise, or for taking on lease the railway of the said last mentioned company, in whole or in part, and all its rights, powers, privileges, surveys, plans, works, plant, material, machinery, franchises or other property, and may enter into an agreement with such company or the Canadian Pacific Railway Company for conveying or leasing to either of such companies the railway of the Company hereby incorporated in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, materials, machinery, franchises, and other property to it belonging or for an amalgamation with either of such companies on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that every such agreement in either case 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

No. 93.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Columbia and Western Railway Company.

Received and read a first time, Tuesday, 4th May, 1897.
Second reading, Wednesday, 5th May, 1897.

(PRIVATE BILL.)

Mr. Bostock.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 95.] **BILL.** [1897.

An Act to amend the Law of Libel.

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

1892, c. 29, s. 634 amended.

1. Section 634 of *The Criminal Code*, 1892, is hereby amended by adding thereto the following subsections :—

Justification in case of libel.

"6. In such plea of justification no allegation shall be made of any fact which was not present to the mind of the accused when he published the defamatory libel.

Amendment of plea.

"7. If such plea of justification is set aside or quashed, no amendment in the substance thereof shall be allowed.

Plea charging criminal offence.

"8. If, in such plea, the accused charges the complainant with a criminal offence, and he fails to prove the charge, he may be forthwith arrested and shall be at the earliest convenient time put upon his trial for falsely libelling the complainant in such plea; and if he elects to be tried before a jury, the judge shall ask the jury, not whether they find the accused guilty of libelling the complainant, but whether they find that he has proved the offence charged in the plea; and if they find that he has not proved the charge, he shall be liable to imprisonment for a term not exceeding two years and not less than three months, with or without hard labour."

No. 95.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend the Law of Libel.

Reeeived and read a first time, Wednesday, 5th May. 1897.
Second reading, Thursday, 6th May, 1897.

Mr. Davin.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 96.] **BILL.** [1897.

An Act to amend the law respecting Controverted Elections.

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

1. The paragraph added by section three of chapter twenty of the statutes of 1891 to section five of *The Dominion Controverted Elections Act* is hereby repealed and the following substituted therefor :— R.S.C., c. 9, s. 5 amended.

"At the time of the presentation of the petition there shall also be presented therewith an affidavit by the petitioner that he had good reason to believe and verily does believe that the several allegations contained in the said petition are true; and thereafter should any elector be substituted for the petitioner, then, and in every such case, such elector, before being so substituted, shall make and file an affidavit to the same effect; and if in any such case any such affidavit is false, fraudulent, and not made *bonâ fide*, then the presentation of such petition shall be void." Election petition to be accompanied by affidavit of truth of allegations.

No. 96.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend the law respecting Controverted Elections.

Received and read a first time, Wednesday, 5th May, 1897.
Second reading, Thursday, 6th May, 1897.

Mr. BELL,
(Pictou.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 98] **BILL.** [1897.

An Act respecting the Lindsay, Haliburton and Mattawa Railway Company.

Preamble.

WHEREAS the Lindsay, Haliburton and Mattawa Railway Company has, by its petition, prayed for the passing of an Act to extend the time limited for the commencement and completion of its railway, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Time extended for construction of railway.

1888, c. 29.

1. The time limited for the commencement of the railway of the Lindsay, Haliburton and Mattawa Railway Company, and for the expenditure of fifteen per cent on the amount of its capital stock, as required by section eighty-nine of *The Railway Act*, is hereby extended for a period of two years from the twenty-second day of July, one thousand eight hundred and ninety-seven ; and if such expenditure is not so made, and if the railway is not finished and put in operation within five years from the said date. then the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 98.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Lindsay, Haliburton and Mattawa Railway Company.

Received and read a first time, Friday, 7th May, 1897.
Second reading, Monday, 10th May, 1897.

(PRIVATE BILL.)

Mr. HUGHES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 99.] **BILL.** [1897.

An Act respecting the Restigouche and Victoria Railway Company.

Preamble.

WHEREAS the Restigouche and Victoria Colonization Railway Company was incorporated by an Act of the Legislature of the Province of New Brunswick, being chapter forty-four of the statutes of 1885, which Act was amended by chapter twenty-three of the statutes of 1891, chapter seventy-one of the statutes of 1894, and chapter ninety-eight of the statutes of 1896, and the name of the said company changed to "The Restigouche and Victoria Railway Company"; and whereas the said company has, by its petition, prayed that its railway be declared to be a work for the general advantage of Canada, and 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.

N.B., 1885, c. 44. N.B., 1891, c. 23: N.B., 1894, c. 71: N.B., 1896, c. 98.

Declaratory.

1. The undertaking of The Restigouche and Victoria Railway Company, mentioned in the preamble, and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Incorporation.

2. The Company as now organized and constituted under the statutes of New Brunswick, is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, and this Act and *The Railway Act* shall apply to the Company and its undertaking, instead of the said Act of incorporation and amending Acts, and the Railway Act of New Brunswick; provided that nothing in this section shall affect anything done, any right or privilege acquired or any liability incurred under the said statutes of New Brunswick, prior to 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.

1888, c. 29.

Existing rights and liabilities not affected.

Head office.

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

Line of railway described.

4. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the Intercolonial Railway, in the parish of Addington, at or near Campbellton, in the county of Restigouche, to a point on the St. John river, between Grand Falls in the county of Victoria and Edmunston in the county of Madawaska.

Branch lines.

5. The Company may also lay out, construct and operate branch lines from all or any of the points aforesaid, or any other point on its said railway, as it deems advisable, to facilitate the working of its main line, not to exceed in any case ten miles in length.

Capital stock and calls thereon.

6. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem expedient, but no one call shall exceed ten per cent on the shares subscribed, and the capital stock of the Company as authorized by the statutes of New Brunswick aforesaid shall be deemed to be the same as the capital stock mentioned in this Act, and no right or claim to any share thereof shall be prejudiced by anything contained in this Act.

Annual meeting.

7. The annual meeting of the shareholders shall be held on the first Tuesday in June 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 five persons to be directors of the Company, one or more of whom may be paid directors.

Amount of bonds, etc., limited.

9. The Company may issue bonds, debentures or other securities to the extent of fifteen 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.

Agreement with another company.

10. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Restigouche Railway and Bridge Company, the Temiscouata Railway Company, the Baie des Chaleurs Railway Company, or the Bangor and Aroostoock Railway Company for conveying or leasing to such company, the railway of the Restigouche and Victoria Railway Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

11. The said railway shall be commenced within two years, and finished and put in operation 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 so much of the railway as then remains uncompleted. Time limited for construction of railway.

No. 99.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Restigouche and Victoria Railway Company.

Received and read a first time, Friday, 7th May, 1897.
Second Reading, Monday, 10th May, 1897.

(PRIVATE BILL.)

Mr. Wood,
(Hamilton.)

OTTAWA
Printed by S. E. Dawson
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1897

No. 100] **BILL.** [1897.

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

Preamble.

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

Incorporation.

1. William Templeton and William L. Nicol, both of Vancouver; George L. Milne and John T. Bethune, both of Victoria, and Alexander Ewan of New Westminster, all in the Province of British Columbia, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Vancouver, Victoria and Eastern Railway and Navigation Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Vancouver, in the Province of British Columbia.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from Burrard Inlet, in or near the city of Vancouver, to a point on the Eastern boundary of British Columbia, thence easterly to Lethbridge in the district of Alberta, south of the main line of the Canadian Pacific Railway, with branch lines to Kamloops and to the Gulf of Georgia through the municipality of Delta.

Power to control steamboats.

4. The Company may acquire, maintain and navigate steamboats on the Pacific Coast and on the inland waters of the Province of British Columbia.

Construct docks, etc.

5. The Company may construct and own docks, warehouses, grain elevators, and other works for facilitating transportation upon the rivers and waters of the Province of British Columbia.

Use electricity.

6. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with the said railway.

Provisional directors.

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

Capital stock and calls thereon.

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

Annual meeting.

9. The annual meeting of the shareholders shall be held on the first Wednesday 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 seven 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 forty 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.

12. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Great Northern Railway Company, or the Northern 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 approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.

No. 100.

2nd Session, 8th Parliament, 60 Victoria, 189

BILL.

An Act to incorporate the Vancouve Victoria and Eastern Railway and Nav gation Company.

Received and read a first time, Friday, 7 May, 1897.
Second reading, Monday, 10th May, 1897.

(PRIVATE BILL.)

Mr. MAXWELL.

OTTAWA
Printed by S. E. Dawson
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1897

No. 101] **BILL.** [1897.

An Act respecting the Montreal and Pacific Junction Railway Company.

Preamble. WHEREAS the Montreal and Pacific Junction Railway Company was incorporated by an Act of the Legislature of Quebec, being chapter ninety-three of the statutes of 1890; and whereas the said company has, by its petition, prayed that its railway be declared to be a work for the general advantage of Canada, and the said company a body corporate within the juridiction of the Parliament of Canada, and that certain additional powers at 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:—

Que., 1890, c. 93.

Declaratory. **1.** The undertaking of the Montreal and Pacific Junction Railway Company a company incorporated by chapter ninety-three of the statutes of 1890 of the Province of Quebec, and hereinafter called "the Company", is hereby declared to be a work for the general advantage of Canada.

Que., 1890, c. 93.

Incorporation. **2.** The Company as now organized and constituted under the said Act of the Province of Quebec, is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Railway Act* shall apply to the Company and its undertaking instead of the said Act of the Province of Quebec, and The Railway Act of Quebec: Provided that nothing in this section shall affect anything done, any right or privilege acquired or any liabilities incurred under the said Acts of the Province of Quebec, at the time of the passing of this Act, to all of which rights and privileges the Company shall be entitled, and to all of which liabilities the Company shall be subject.

1888, c. 29.

Proviso.

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

Line of railway described. **4.** The Company may lay out, construct and operate a railway of the guage of four feet eight and one-half inches from a point in Hochelaga ward in the city of Montreal to a point on the Canadian Pacific Railway at or near L'Epiphanie.

Capital stock and calls thereon. **5.** 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.

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

Election of directors.

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

Amount of bonds, etc.,

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

Agreements with other companies.

9. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Other companies may subscribe for shares.

10. Any manufacturing or other company carrying on business in the Province of Quebec or elsewhere, and incorporated by special or general Act, may subscribe to the capital stock and acquire any number of shares of the Company, and dispose of the same as they think proper, provided their charter contains nothing contrary thereto.

Power to construct a bridge.

11. The Company may construct, operate and maintain a railway and general traffic bridge, with the necessary approaches over the Ottawa River at the end of the Island of Montreal, in the parish of La Pointe aux Trembles, passing over Boudou Island.

Rate of tolls to be approved by Governor in Council.

12. If the Company constructs or arranges the said bridge for the use of foot passengers, carriages and other vehicles, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers, carriages and other vehicles shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time by the Governor in Council ; but the Company may at

any time reduce the same; and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said bridge. Notice of tolls.

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

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

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

16. The railway and bridge hereby authorized shall be commenced within two years, and completed within six years after the passing of this Act, otherwise the powers granted for such construction shall case and be null and void as respects so much of the undertaking as then remains uncompleted. Time limited for construction of railway and bridge.

No. 101.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Montreal and Pacific Junction Railway Company.

Received and read a first time, Friday, 7th May, 1897.
Second reading, Monday, 10th May, 1897.

(PRIVATE BILL.)

Mr. PRÉFONTAINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 102.] **BILL.** [1897.

An Act respecting the Ottawa Gas Company.

WHEREAS the Ottawa Gas Company has, by its petition, prayed for the passing of an Act to amend as hereinafter mentioned the Acts respecting the said company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The capital stock of the Ottawa Gas Company, hereinafter called "the Company," which stock now consists of two hundred and seventy-two thousand one hundred and twenty dollars, divided into thirteen thousand six hundred and six shares of twenty dollars each, par value, shall, after the passing of this Act consist of two hundred and seventy-two thousand one hundred and twenty dollars, divided into into two thousand seven hundred and twenty-one shares of one hundred dollars each, par value, and any further amount divided into shares of one hundred dollars each, par value, by which the said capital stock may be increased as hereinafter provided, in order to make payment for the fractional parts of shares of one hundred dollars each, par value, which, as the result of the conversion of shares under this Act any holder of the present shares of twenty dollars each, par value, shall be entitled. New division of capital stock.

2. For every five shares of a par value of twenty dollars each of the capital stock of the Company now issued and held by any shareholder, or by two or more shareholders jointly, he or they shall, upon the passing of this Act, be entitled to one share of the said stock of the par value of one hundred dollars. Exchange of old for new shares.

3. Any shareholder who holds less than five shares of the capital stock of the Company of twenty dollars each, may surrender the same to the Company, or may, if he can obtain the same, purchase a sufficient number of such shares to make up five shares of twenty dollars each, so as to entitle him to one of the shares of one hundred dollars each, and any shareholder who holds such a number of the said shares of twenty dollars each as is not divisible into new shares of one hundred dollars each without a remainder, may surrender the said remainder or surplus shares of twenty dollars each to the Company: and thereupon the Company shall issue conjointly to the persons who have so surrendered shares under this section such number of the shares of one hundred dollars each, par value, as shall be equal to the amount of such surrendered Holders of less than five shares may surrender same to Company. Issue of new shares to equal the amount of the old shares.

shares, par value, in order that such persons may hold or dispose of the said shares of one hundred dollars each for their joint benefit proportionately to their ownership in the said surrendered shares.

New shares may be issued and sold to purchase old shares remaining unconverted.

4. If on the first day of November next there remain unconverted under the foregoing clauses of this Act, any number of shares of twenty dollars each, not less than five, the directors may issue shares of one hundred dollars each in the proportion of one for every five of such unconverted twenty-dollar shares, and to cause such new shares to be sold in such manner as the directors think will best produce the largest return therefor, and thereafter they shall distribute the proceeds of the shares so sold among the shareholders of such unconverted shares in the proportions in which they are entitled thereto as holders of said shares of twenty dollars each.

Holders of fractional parts of new shares may increase to whole shares.

2. If on or after the first day of November next there remains unconverted under the foregoing clauses of this Act, a fractional part or parts of a share of one hundred dollars, par value, the holder or holders of such fractional part or parts of a share of one hundred dollars each, par value, shall have a right at any time within one month after the said first day of November next to pay to the Company such sum or balance as will, with the then value of such fractional part or parts of a share of one hundred dollars, par value, make up the then value of a full new share of the capital stock of the Company of one hundred dollars, par value, and a new share of the capital stock of the Company of the par value of one hundred dollars shall thereupon be issued by the directors to each such shareholder, and if such amount be not paid by any such shareholder to the Company within the delay aforesaid, the amount representing the then value of the fractional part of a share of one hundred dollars held by such shareholder shall be placed at the credit of such shareholder in the books of the Company, and shall be subject to his order, and thereupon without any transfer or other formality being required, all the rights of such shareholder in such fractional part of a share shall belong to and be vested in the Company.

Value of fractional share to be fixed by directors.

3. The value of such share or fractional part of a share of one hundred dollars shall, for the purposes of this section, be fixed by the directors.

Register of shareholders to be amended

5. The register of shareholders of the Company shall be amended in accordance with the foregoing provisions of this Act, and, except for the purposes of the said provisions, the existing shares of the said stock of the Company are hereby extinguished.

Existing shares extinguished.

Increase of capital stock under certain circumstances.

6. The Company may, from time to time, add to the amount of its capital stock, as the same stands when the conversion of shares provided for under the preceding sections of this Act has been completed, any amount or amounts divided into shares of one hundred dollars each, par value, until its whole stock shall be five hundred thousand dollars, but no greater amount: Provided that such increase of the capital stock shall be agreed upon by a majority of the votes of the

Proviso.

shareholders present at any annual meeting or at any special general meeting called from time to time for that purpose.

New stock issued to be at par.

7. Any new stock issued under the preceding section of this Act shall be allotted to the then shareholders *pro rata* at par, or at such rate of premium as shall be fixed by the directors: Provided always that any of such increased stock, which shall not be taken up and subscribed for by any shareholder within one month from the time when notice of the allotment thereof shall have been mailed prepaid in the post office at the city of Ottawa to his address, may be opened for subscription to the public in such manner and on such terms as the directors may determine.

Proviso.

1876, c. 71, ss. 2, 3.

8. Sections two and three of chapter seventy-one of the statutes of 1876 are hereby repealed.

Directors' tenure of office.

9. Notwithstanding anything contained in any of the Acts respecting the Company, or in any Act the provisions whereof apply to the Company or in the by-laws of the Company, the tenure of office of the directors of the Company shall be as follows, that is to say :—The present directors shall hold office until their successors are appointed ; one of the present directors shall retire at the next annual meeting of the Company, and one at each annual meeting thereafter, until all have so retired ; the director who shall first so retire shall be the one who has been longest in office as such, and, as between those who have been for the same period in office, the director to retire shall be the one agreed upon or decided upon by lot amongst themselves. After all the present directors shall have retired as above provided for, the then directors shall retire one in each year in the same manner as above provided for in regard to the present directors.

Election of directors to fill vacancies.

2. At each annual meeting there shall be elected from amongst the shareholders qualified therefor, one or more directors to fill any then existing vacancies in the board of directors, and any retiring director shall be eligible for re-election as a director if otherwise qualified.

Vacancies may be filled by board.

3. Any vacancy in the board of directors occurring during the year following any annual meeting shall be filled by election by the remaining directors, and every director so elected shall hold office for the same period and retire in the same manner as if he had been elected at an annual meeting.

No. 102.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Ottawa Gas Company.

Received and read a first time, Monday, 10th May, 1897.
Second reading, Wednesday, 12th May, 1897.

(PRIVATE BILL.)

Mr. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
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1897

No. 103.] **BILL.** [1897.

An Act respecting the Canadian Fire Insurance Company.

WHEREAS the Canadian Fire Insurance Company was incorporated by an Act of the Legislature of the Province of Manitoba, being chapter fifty-three of the statutes of 1887, which Act was amended by chapter forty-nine of the statutes of 1895, and the said company has, by its petition, prayed that an Act be passed declaring it to be a body corporate within the jurisdiction of the Parliament of Canada, and 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, declares and enacts as follows:— Preamble. Man., 1887, c. 53; Man., 1895, c. 49.

1. The Canadian Fire Insurance Company, hereinafter called "the Company," as now organized and constituted under the statutes mentioned in the preamble, is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Insurance Act* shall,—upon the Company obtaining a license under *The Insurance Act*,—apply to the Company and its business, instead of the said Acts of Manitoba and the Acts of Manitoba respecting insurance: Provided, that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the last mentioned Acts of Manitoba 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. Incorporation. Declaratory. R.S.C., c. 124 Proviso.

2. The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba, but branch offices, sub-boards or agencies may be established and maintained elsewhere, in such manner as the directors from time to time direct. Head office. Branch offices.

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

2. The directors may, after the whole capital stock has been subscribed for, and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding one million dollars; but the stock shall not be increased until a resolution of the 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.

Capital stock to be same as under Manitoba statute.

3. The capital stock of the Company as authorized by the before mentioned statutes of Manitoba, shall be deemed to be the same as the capital stock mentioned in subsection one of this section, and no right or claim as to any share thereof shall be prejudiced by anything contained in this Act.

Directors.

4. The present board of directors of the Company, namely, James Henry Ashdown, Frederick William Stobart, George Reading Crowe, Edward Frederick Hutchings, Robert James Campbell, James A. Richard, and Robert Thomas Riley, shall continue to be the directors of the Company until replaced.

Number of directors.

5. The affairs of the Company shall be managed by a board of seven directors, of whom four shall form 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 fifteen shares of the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Annual meeting.

6. A general meeting of the Company shall be held at the head office once in each year after the organization of the Company and commencement of business; and at such meeting a statement of the affairs of the Company shall be submitted; special general meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Special meetings.

Notice of meeting.

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

Insurance against fire or lightning.

7. The Company may make and effect contracts of insurance with any person against loss or damage by fire or lightning in or to any house, dwelling, store, or other building whatsoever, and to any goods, chattels, bridges, railway plant or personal estate whatsoever, for such time and for such premiums or considerations and under such modifications and restrictions and upon such conditions as are agreed upon between the Company and the insured.

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.

Amount of stock to be paid in before business commenced.

8. Before obtaining the license required by *The Insurance Act* at least eighty thousand dollars of capital stock shall be paid into the funds of the Company, to be appropriated only for the purposes of the Company under this Act, and thereafter in each succeeding year for three years, a further sum of twenty thousand dollars shall be paid annually in cash upon the capital stock of the Company.

Further annual payment.

Investment of funds.

9. The Company may invest its funds in the debentures, bonds, or other securities of Canada or of any province thereof, on the securities of any municipal corporation of Canada, or on the security of the debentures of any incorporated building society, loan or investment company in Canada, or on the

security of real estate or mortgage security thereon, or on the security of leasehold for a term of years or other estate or interest in real property or mortgage security thereon in any province of Canada, and may change and re-invest the same as occasion from time to time requires. and take, receive and hold all or any such securities in the corporate name of the Company or in the name of trusteees for the Company, appointed by the directors, whether for funds invested by being advanced or paid in the purchase of 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 from time to time determine and direct, and whether they are taken absolutely or conditionally, 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 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 sufficiency of any of the securities upon which the Company is hereby authorized to invest or lend any of its funds.

Foreign securities.

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

Real estate.

Proviso.

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

R.S.C., c. 124.

12. This Act and the Company and the excise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act.*

R.S.C., c. 118.

13. Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

No. 103.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Canadian Fire Insurance Company.

Received and read a first time, Tuesday, 11th May, 1897.
Second reading, Wednesday, 12th May 1897.

(PRIVATE BILL.)

Mr. Landerkin.

OTTAWA
Printed by S. E. Dawson
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1897

No. 104] **BILL.** [1897.

An Act to incorporate the Restigouche Railway and Bridge Company.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway and a bridge 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:— Preamb

1. Francis R. Boselly and Herbert C. Secord, both of the city of Toronto, William G. Reid and Thomas Watson, both of the city of Montreal, and Henry F. McLatchey, of the town of Campbellton, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a corporate body under the name of "The Restigouche Railway and Bridge Company," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point of connection with the proposed railway of the Restigouche and Victoria Railway Company in or near the town of Campbellton in the county of Restigouche, and Province of New Brunswick, to a point on the Baie des Chaleurs Railway in the county of Bonaventure, in the Province of Quebec. Line of railway described.

4. The Company may construct, maintain and use a bridge across the Restigouche River in the county of Restigouche for railway purposes, and for the passage of pedestrians and vehicles, cars or carriages propelled or drawn by steam, electricity or other power, with all necessary approaches from convenient points on either side of the said river. Construction of bridge.

5. The rate of tolls to be charged for the passage of foot passengers and vehicles, shall, before being imposed, first be submitted to and approved of, and may be from time to time amended 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 said bridge. Tolls.

6. The Company shall not commence the construction of the said bridge, or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge Plans to be approved by Governor in Council.

or work, nor until the plans and site of such bridge and work have been approved by the Governor in Council, and such conditions as he thinks fit in the interest of the public to impose touching the said bridge and work have been complied with ; nor shall any such plans be altered, or any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes.

Equal rights of passage for all railways.

7. As soon as the said bridge is completed and ready for traffic, all railways now constructed or hereafter to be constructed shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in traffic rates of transportation shall be made in favour of or against any such railway whose business or cars pass over the said bridge.

Disputes to be determined by railway committee of Privy Council.

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

Provisional directors.

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

Capital stock and calls thereon.

10. 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.

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

Election of directors.

12. 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 as to railway.

13. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and 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 as to bridge.

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

15. The Company may enter into an agreement with the Restigouche and Victoria Railway Company or the Baie des Chaleurs Railway Company for conveying or leasing to such company the railway and bridge 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.

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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for sanction.

No. 104.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Restigouche Railway and Bridge Company.

Received and read a first time, Tuesday, 11th May, 1897.
Second reading, Wednesday, 12th May, 1897.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 105.] **BILL.** [1897.

An Act to amend the Act respecting the Protection of Navigable Waters.

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

1. Section four of *The Act respecting the Protection of Navigable Waters*, chapter ninety-one of the Revised Statutes, is hereby repealed and the following substituted therefor:— R.S.C., c. 91, s. 4 amended.

"4. If, in the opinion of the Minister of Marine and Fisheries, the navigation of any navigable water as aforesaid is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking, or lying ashore or grounding of any vessel, or of any part thereof, or of any other thing, or if by reason of the situation of any wreck or any vessel, or any part thereof, or of any other thing so lying sunk, ashore or grounded, the navigation of any navigable water, as aforesaid, is, in the opinion of the Minister, likely to be obstructed, impeded or rendered more difficult or dangerous, or, if in the opinion of the Minister, any vessel or part thereof, wreck or other thing cast ashore, stranded or left upon any property belonging to Her Majesty in the right of Canada is an obstacle or obstruction to such use of the said property as may be required for the public purposes of Canada, the said Minister may, under the authority of the Governor in Council (if any such obstruction or obstacle so caused or likely to be caused as aforesaid continues for more than twenty-four hours), cause the same to be removed or destroyed in such manner and by such means as he thinks fit, and may use gunpowder or other explosive substance for that purpose if he deems it advisable, and may cause such vessel, or its cargo, or anything causing or forming part of such obstruction or obstacle, to be conveyed to such place as he thinks proper, and to be there sold by auction or otherwise as he deems most advisable, and may apply the proceeds of such sale to make good the expenses incurred by him in placing and maintaining any signal or light to indicate the position of such obstruction or obstacle, or in the removal, destruction or sale of such vessel, cargo or thing, paying over any surplus of such proceeds to the owner of the vessel or thing sold, or other persons entitled to such proceeds or any part thereof, respectively." Minister may cause obstruction to be removed. And may use explosives. And cause vessel, etc., to be sold. Application of proceeds of sale.

2. Section five of the said Act is hereby repealed and the following substituted therefor:— Section 5 amended.

"**5.** Whenever, under the provisions of this Act, the Minister of Marine and Fisheries has caused any signal or Recovery of costs if proceeds of sale

are insufficient to defray them.

light to be placed and maintained to indicate the position of any obstruction or obstacle, or has, with the authority of the Governor in Council, caused to be removed or destroyed any obstruction or obstacle to the navigation of any navigable water occasioned or in manner aforesaid likely to be occasioned by the wreck, sinking or lying ashore or grounding of any vessel or part thereof, or other thing, or, with such authority has caused to be removed any vessel or part thereof, wreck or other thing cast ashore, stranded or left upon any such public property as in the last preceding section mentioned, and the cost of placing and maintainning such signal or light or of removing or destroying such vessel or part thereof, wreck or other thing has been defrayed out of the public moneys of Canada, and the net proceeds of the sale under this Act of such vessel or its cargo, or the thing, which caused or formed part of such obstruction, are not sufficient to make good the expenses incurred for the purposes aforesaid and the costs of sale, the amount by which such proceeds fall short of the expenses so defrayed as aforesaid, and such costs—or the whole amount of such expenses if there is nothing which can be sold as aforesaid—shall be recoverable whith costs by the Crown from the owner of such vessel or other thing or from the managing owner or from the master or person in charge thereof at the time such obstruction or obstacle was occasioned, or from any person through whose act or fault, or through the act or default of whose servants such obstruction or obstacle was occasioned or continued; and any sum so recovered shall form part of the Consolidated Revenue Fund of Canada."

From whom recoverable.

Disposal of sum recovered.

No. 105.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend the Act respecting the Protection of Navigable Waters.

Received and read a first time, Thursday, 13th May, 1897.
Second reading, Friday, 14th May, 1897.

Mr. DAVIES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 106.] **BILL.** [1897.

An Act respecting the Dominion Safe Deposit Warehousing and Loan Company (Limited), and to change the name of the Company to the Dominion Safe Deposit and Trusts Company, (Limited.)

Preamble

WHEREAS the Dominion Safe Deposit Warehousing and Loan Company (Limited), incorporated by chapter, one hundred of the statutes of 1890, has, by its petition prayed that its name be changed, and that it be empowered to carry on business as a trust 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 :—

1890, c. 100

Name changed.

1. The name of the Dominion Safe Deposit Warehousing and Loan Company (Limited), hereinafter called "the Company," is hereby changed from "The Dominion Safe Deposit Warehousing and Loan Company, (Limited)," to "The Dominion Safe Deposit and Trusts Company (Limited)," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company nor in any wise affect any suit or proceeding now pending, or judgment existing either by or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed and enforced as if this Act had not been passed.

Existing rights, etc., not affected.

1890, c. 100, s. 3, amended.

2. Subsection eleven of section three of the Act incorporating the Company is hereby repealed.

Powers.

3. The Company may :—

Holding of estates on trust,

(*a.*) Take, receive and hold all estates and property real and personal which are granted, committed, transferred or conveyed to it upon any trust whatsoever not contrary to law, at any time by any association, society or person, or by any order, judgment or decree of any court;

Administration.

(*b.*) Administer, fulfil and discharge the duties of such trusts for such remuneration as is agreed upon;

Management of estates, etc.

(*c.*) Act generally as agent or attorney for the transaction of business, the management of estates, receiving or collecting any principal, interest, rents, coupons, mortgages, debts, dividends, debentures, bills, notes and securities or evidences of debt or demand of any nature, and in the sale or purchase of any real or personal property, and generally in all matters in the nature of a trust or general agency;

Issuing stock, etc.,

(*d.*) Act as agent for the purpose of issuing, countersigning, registering or otherwise ascertaining and certifying to the genuineness of certificates of stock, bonds, debentures or other

obligations or securities for money of any government, municipal or other corporate body or society duly authorized to issue and make the same, and receive and manage any sinking fund therefor on such terms as are agreed upon, and hold such stock, bonds, debentures or other securities for money as agent or trustee, and act generally as fiscal or other agent for such government, society or corporate body;

Investment of moneys.

(*e.*) Invest any moneys forming part of its own capital or reserve or accumulated profit thereon in the manner provided in section five of this Act, and in the bonds or debentures of any corporation, building society or loan company, or on the security of real estate in Canada, or of any interest in such real estate as the directors deem expedient;

Guarantee of investments.

(*f.*) Guarantee any investments made by the Company as agent or otherwise; provided that nothing herein shall be held either to restrict or extend the powers of the Company as trustee or agent under the terms of any trust or agency conferred upon it;

Moneys in trust.

(*g.*) Receive moneys in trust and otherwise for the purposes herein specified, and invest and accumulate the same at such rates of interest as may be obtained therefor;

Execution of trusts.

(*h.*) Accept and execute all such trusts of every description entrusted to the Company by any government, corporation, association, society or person, or committed or transferred to it by any order, judgment or decree of any court; accept and execute the offices of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic, and perform the duties of such offices or trusts as fully and completely as any person so appointed could do; and in all cases where application is made to any court, judge or prothonotary for an appointment to any such office or trust, and such court, judge or prothonotary appoints the Company, then the Company may hold such office or trust, and the court may substitute, if necessary, for any obligations required from a private person appointed to such offices, such usual obligations as are applicable to corporations, and may fix the remuneration of the Company; the Company may take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise any real or personal estate upon any lawful trusts, and perform and execute such trusts according to the terms and for the purposes declared, established or agreed upon respecting such estate; accept from and execute trusts for married women with respect to their separate property real or personal and act as agents for them in the management of such separate property;

Custody of jewellery, etc.

(*i*) Be the custodian, on such terms as are agreed upon, of any jewellery, plate or other valuable property, and of deeds, wills, debentures and other evidences of title or indebtedness;

Management of estates.

(*j.*) Act as investing and managing agent of estates and properties, and for and on behalf of executors, administrators and trustees and of any other persons or corporations;

Remuneration.

(*k.*) Receive and collect such remuneration for its services as is agreed upon or as previously fixed from time to time by its by-laws, and all usual and customary charges, costs and expenses.

4. The powers and authority hereby conferred upon and granted to the Company shall not have any force or effect in any province in any respect in which they conflict with the laws of such province. Powers to be subject to provincial laws.

5. The Company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trusts require:— Investment of trust moneys,

(*a.*) In first mortgages, privileges and hypothecs of improved freehold property of ample value in Canada; and the Company may accept personal property or covenants by way of collateral security thereto; or In mortgages,

(*b.*) In the stock, funds or government securities of Canada or any province of Canada, or of the United States, or guaranteed thereby respectively, or in the bonds or debentures of any municipal corporation in any province of Canada other than municipal corporations having a population of less than two thousand inhabitants or an annual rate of assessment exceeding two cents on the dollar, or in the bonds and debentures of any school district in any such province, or in the public stock, funds or government securities of the United Kingdom, or any of the colonies or dependencies thereof; or In public securities,

(*c.*) In such securities as are specified by the terms of any trust, or by the order, judgment or decree of a court, judge or prothonotary. In securities specified by court.

2. Nothing in this section shall prevent the Company from holding securities of any other kind that form or are part of any trust estate which comes into its hands; and it may hold such securities subject to the trusts and legal obligations attaching thereto, but in case of the realization of any portion thereof the proceeds shall be invested as herein directed unless the will, deed, order or instrument creating the trust has provided otherwise. Holding of securities.

6. The moneys and securities of each trust shall always be kept distinct from those of the Company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other, in the registers and other books of account to be kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets of the Company; and the Company shall, in the receipt of rents, and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith: Provided always, that in the management of money and property held by the Company as trustee, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment, at the time of the making of such appointment, otherwise directs, invests in the manner provided by section five of this Act such money and property in a general trust fund of the Company; provided, however, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed three thousand dollars. Trust moneys to be kept distinct. Proviso: investment in general trust fund. Amount limited.

Trust moneys not liable for debts of the Company.

7. Moneys, properties and securities received or held by the Company upon trust, or as agent of any person or body corporate, shall not be liable for the debts or obligations of the Company.

Account of administration.

8. In case of the appointment of the Company to any trust or office by any court in Canada, or judge or prothonotary thereof, such court, judge or prothonotary may, from time to time, require the Company to render an account of its administration of the particular trust or office to which it has been so appointed; and may from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security afforded to those by or for whom its engagements are held; and such person shall report thereon to such court, judge or prothonotary, and the expenses of such investigation shall be borne as ordered by such court, judge or prothonotary.

No. 106.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act respecting The Dominion Safe Deposit Warehousing and Loan Company (Limited), and to change the name of the Company to The Dominion Safe Deposit and Trust Company, (Limited).

Received and read a first time, Friday, 14th May, 1897.
Second reading, Monday, 17th May, 1897.

(PRIVATE BILL.)

Mr. Gibson.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 107] **BILL.** [1897.

An Act further to amend the Consolidated Revenue and Audit Act.

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

1. Section thirty-three of *The Consolidated Revenue and Audit Act*, chapter twenty-nine of the Revised Statutes is hereby amended by adding the following subsection thereto:— R.S.C., c. 29, s. 33 amended.

"2. No payment shall be authorized by the Auditor General with respect to any such work performed or material supplied unless the officer whose duty it is to make the contract for such work or material certifies that requests for tenders for such work or materials were advertised or were otherwise properly made public, unless the necessity for such work or materials was not foreseen, and such work or materials were, at the time contracted for, urgently and immediately required." Tenders to be called for. Case of urgency.

No. 107.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Consolidated Revenue and Audit Act.

Received and read a first time, Monday, 18th May, 1897.
Second reading, Tuesday, 19th May, 1897.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 108.] **BILL.** [1897.

An Act respecting the Examination of Stationary Engineers and the Inspection of Steam Boilers.

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

1. This Act may be cited as *The Steam Boilers Act*, 1897. Short title.

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

(*a.*) The expression "boiler" does not include boilers used for heating water for domestic purposes, unless the pressure exceeds fifteen pounds per square inch, low pressure steam heating boilers, nor railway locomotive or steamboat boilers, but means and includes all other steam boilers and every part thereof or thing connected therewith, and all apparatus and things attached to or used in connection with any such boiler; "Boiler."

(*b.*) The expression "owner" means and includes any person, firm or corporation, the owner or lessee of a boiler, and the manager or other head officer in charge of the business of any such firm or corporation; "Owner."

(*c.*) The expression "board" means the board of examiners and steam boiler inspectors constitued under the provisions of this Act; "Board."

(*d.*) The expression "engineer" means any person having charge of or operating a steam boiler under the provisions of this Act. "Engineer."

3. The Governor in Council may appoint a chief inspector of steam boilers and not fewer than eight inspectors for the purpose of carrying out the provisions of this Act, and the said chief inspector and inspectors shall constitute a board to be known as the board of steam boiler inspection. Appointment of inspectors.

4. No person shall be appointed a member of the board who has not at least five years' experience as a practical engineer, and who does not hold a high class certificate from some incorporated body or government board, showing that he is a person possessed of practical knowledge of the structure and operation of steam boilers. Their qualifications.

5. The inspectors shall meet under the direction of the chairman for the purpose of making regulations subject to the approval of the Governor in Council and not inconsistent with the provisions of this Act,— Regulations by inspectors.

(*a*) For holding annual or special examinations, to be conducted by the board or any member thereof, of persons from time to time applying under this Act;

(*b.*) For granting certificates of qualification to persons passing such examination;

(*c.*) For regulating the manner of operating steam boilers and the methods to be adopted for securing the safety thereof;

(*d.*) For providing for the uniform inspection of steam boilers, the tests to be used on such inspection, and the circumstances under which such inspection shall be made.

Publication of regulations.

2. No regulation shall come into force or take effect until it has been published in the Official Gazette of each Province, together with the Order in Council approving thereof.

Notice of examinations.

6. Notice of the time and place or places of the annual or other general examinations shall be given at least one month prior to the holding thereof, by advertisement in the nearest newspaper.

Penalty for operating boiler without certificate.

7. Every person not duly registered under this Act, who, after the day of one thousand eight hundred and ninety eight, operates any steam boiler, or is in charge of any steam boiler while in operation, whether as owner or as engineer, shall be liable, on summary conviction, to a penalty of not less dollars and not more than dollars.

Certificates to persons now operating boilers.

8. Every person who, at the date of the passing of this Act, has been for two years engaged in the operation of steam boilers, upon producing a certificate of his uniform good conduct and sobriety from the owners by whom he has been employed during the said period, and also from some responsible person not connected with the business of such owners and a resident in the municipality or in each of the municipalities in which such boilers have been so operated, or a holder of a certificate from any incorporated body or from any Province, shall be entitled, upon making application to the chairman of the board on or before the first day of January, 189 , and upon payment of dollars to the chairman, to receive a certificate of qualification and to be registered under the provisions of this Act.

Appeal from inspector to board.

9. Any candidate who considers he has been unfairly dealt with by any of the inspectors, or whose certificate has been revoked, may appeal, in writing, to the chairman of the board, setting forth such grievance; and the chairman shall at once investigate such charge, calling in two of the inspectors to assist him; and their decision shall be final.

Certificate to be posted.

10. Every person holding a certificate under this Act shall expose it in some conspicuous place in the engine or boiler room in which he is employed, and in default shall be liable, upon summary conviction, to a penalty of not less than dollars and not more than dollars.

Person acting in absence of certificated engineer.

11. In case any owner of a steam boiler shows, to the satisfaction of the chairman, that he is unable, by reason of some unforeseen occurrence to immediately secure the services of a duly qualified person to operate such boiler, the chairman or other inspector to whom such application is made may

grant a permit to any person producing satisfactory evidence of good conduct and sobriety to operate such boiler for a period of sixty days from the date of application, and in such case no penalty shall be incurred by reason of operating such steam boiler pending the granting of such permit.

Boilers to be inspected annually.

12. Every owner of a boiler shall cause it to be inspected at least once in each year by an inspector appointed under this Act.

Certificate to issue.

2. The inspector making such inspection shall forward a copy of his record thereof to the chairman, who shall immediately forward a certificate of inspection to the owner.

Production thereof.

3. Such certificate shall be produced upon demand by the chairman or any inspector under this Act.

Fee.

4. For such certificate the owner of the boiler shall pay a fee of dollars.

Certain boilers excepted from operation of this Act.

13. The provisions of this Act respecting the inspection of boilers shall not apply to any boiler insured and inspected by any duly incorporated boiler insurance company doing business in Canada, but the owner of such boiler shall, when required by any inspector under the provisions of this Act, produce the certificate of inspection from such company.

Inspectors may enter premises.

14. For the purposes of seeing that the provisions of this Act are complied with, the chairman or any of the inspectors under this Act may at all reasonable hours enter upon any lands or into any building where any steam boiler is operated.

No. 108.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Examination of Stationary Engineers and the Inspection of Steam Boilers.

Received and read a first time Monday, 17th May, 1897.
Second reading, Tuesday, 18th May, 1897.

Mr. SUTHERLAND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 109.] **BILL.** [1897.

An Act respecting the Ottawa and Gatineau Railway Company.

Preamble.

WHEREAS the Ottawa and Gatineau Railway Company has, by its petition, prayed that the time for completing its railway be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1894, c. 87, s. 32 repealed.

1. Section thirty-two of chapter eighty-seven of the statutes of 1894 is hereby repealed, and the following substituted in lieu thereof:

Time extended for completion of railway.

"**32.** The main line of the railway of the Company and the extensions and branches authorized by this Act to be constructed shall be completed on or before thirty-first day of December one thousand eight hundred and ninety-nine, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said main line, extensions or branches as then remains uncompleted."

No. 109.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Ottawa and Gatineau Railway Company.

Received and read a first time, Tuesday, 18th May, 1897.
Second reading, Wednesday, 19th May, 1897.

(PRIVATE BILL.)

Mr. CHAMPAGNE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

[No. 110] **BILL.** [1897.

An Act to incorporate the Southern Counties Railway Company.

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 Honorable Trefflé Berthiaume, Henry Hogan, Francois Joseph Bisaillon, Trefflé Bastien, Charles Berger and Maurice Perrault, all of the city of Montreal, S. T. Willet, of Chambly Canton ; Alexander Macdonald, Raoul Aubé and J. Emery Molleur, of the town of St. John's, Quebec; Albert J. Corriveau, of the town of Iberville; and Charles Huguet, of the city of Paris, France, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of " The Southern Counties 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, a railway of the gauge at four feet eight and one half inches from a point in or near the northern limit of the county of Chambly, in the province of Quebec, thence through the counties of Chambly, Verchères, Rouville, St. Hyacinthe, Laprairie, St. John's, Iberville, Missisquoi, Brome, Shefford, Stanstead and Sherbrooke to a point in or near the city of Sherbrooke. Line of railway described.

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

6. The capital stock of the Company shall be five hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed ; with the right to increase such capital stock to any amount, not exceeding two million dollars. Capital stock and calls thereon.

Directors may allot stock.

7. The directors may make and issue as paid-up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment of franchises, privileges and rights obtained by the Company, or for services rendered in promoting its interests, or in any other manner deemed advantageous by the directors. and such issue and allotment of stock shall be binding upon the Company and shall not be assessable for calls.

Annual meeting.

8. The annual general meeting of the shareholders shall be held on the last Thursday of the month of 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 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.

10. 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 the railway constructed or under contract to be constructed.

Agreements respecting bridges.

11. The Company may enter into an agreement with any person or corporation owning and operating any bridge across the River Richelieu, and may unite with such person or corporation for the use, maintenance and management of the same, or of the Company's lines; and may enter into similar contracts with like corporations or persons operating bridges across any river in any of the above mentioned counties; or the Company

Construction of bridges.

may construct, maintain, use and operate such bridges as may be necessary for the continuance, connection and operation of its lines, upon the plans thereof being approved by the Governor in Council, and under such conditions as may be imposed by him.

Use of bridge.

12. Any bridge constructed by the Company may be constructed and arranged for the use of foot passengers, street cars, carriages and other vehicles, as well as for the purposes of the railway of the Company, and in such case the Company

Tolls.

shall have the right to charge such tolls for the passage of foot passengers, street cars, carriages and other vehicles as shall have been approved of by the Governor in Council: but the Company may, at any time, reduce such tolls; and a notice showing the tolls authorised to be charged, shall at all times be posted up in a conspicuous place on the said bridge.

Agreements with other companies.

13. The Company may enter into an agreement with the Montreal Bridge Company, or any railway company, for conveying or leasing to such company the railway or bridges 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.

Approval by 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for sanction.

No. 110.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Southern Counties Railway Company.

Received and read a first time, Thursday, 20th May, 1897.
Second reading, Friday, 21st May, 1897.

(PRIVATE BILL.)

Mr. PREFONTAINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 112.] **BILL.** [1897.

An Act to prohibit Improper Speculation in the Sale of Butter or Cheese.

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

1. This Act may be cited as *Butter and Cheese Sales Act*, 1897. Short title.

2. This Act shall come into operation on the first day of January, 1898. Commencement of Act.

3. Every one who, by himself or through the agency of another person, (*a*) sells, or (*b*) offers to sell, or (*c*) agrees to sell, or (*d*) agrees to offer to sell, any butter or cheese which at the time such sale, offer or agreement is made, has not been manufactured and is not his property or the property of some person for whom he is duly authorized to act, is guilty of an offence, and liable, on summary conviction, to the following penalties: Selling cheese or butter not in existence or owned by seller.

(*a.*) For a first offence, to a fine not exceeding five hundred dollars or imprisonment, with or without hard labour, for not more than three months, or to both such fine and imprisonment; Penalty for first offence.

b. For a second, and any subsequent offence, to a fine not exceeding one thousand dollars, or to imprisonment, with or without hard labour, for not more than six months, or to both such fine and imprisonment. For subsequent offences

4. Any pecuniary penalty hereby imposed shall, when recovered, be payable one-half to the informant, and the other half to Her Majesty. Application of penalties.

5. The Governor in Council may make such regulations and appoint such officers as he considers necessary in order to secure the efficient operation of this Act; and the regulations so made shall be in force from the date of their publication in the *Canada Gazette* or from such other date as is specified in the proclamation in that behalf. Governor in Council may make regulations and appoint officers.

6. Nothing herein shall be deemed to prohibit any person who is duly authorized to act for the person or persons who supply milk to any dairy or butter or cheese factory, from selling, or offering to sell or agreeing to sell, any butter or cheese to be manufactured at such dairy or cheese factory or butter factory. Exception.

No. 112.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to prohibit Improper Speculation in the Sale of Butter and Cheese.

Received and read a first time, Tuesday, 25th May, 1897.
Second reading, Wednesday, 26th May, 1897

Mr. PARMELEE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 113.] **BILL.** [1897.

An Act further to amend the Steamboat Inspection Act.

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

R.S.C., c. 78, s. 42 amended.

1. Subsection four of section forty-two of *The Steamboat Inspection Act*, chapter seventy-eight of the Revised Statutes, is hereby repealed and the following substituted therefor:—

Qualifications of third class engineer.

"4. A third class engineer shall be qualified to take charge of any passenger steamboat of not more than thirty nominal horse power, having single cylinder engines,—of any passenger steamboat of not more than forty-five nominal horse power, having compound engines,—or of any freight steamboat of not more than seventy-five nominal horse power; but such engineer shall not be qualified to take charge of any sea-going steamboat."

Section 42 amended.

2. Subsection five of the said section forty-two is hereby repealed and the following substituted therefor:—

Qualifications of third class engineer.

"5. A fourth class engineer may act in the capacity of assistant engineer on any steamboat except a sea-going passenger steamboat of more than one hundred nominal horse power, but shall not act as chief engineer on any steamboat requiring under this Act engineers holding certificates."

1888, c. 26, ss. 4 and 5 repealed.

3. Sections four and five of chapter twenty-six of the statutes of 1888, amending *The Steamboat Inspection Act*, are hereby repealed and the following substituted therefor:—

Permits to act as engineers may be granted.

"4. The Minister of Marine and Fisheries, upon the report of the inspector of boilers and machinery, in whose district the steamboat is to run, may grant a certificate to an applicant, sufficiently qualified by his knowledge of steamboat machinery and his experience as engineer on a steamboat, authorizing him to act as an engineer on a steamboat carrying passengers, having an engine of not more than four nominal horse power if the engine is a single cylinder engine, or nine nominal horse power if the engine is of the compound type, within specified limits in the waters of Canada—which steamboat and limits shall be designated in the certificate.

Duration.

"2. Such temporary certificate may be issued and be in force for a term not exceeding one year, but may be suspended or cancelled for cause by the Minister, who may also renew it from time to time for any term not exceeding one year.

Fee.

"3. For every such temporary certificate and for every renewal thereof the applicant shall pay the sum of two dollars,

which shall be paid over to the Minister of Finance and Receiver General to form part of the Consolidated Revenue Fund of Canada.

Exemption from penalty in such case.

"4. No person who holds such a temporary certificate, and no person who employs him as holding such certificate, shall be liable to the penalty provided by section forty-three of *The Steamboat Inspection Act*, if he is acting on the vessel and within the limits specified in the said certificate."

No. 113.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Steamboat Inspection Act.

Received and read a first time, Tuesday, 25th May, 1897.
Second reading, Wednesday, 26th May, 1897.

Mr. DAVIES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 114.] **BILL.** [1897.

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

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

Interpretation. R.S.C., c. 50.

1. In this Act, unless the context otherwise requires, the expression "the said Act" means *The North-west Territories Act*, chapter fifty of the Revised Statutes.

Section 2 amended. "Lieutenant Governor in Council" defined.

2. The paragraph lettered (*c.*) of section two of the said Act is hereby repealed and the following substituted therefor :—

"(*c.*) The expression "Lieutenant-Governor in Council" means the Lieutenant-Governor of the Territories, by and with the advice and consent of the Executive Council of the Territories, or in conjunction with the Executive Council of the Territories, as the case may be.

Section 2 amended. "Legislative Assembly" defined.

3. The said section two is hereby further amended by adding the following paragraph thereto ;

"(*g.*) The expression "Legislative Assembly" means the Legislative Assembly of the Territories composed, under the provisions of this Act, of the members elected to represent the several electoral divisions into which the Territories are or from time to time may be divided.

Section 11 amended.

4. Section eleven of the said Act is hereby amended by adding at the end thereof the words "or of the Legislative Assembly."

Section 12 amended.

5. Section twelve of the said Act is hereby amended by striking out the words "Lieutenant-Governor in Council" therein, and substitutiug in lieu thereof the words "Legislative Assembly."

Section 16 repealed. Ordinances respecting juries.

6. Section sixteen of the said Act is hereby repealed and the following substituted therefor :—

"**16.** The Legislative Assembly may, from time to time, make ordinances in respect to the mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and in respect to all matters relating to the same."

1894, c. 17, s. 17 repealed.

7. Section seventeen of chapter seventeen of the statutes of 1894 is hereby repealed and the following substituted therefor :—

Executive Council of the Territories.

"**17.** There shall be a Council to aid and advise in the Government of the Territories, to be styled the Executive Council of the Territories; and the persons who are to be members of that Council shall be, from time to time, chosen and summoned by the Lieutenant Governor and sworn in; and members thereof may be, from time to time, removed by the Lieutenant Governor.

Powers.

2. All powers, authorities and functions which, under any Act of the Parliament of Canada or Ordinance of the Territories, are vested in or exerciseable by the Lieutenant Governor with the advice, or with the advice and consent of the Executive Committee of the Territories, or in conjunction with that Committee, shall, upon the passing of this Act, be vested in, and shall or may be exercised by the Lieutenant Governor with the advice, or with the advice and consent of or in conjunction with the Executive Council of the Territories, subject, nevertheless, to be abolished or altered by the Legislative Assembly."

1891, c. 22, s. 6 amended.

8. Subsection one of section six of chapter twenty-two of the statutes of 1891 is hereby amended by striking out the words "at any time in force in" in the fifth line thereof, and substituting in lieu thereof the words "declared to be applicable to."

1894, c. 17, s. 18 amended.

9. Section eighteen of chapter seventeen of the statutes of 1894 is hereby repealed and the following substituted therefor :—

Qualification of member of Legislative Assembly.

"**18.** No person holding any office, commission or employment to which an annual salary from the Crown is attached, shall be eligible as a member of the Legislative Assembly, or shall sit or vote therein, during the time he holds such office, commission or employment; but nothing herein contained shall render ineligible any member of the Executive Council of the Territories, by reason of any salary, fee, allowance, emolument or profit of any kind or amount attaching to such membership, from being a member of the Assembly, or shall disqualify him from sitting or voting therein: Provided he is elected while holding such office, and is not otherwise disqualified."

Section 49 repealed.

10. Section forty-nine of the said Act is hereby repealed and the following substituted therefor :—

Sittings of Supreme Court in banc.

"**49.** The court shall sit in banc at such times and places as the Lieutenant-Governor in Council appoints; the senior judge present shall preside, and three judges of the court shall constitute a quorum."

Section 56 amended.

11. Subsection one of section fifty-six of the said Act, as amended by section eight of chapter twenty-two of the statutes of 1891, is hereby repealed, and the following substituted therefor :—

Sheriffs and clerks.

"**56.** For each judicial district the Governor in Council may appoint a sheriff and the Lieutenant-Governor in Council

may appoint a clerk of the court and may respectively name the place at which such sheriff and clerk, respectively, shall reside and keep an office ; and the clerk of the district within which the seat of Government of the Territories is situate, shall be registrar of the court sitting in banc."

12. Subsection one of the section substituted for section sixty-four of the said Act by section seven of chapter seventeen of the statutes of 1894 is hereby repealed and the following substituted therefor :— Section 64 amended.

"**64.** The Lieutenant-Governor may appoint justices of the peace for the Territories, who shall have jurisdiction as such throughout the same ; but, until the Legislative Assembly otherwise provides, no person shall be appointed a justice of the peace for the Territories, or shall act as such, who is not the owner in fee simple for his own use and benefit of lands lying and being in the Territories of and above the value of three hundred dollars over and above what will satisfy and discharge all incumbrances affecting the same and over and above all rents and charges payable out of or affecting the same and who has not resided in the Territories for a period of at least three years." Justices of the peace. Property qualification.

13. Subsection two of the section substituted for section sixty-four of the said Act by section seven of chapter seventeen of the statutes of 1894 is hereby amended by adding the following words thereto : "or such other oath or oaths as the Legislative Assembly from time to time prescribes." Section 64 amended.

14. Subsection four of the section substituted for section sixty-four of the said Act by section seven of chapter seventeen of the statutes of 1894 is hereby amended by striking out all the words after "years" in the fourth line thereof. Section 64 amended.

15. Subsection one of section eighty-eight of the said Act is hereby amended by striking out the words "Lieutenant Governor" in the third line thereof, and substituting the words "Legislative Assembly" in lieu thereof. Section 88 amended.

16. Section ninety of the said Act is hereby amended by striking out the words "Lieutenant Governor in Council" therein and substituting the words "Legislative Assembly" in lieu thereof. Section 90 amended.

17. Section sixteen of chapter nineteen of the statutes of 1888, is hereby repealed. 1888, c. 19, s. 16 repealed.

18. Section one hundred and seven of the said Act is hereby repealed and the following substituted therefor :— Section 107 repealed.

"**107.** All road allowances in townships now or hereafter surveyed and subdivided in the Territories, and all road allowances set out on block lines now or hereafter surveyed in the Teritorries, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Lieutenant-Governor in Council, for the public use of the Territories, subject to any ordinance made or to be made with respect thereto." Control of road allowances.

Section 108 repealed.

19. The section substituted for section one hundred and eight of the said Act by section seventeen of chapter twenty-two of the statutes of 1891 is hereby repealed and the following substituted therefor :—

Survey and transfer of certain roads.

"**108.** On the government of Canada receiving notice from the Lieutenant-Governor in Council of any particular thoroughfare or public travelled road or trail in the Territories, which existed as such prior to the subdivision of the land into sections and which it is desired to have transferred to the Territories, the Governor in Council may pass an order authorizing the survey of such road or trail by a Dominion land surveyor, such survey to be made under instructions from the Lieutenant-Governor in accordance with a manual of instructions regarding the manner of making such surveys approved by the Surveyor General of Dominion lands ; and upon approval of the returns of such survey by the Surveyor General, one copy thereof shall be filed in the Department of the Interior and one in the Land Titles Office for the district within which such road or trail is situated, and such road or trail may then be transferred by the Governor in Council for the use of the Territories.

"2. The width of such road or trail shall be one chain or sixty-six feet ; and in making the survey, the surveyor shall make such changes in the location of the road or trail as he finds necessary for improving it, without, however, altering its main direction."

1894, c. 17, s. 21 repealed.

20. Section twenty-one of chapter seventeen of the statutes of 1894 is hereby repealed and the following substituted therefor :—

Closing up of old roads, etc.

"**21.** Subject to any ordinances made with respect thereto, the Lieutenant-Governor in Council may close up any road allowance or trail which has been transferred to the Territories, or vary its direction, and may open and establish any new highway instead thereof, and may deal with the land in any road allowance, public travelled road or trail so closed as he sees fit."

Survey of new roads.

21. The Lieutenant-Governor in Council may cause to be surveyed and marked on the ground such roads or trails as are from time to time deemed necessary to aid in the development of any district which cannot be served by existing road allowances or by old trails mentioned in the section substituted for section one hundred and eight of the said Act by section nineteen of this Act.

2. Such roads shall be laid out one chain or sixty-six feet in width ; and in making the survey the manual of instructions mentioned in the said section shall be followed, and one copy of the returns of such survey shall be filed in the Land Titles Office for the district within which such trail is situated and a second copy in the offices of the North-west Government at Regina.

1892, c. 15, s. 6 repealed.

22. Section six of chapter fifteen of the statutes of 1892 is hereby repealed.

23. This Act shall come into force on the first day of October, in the year one thousand eight hundred and ninety-seven. Commencement of Act

114—1

No. 114.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

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

Received and read a first time, Tuesday, 25th May, 1897.
Second reading, Wednesday, 26th May, 1897.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 115.] **BILL.** [1897

An Act to amend the Land Titles Act, 1894.

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

1. Section eighty-seven of *The Land Titles Act*, 1894, is hereby repealed, and the following substituted therefor:— 1894, c. 28, s. 87 repealed.

"**87.** The owner of any land may authorize and appoint any person to act for him or on his behalf with respect to the transfer or other dealing with such land or with any part thereof, in accordance with the provisions of this Act, by executing a power of attorney in the form S in the schedule to this Act, or as near thereto as circumstances permit, or in any form heretofore in use for the like purpose in which the land is not specifically mentioned and described, but is mentioned and referred to in general terms, any of which forms of power of attorney the registrar shall register; and if the land referred to in any form of power of attorney is specifically and properly described, the registrar shall make a memorandum upon the certificate of title and upon the duplicate certificate of the particulars therein contained and of the time of its registration; and until such power of attorney is revoked in the manner provided by the next following section, the right of the owner to transfer or to otherwise deal with the land shall be suspended. Form of power of attorney. Registration. Owner's powers suspended until revocation.

"2. The registrar is hereby empowered to recognize, for the purpose for which it was executed, in so far as it concerns any land in his district belonging to the person who executed it, any power of attorney which is in the general form referred to in this section and which has been deposited, filed or registered in any land titles office in any registration district of the Territories; and where an original power of attorney in any form mentioned in this section has been deposited, filed or registered in one land titles office, a copy thereof, certified as such by the registrar in whose office it is of record, may be accepted by any other registrar in lieu of the original, and be recognized by him for the purpose for which the original power of attorney was executed, in so far as it affects any land in the district of the last mentioned registrar belonging to the person who executed it. Power of attorney in general form. Certified copies.

"3. The registrar shall keep a book in convenient form in which shall be entered according to the respective dates of the receipt thereof in his office, a record of all powers of attorney or duly certified copies of powers of attorney, deposited, filed, or received in his office; and such book shall be kept in alphabetical order, so as to show the names of all persons whose lands are or are intended to be affected by such powers, and the day, hour and minute of their receipt by him." Registrar's book.

No. 115.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend the Land Titles Act, 1894.

Received and read a first time, Tuesday. 25th May, 1897.
Second reading, Wednesday, 26th May, 1897.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 116.] **BILL.** [1897.

An Act further to amend the Dominion Lands Act.

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

Interpretation. R.S.C., c. 54.

1. In this Act, unless the context otherwise requires, the expression "the said Act" means *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes.

Clause 34 amended.

2. Sub-clause three of clause thirty-four of the said Act, as amended by section one of chapter twenty-four of the statutes of 1891, is hereby amended by inserting after the word "Board" in the second line thereof the words, "or any other person named for the purpose by the Minister."

Clause 38 amended.

3. Sub-clause four of clause thirty-eight of the said Act is hereby amended by striking out all the words therein after the words "local agent," and by adding in lieu thereof the words, "or his senior assistant, or before some other person named for that purpose by the Minister."

Clause 38 amended.

4. Clause thirty-eight of the said Act is hereby further amended by adding the following subsections thereto:—

Second homestead entry by settler or his son.

"9. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, or if any son of such settler, who has attained the age of eighteen years, has obtained entry for a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied, in the case of the father, by residence upon his first homestead, and, in the case of a son, by residence upon the father's homestead.

Conditions on which patent may be obtained.

"10. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead, or as a pre-emption, shall be entitled to obtain such patent upon proving to the satisfaction of the Minister, or of the Commissioner of Dominion Lands, or of the Dominion Lands Board,—

Residence.

"(*a.*) That he has fulfilled three years' residence upon the land which is the subject of his entry, in accordance with the provisions as to three years' residence upon a homestead which are contained and explained in this Act;

Cultivation.

"(*b.*) That in each of such years he has cultivated not less than one acre of such land, and that at the date of his application the whole area so cultivated has been substantially fenced;

Cattle.

"(*c.*) That he has at least forty head of cattle upon such land;

Buildings.

"(*d.*) That he has erected on such land, or upon land adjoining it, stables and outhouses sufficient to winter at least forty head of cattle."

Clause 42 repealed.

5. Clause forty-two of the said Act is hereby repealed, and the following substituted therefor:—

Assignments before issue of patent to be void.

"**42.** Unless the Minister otherwise declares, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void; and, unless the Minister otherwise declares, the person so assigning or transferring, or making an agreement to assign or transfer, shall forfeit his homestead and pre-emption right, and shall not be permitted to make another homestead entry; provided that a person whose homestead or homestead and pre-emption have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned."

Forfeiture.

Proviso: in case of recommendation for patent by local agent.

Clause 50 repealed.

6. Clause fifty of the said Act is hereby repealed, and the following substituted therefor:—

Lease of grazing lands.

"**50.** When so authorized by the Governor in Council, leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are set forth in regulations authorized from time to time by the Governor in Council."

Sale of school lands to Hon. Peter McLaren.

7. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale, upon such terms as are thought proper, to the Honourable Peter McLaren, of the following school lands, that is to say,—the northerly twenty-five acres of that portion of the north-west quarter of section eleven in township nine and range twenty-six, west of the fourth meridian, in the provisional district of Alberta, the southern boundary of the said twenty-five acres of land to be a due east and west line: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart as school lands in lieu of the said twenty-five acres of land, other land of equal area and value as nearly as may be.

Proviso: other lands to replace them.

Sale of school lands to former lessees of grazing ranches.

8. Notwithstanding anything in the said Act or in any Act amending it, the Governor in Council may authorize the sale to any former lessee of a grazing ranche in the North-West Territories, whose lessee was, with other similar leases, determined pursuant to the provision of an Order in Council of the twelfth day of October, one thousand eight hundred and ninety-

two, and who was thereby given, among other privileges, permission to purchase not in excess of ten per cent of his leasehold at the rate of two dollars per acre (which rate was subsequently reduced to one dollar and twenty-five cents by an Order in Council of the twenty-second day of April, one thousand eight and ninety-three) as part of such ten per cent of his leasehold, of any school lands comprised therein: Provided that such sale shall not take place until the Minister, by notice in the *Canada Gazette*, has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee or lessees, other land of equal area and value, as nearly as may be.

Proviso: other lands to réplace them.

9. Notwithstanding anything in the said Act or in any Act amending it, the Minister, by authority of the Governor in Council, may grant to Edward W. Johnston a homestead entry for the south-east quarter of section eleven in township eleven and range four, east of the first meridian, upon proof to the satisfaction of the Minister that he was in *bona fide* occupation of the said land prior to the first day of January, one thousand eight hundred and eighty, and that he has continued to occupy and cultivate the said land since that date, in accordance with the requirements of the said Act relating thereto.

Grant of homestead to Edward W. Johnston.

2. The Minister may cause to be selected in lieu of the said school lands, an equal area of vacant and unreserved Dominion lands within the province of Manitoba, for the purposes for which sections eleven and twenty-nine in every surveyed township throughout the extent of Dominion lands are set apart under the provisions in that behalf contained in the said Act, and may withdraw the lands so selected from the operation of those clauses, of the said Act and of its amending Acts, which relate to sale and to homesteod entry, and set them apart as school lands, by a notice to that effect in the *Canada Gazette*.

Other lands to replace it.

10. Clause ninety-six of the said Act is hereby amended by striking out the word "and" in the second line thereof, and inserting the word "or" in lieu thereof.

Clause 96 amended.

11. Clause ninety-eight of the said Act is hereby repealed and the following clause is substituted in lieu thereof:—

Clause 98 repealed.

"**98.** The Minister, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may from time to time, with the like approval, cause to be adopted such other forms to the like effect or such new forms as he considers applicable or necessary to any special case or class of cases."

Forms in schedule may be varied by the Minister.

12. If, in the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister may decide from the special circumstances of the case whether such application shall be granted or refused.

Application for homestead by woman as head of family.

13. Where patents for any public lands have been or are hereafter issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall

Issue of patent after death of applicant.

not therefor be void, but the title to the land designated therein and granted or intended to be granted thereby shall become vested in the legal representatives of such deceased person according to the laws of the Province in which the land is situated, as if the patent had issued to the deceased person during life.

Issue of patent in case of mental incapacity of settler.

14. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to do so, may furnish such proof if the conditions of entry have been wholly fulfilled by such person, or, if only partly fulfilled, may complete them and then furnish the necessary proof, as the legal representative of such person.

1891, c. 24, clause 7 amended.

15. Clause seven of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following sub-clause thereto:—

As to entries obtained before Sept., 30, 1891.

"2. In the case of any entry obtained before the thirtieth day of September, one thousand eight hundred and ninety-one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight."

1891, c. 24, clause 10 amended.

16. Clause ten of chapter twenty-four of the statutes of 1891 is hereby amended by adding the following words thereto: "and where the person so interested is unable to

Registration.

obtain an affidavit by a witness to the execution of the acknowledgment and charge of its execution by the settler to whom the advance thereby secured was made, the registrar of the district in which the land so charged or encumbered is situated is hereby authorized to accept in lieu of such affidavit a certificate from the local agent in whose office the acknowledgment and charge is of record, that it was duly filed in his office; and it is hereby declared that if the said acknowledgment and charge was so duly filed it shall be considered to have constituted a first charge upon such land from the date of its filing with the local agent, and to be and remain a first charge upon such land until duly satisfied and extinguished according to law."

Crofters, second homestead entry to.

17. Notwithstanding anything in the said Act contained, any person who has been placed on homestead lands or has been assisted to place himself on such lands by the board mentioned in chapter twenty-one of the statutes of 1888, and who has resided on such lands up to the time of the passing of this Act, may, upon abandoning such lands, and, if required to do so, upon executing an acknowledgment as hereinafter provided, be granted a second homestead entry.

Disposal of first homestead.

2. The lands so abandoned may be granted to the said board subject to a condition that the board shall place a *bona fide* settler thereon by the sale thereof to such settler or otherwise

within two years from the date of the patent to the board, or, in default of so doing, shall on demand sell the said lands to any person willing to become a *bona fide* settler thereon for such sum of money as is sufficient to pay the amount of the charge of the board thereon and interest and the expenses incurred by the board in obtaining such patent, or for such less sum as is named in such patent as the fair value of such lands, on pain, in case of refusal, of the forfeiture of the said lands and of all claims thereon and of the patent or other title thereto.

If first homestead is valued at less than charges thereon.

3. The Minister shall, for the purposes of this section, be the sole and final judge as to the value of such abandoned lands, and in any case where such lands are valued by him at less than the amount of the charge thereon and interest and the expenses aforesaid, the settler may be required, before he is granted a second entry, to sign an acknowledgment in the form R in the shedule to the said Act, or to the like effect, creating a charge upon his second homestead for the difference between the amount of the charge on his first homestead and interest and expenses and the value so placed upon such first homestead.

Issue of letters patent to settler or purchaser who is indebted to the Crown.

18. In any case in which any settler or purchaser is entitled to the issue of letters-patent for any land to which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or purchaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the re payment of an advance of seed grain, or on account of any other indebtedness to the Crown, the Minister may cause such letters-patent to issue in favour of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situated, with a certificate signed by him or his Deputy, or by some other person named by him for the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness, with the rate of interest to be paid thereon, the name of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar when registering the patent for such land shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

Registration.

Lands in Yukon district and remote parts of N.-W. T. may be laid off into lots.

19. Notwithstanding anything in the said Act contained, the Minister may direct that lands in the Yukon District and in remote parts of the unorganized portions of the North-West Territories shall be laid off into lots of such size and shape as may be found advisable; and such lots may be dealt with and may be described according to plans of record.

No. 116.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Dominion Lands Act.

Received and read a first time, Tuesday, 25th May, 1897.
Second reading, Wednesday, 26th May, 1897.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No 117.] **BILL.** [1897.

An Act to provide for the Registration of Cheese Factories and Creameries, and the Branding of Dairy Products, and to prohibit Misrepresentation as to the dates of Manufacture of such Products.

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

Short title.

1. This Act may be cited as *The Dairy Act*, 1897.

Registration of cheese factories and creameries.

2. The Minister of Agriculture shall keep in the Department of Agriculture a book to be called "The Cheese Factories and Creameries Register," and any person engaged in the business of cheese or of butter making may apply to the Department of Agriculture, at Ottawa, for the registration of the cheese factory or creamery owned or duly represented by him ; and, on receipt of the particulars as set forth in schedule to this Act, the Minister of Agriculture, or such officer of the Department of Agriculture as is designated by the Governor in Council, shall forthwith send to the owner or representative of such cheese factory or creamery a certificate showing the registration number allotted to such cheese factory or creamery.

Exclusive right to use registration number.

3. The person to whom such registration number is assigned shall thereafter have the exclusive right to use it for the purpose of designating the dairy products manufactured by him at such cheese factory or creamery, in the manner shown in schedule B to this Act.

Branding of word "Canadian," "Canadien," or "Canada" compulsory.

4. No person shall sell, offer, expose, or have in his possession for sale, any butter or cheese made in Canada, and destined for export therefrom, unless the word "Canadian," "Canadien," or "Canada" is printed, stamped or marked in a legible and indelible manner, in letters not less than three-eighths of an inch high, and one-quarter of an inch wide, upon—

(*a*) the box or package containing the butter or cheese, and—

(*b*) moreover, in the case of cheese, upon the cheese itself, before it is taken from the factory where it was made.

Defacing marks prohibited.

5. No person, with intent to misrepresent, shall remove or in any way efface, obliterate or alter the word "Canadian," "Canadien," or "Canada," or the registration number on any cheese, or on any box or package which contains cheese or butter.

Misrepresentation as to dates of manufacture prohibited.

6. No person shall knowingly sell, or offer, expose, or have in his possession for sale, any cheese or butter upon which, or upon any box or package containing which, is printed, stamped or marked any month other than the month in which such butter or cheese was made; and no person shall, knowingly and with intent to misrepresent, sell, or offer, expose, or have in his possession for sale, any cheese or butter represented in any manner as having been made in any month other than the month in which it was actually made.

Penalties.

7. Every person, who, by himself, or by any other person to his knowledge, violates any of the provisions of sections four, five and six of this Act shall, for each offence, upon summary conviction, be liable to a fine not exceeding twenty dollars and not less than five dollars, for every cheese or box, or package of butter or cheese which is sold, or offered, exposed, or had in his possession for sale, contrary to the provisions of those sections, togetther with the costs of prosecution, and, in default of payment of such fine and costs, shall be liable to imprisonment, with or without hard labour for a term not exceeding three months, unless such fine and the costs of enforcing it are sooner paid.

Application of penalties.

8. Any pecuniary penalty imposed under this Act shall, when recovered, be payable, one half to the informant or complainant, and the other half to Mer Majesty.

Governor in Council may make regulations.

9. The Governor in Council may make such regulations as he considers necessary in order to secure the efficient operation of this Act; and the regulations so made shall be in force from the date of their publication in the *Canada Gazette*, or from such other date as is specified in the proclamation in that behalf.

SCHEDULE A.

Particulars for the registration of cheese factories and creameries:

1. Name of cheese factory or creamery.....
2. Where situated :—
   - (*a.*) Province.....
   - (*b.*) County.....
   - (*c.*) Township or Parish.....
   - (*d.*) Post office.....
   - (*e.*) Telegraph or telephone office.....
   - (*f.*) Railway station or shipping port.....
2. Name of owner.....

   Post office address.....

If a co-operative dairy association or joint stock company :—

Name of Secretary .....

Post office address.....

4. Registered brand or trade mark, if any.....

5. Registered number allotted.....

The above is certified correct.

..... Owner.

..... P. O. Address.

..... Secretary.

Witness.....

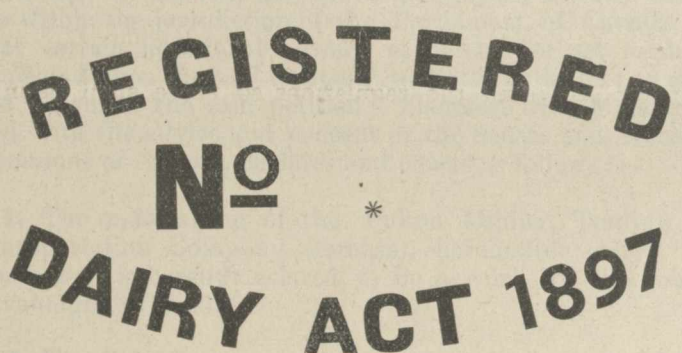
..... P. O. Address.

Witness.....

..... P. O. Address.

SCHEDULE B.

Form of brand for registered number to be allotted to cheese factories and creameries :—



The figure or figures of registration to be inserted.

No. 117.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to provide for the Registration of Cheese Factories and Creameries, and the Branding of Dairy Products, and to prohibit Misrepresentation as to the dates of Manufacture of such Products.

Received and read a first time, Wednesday, May 26th, 1897.
Second reading, Friday, 28th May, 1897.

Mr. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 118.] **BILL.** [1897.

An Act to incorporate the Yukon Mining, Trading and Transportation Company.

WHEREAS the Yukon Mining, Trading and Transportation Company (foreign) has, by its petition, alleged that it is incorporated under part IV. of the "Company's Act" of the Province of British Columbia, and is also incorporated by an Act of the Legislature of the Province of British Columbia, being chapter 77 of the statutes of 1897, whereby it is authorized to build its railway of either standard or narrow gauge from a point at or near the head of steamboat navigation on Taku Inlet to Teslin Lake, and also to construct an extension of the said railway to the northern boundary of the Province of British Columbia as in the said Act is provided; and whereas the said company has, by its petition, prayed that its railway be declared to be a work for the general advantage of Canada, and the said company a body corporate within the jurisdiction of the Parliament of Canada, and that certain additional powers, as hereinafter set forth, be conferred upon the said company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble. B.C., 1897, c. 77.

1. The undertaking of the Yukon Mining, Trading and Transportation Company (foreign), hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada. Declaratory.

2. The Company as now organized and constituted under the laws of British Columbia, is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, and this Act, and *The Railway Act* shall apply to the Company and its undertaking, instead of the said Act of incorporation and the British Columbia Railway Act; provided that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the above-mentioned Acts of British Columbia up to and at the time of the passing of this Act, to all of which rights and privileges the Company shall continue to be entitled, and to all of which liabilities the Company shall continue to be subject. Incorporation. Rights saved.

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

Capital stock and calls thereon.

4. The capital stock of the Company shall be three million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem expedient, but no one call shall exceed twenty per cent of the shares subscribed, nor shall a greater amount than fifty per cent of the amount subscribed be called up in any one year; and the capital stock of the Company, as authorized by the Acts of the Legislature of British Columbia above-mentioned, shall be deemed to be the same as the capital stock mentioned in this Act, and no right or claim to any share thereof shall be prejudiced by anything contained in this Act.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the second Wednesday of November 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.

Line of railway described.

7. The Company may extend its railway from the northern boundary of the Province of British Columbia, northerly or easterly to some point not exceeding two hundred miles distant from the said boundary, for the purpose of connecting navigable waters and forming a system of railway and water transportation in British Columbia and the Yukon territory, and may also construct, operate and maintain branch lines, not exceeding thirty miles in length, to any point on the Yukon River, or any branch of the said river, from any point on the line of the railway of the Company.

Branch lines.

8. The Company may also construct and operate such other branch lines from all or any of the points aforesaid, or any other point on the said railway or branches, as it deems advisable, to facilitate the working of its main line, no such branch to exceed in any case ten miles in length.

Timber lands and products.

9. The Company may acquire timber lands, and manufacture lumber, ties and other products in connection with its business.

Telegraph and telephone lines.

10. The Company may construct and operate telegraph and telephone lines between the western boundary of British Columbia and any points on the Yukon River, and along the whole length of the railway and branches, and may establish offices for the transmission of messages for the public and collect tolls therefor; and, for the purpose of constructing and operating such telegraph and telephone lines, the Company may enter into a contract with any other company, or may lease the company's lines.

Arrangements with another company.

11. 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 line of the Company.

12. No rates or charges shall be demanded or taken from any person 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. Rates to be approved.

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

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

(*a.*) Construct, acquire and navigate vessels upon or across the Taku, the Lewes and the Tes-lin-too or Hootalinqua Rivers, the Teslin Lake, the Pelly, the Yukon, the White, the Stewart and the Big and Little Salmon Rivers, and upon the other lakes and streams forming part thereof, tributary thereto, or connecting therewith, and upon other inland waters of 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 railway and vessels ; 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 storehouses.

(*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 operate the same by electricity, and may dispose of surplus electricity or other power generated by the Company's works and not required for its undertaking ; Electricity.

(*d.*) Construct or acquire lands, buildings and other erections for the purpose of supplying water and power for the use of its railways, and dispose of any water not required for the use of the Company. Water supply.

15. If the Company requires land for wharfs, docks and elevators and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections one hundred and seven to one hundred and eleven, both inclusive, of *The Railway Act* shall apply to the subject matter of this section, and to the obtaining of such land and determining the compensation therefor. Proceedings when extra land required.

16. The Company may receive by grant from any government, or from any person or municipal corporation as aid in the construction of its undertaking, any real or personal property, or sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate such property as is not required for the undertaking of the Company. Power to receive subsidies.

17. The Company, for the purpose of aiding the construction and maintenance of its undertaking, may purchase from any government, corporation or person, lands, including water powers and mill privileges, and may hold, dispose of, or mortgage such lands. Purchase of lands.

Business of Company, Mining,

18. The Company may also—

(*a.*) Acquire and work mines, mineral and mining rights in the Province of British Columbia and the North-West Territories, and may crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and may crush, smelt, reduce and amalgamate the ores and products of any mines, whether belonging to the Company or not;

Construction of works,

(*b.*) 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 and other buildings and works which are necessary or convenient for the purposes of the Company;

Electric power,

(*c.*) Erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power;

Carriers,

(*d.*) 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 any of the said purposes, acquire and hold timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal; and improve, extend, manage, develop, lease, mortgage, exchange and dispose of the same;

Ship owners,

Patent rights.

(*e.*) 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.

Issue of bonds, etc., limited.

19. The Company may issue bonds, debentures, or other securities to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed, or under contract to be constructed, and the Company may issue such bonds, debentures or other such securities in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents, and revenues, of the Company, present or future, or both, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued, and which shall be described in the mortgage deed made to secure the same.

1888, c. 29.

Land grant bonds.

20. The Company may also issue mortgage bonds (to be called land grant bonds) to the extent of one dollar per acre on any land granted in aid of the undertaking authorized by this Act, and when so issued such bonds shall constitute a first mortgage upon such lands, and any such mortgage may be evidenced by deed which may confer upon the trustee or trustees named thereunder, and upon the holders of the bonds secured thereby, such remedies or authorities, powers and

privileges, and may contain such provisions and conditions not inconsistent with law or this Act as may from time to time be agreed upon between the Company and the other parties thereto.

Power to receive land and money,

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

And purchase land, etc.,

Application of proceeds on sale thereof.

Lands conveyed to be free from mortgages and liens.

22. 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 forever 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.

Surplus lands may be sold.

23. Any lands acquired 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 puposes of the Company.

Currency in which bonds may be issued.

24. The bonds, debentures or other securities authorized by this Act may be so issued, in whole or in part, in the denomination of dollars, pounds sterling 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 whole or any of such bonds may be pledged, negotiated, or

Conditions of sale of bonds.

sold upon such conditions and at such price as the directors shall from time to time determine.

Power of Parliament as to future legislation.

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.

R.S.C., c. 118.

26. Sections seven, nine, eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

No. 118.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate the Yukon Mining, Trading and Transportation Company.

Received and read a first time, Friday, 28th May, 1897.
Second reading, Monday, 31st May, 1897.

(PRIVATE BILL.)

Mr. MORRISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 119.] **BILL.** [1897.

An Act to incorporate la Mutuelle Générale Canadienne.

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated as a company for the purpose of carrying on the business of accident insurance in all its branches, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Honourable J. G. Laviolette, the Honourable J. Girouard, Thomas Millette, Alexandre Millette, the Honourable Treffle Berthiaume, Arthur Fiset, Horace David, Jules Delattre and Lionel Dansereau, all of the city of Montreal, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "La Mutuelle Générale Canadienne" hereinafter called "the Company." Incorporation. Corporate name.

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

3. The Company may make contracts of insurance with any person against accidents arising from any cause whatever to persons or property (not including fire or marine insurance) whereby the insured may suffer loss or injury, or be disabled, or, in case of death from any accident, secure to the representative of the person assured the payment of a fixed sum of money, upon such terms and conditions as may be agreed upon. Powers of Company.

4. The capital stock of the Company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, but the Company may increase its capital stock to an amount not exceeding five hundred thousand dollars as soon as the resolution of the board of directors authorizing such increase has been submitted to and confirmed by a majority in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose. Capital stock. Increase of capital.

5. The shares of the capital stock subscribed for shall be paid by such instalments, and at such times and places as the directors appoint, but no call shall exceed ten per cent, and at least thirty days' notice of each call shall be given: Provided that the Company shall not commence the business of accident insurance until at least twenty-five thousand dollars has been Calls on stock. Amount to be subscribed before business commenced.

paid into the funds of the Company on account of the shares subscribed.

Provisional directors.

Stock books.

6. The persons mentioned by name in the first section of this Act, are hereby constituted provisional directors of the Company, and they may open stock books in which may be entered the signatures of persons desiring to become shareholders of the Company, and these books shall be open at the city of Montreal and elsewhere, in the discretion of the provisional directors, and shall so remain open as long as the provisional directors deem expedient.

First meeting of Company.

Election of directors.

7. When one hundred thousand dollars of the capital stock has been subscribed, and fifteen per cent of that amount paid into some chartered bank in Canada, the provisional directors may call a general meeting of the shareholders in some place named by them, in the city of Montreal, in the Province of Quebec, giving at least ten days' notice thereof in the *Canada Gazette*, and also in some daily paper published in the said city. At such meeting the shareholders present or represented by proxy, shall elect a board of not less than eleven nor more than twenty-five directors, in the manner and having the qualifications hereinafter prescribed.

Qualification.

2. No person shall be a director unless he is a shareholder owning ten shares of stock absolutely in his own right, and not in arrear in respect of any call thereon, or any obligation contracted by him with the Company.

Quorum.

3. Five members of the board shall constitute a quorum.

Annual meeting.

8. The annual meeting of the Company shall be held on the first Thursday in September in each year, or on such other day as is fixed by by-law, and notice of such meeting shall be given in the manner prescribed by section five of this Act.

Balance sheet.

9. At the annual meeting a general balance sheet and statement of the affairs of the Company shall be laid before the shareholders.

Directors to retire in rotation.

10. Three directors shall retire in rotation each year, and the three who first retire shall be chosen by the directors by lot, and so on in rotation, but any director retiring shall be eligible for re-election.

Surplus arising from shares confiscated and sold.

11. If the money arising from the sale of any shares confiscated for non-payment of calls be more than sufficient to satisfy all arrears and interest, and costs of the sale, the surplus shall be payable, on demand, to the owner of such shares, and there shall not be more shares sold than are necessary to satisfy such arrears, interest and calls.

Redemption of shares confiscated but not sold.

2. If the payment of such arrears, and interest and costs is effected before a share so confiscated has been sold, such share shall revert to the owner thereof, as if all such arrears, interest and costs had been duly paid before confiscation.

Power to hold real estate.

12. The Company may acquire and hold such real estate as it requires for the purposes of its business not exceeding the annual value of five thousand dollars, and may acquire and

hold such real and personal estate as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings or otherwise obtained.

Investment of funds.

13. The Company may invest its funds in the debentures, bonds, stock or other securities of the Dominion of Canada or of any province thereof, in mortgages of real estate, in the stock of any bank or building society, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures.

No. 119.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to incorporate La Mutuelle Générale Canadienne.

Received and read a first time, Friday, 28th May, 1897.
Second reading, Monday, 31st May, 1897.

(PRIVATE BILL.)

Mr. MADORE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 120.] **BILL.** [1897

An Act further to amend the Patent Act.

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

1. Chapter eighteen of the statutes of 1888, is hereby repealed, and section five of *The Patent Act*, chapter sixty-one of the Revised Statutes, is hereby revived as it existed previous to the passing of the Act hereby repealed. 1888, c. 18 repealed ; and R.S.C., c. 61, s. 5 revived.

No. 120.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Patent Act.

Received and read a first time, Wednesday, 2nd June, 1897.
Second reading, Friday, 4th June, 1897.

Mr. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 121] **BILL.** [1897.

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

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

1. Section one of chapter one hundred and ten of the Revised Statutes, is hereby amended by inserting the words "steamboat or ferry company" after the words "railway company" in the first line thereof. R.S.C., c. 119, s. 1 amended.

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

No. 121.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

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

Received and read a first time, Wednesday, 2nd June, 1897.
Second reading, Friday, 4th June, 1897.

Mr. BEATTIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 124.] **BILL.** [1897.

An Act respecting the Cataract Power Company of Hamilton, Limited.

WHEREAS the Cataract Power Company of Hamilton, Limited, was incorporated by letters patent of the Province of Ontario, dated the ninth day of July, one thousand eight hundred and ninety-six; and whereas the said company has, by its petition, prayed that the powers granted by the said letters patent may be extended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

1. The undertaking of the Cataract Power Company of Hamilton, Limited, hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada. Declaratory.

2. The Company may construct, equip, maintain and operate a canal and hydraulic raceway from some point on the Welland River at or within one mile of the village of Port Robinson, to a point or points on or under the Niagara escarpment near the waterfall known as Decew Falls in the township of Grantham, in the county of Lincoln, with all such works, dams, docks, sluices, conduits, accessories and buildings as are necessary to give full effect to the intent of this Act: Provided however, that nothing herein contained shall permit of any power being exercised in such a way as to interfere with the navigation of any river, or with the Welland Canal, unless with the approval and sanction of the Governor in Council. Construction of canal and raceway. Proviso.

3. *The Railway Act*, in so far as applicable, and when not inconsistent with this Act, shall apply to the Company and its undertaking. 1888, c. 29.

(*a.*) Wherever in the said Act the word "company" occurs it shall mean the Company; Meaning of "company."

(*b.*) Wherever in the said 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, mean the canal, ditch, hydraulic raceway or other works authorized to be constructed by this Act or by the charter of the Company; "Railway."

(*c.*) Wherever in the said Act the word "land" occurs, it shall include any privilege or easement required by the Company for constructing or operating the works authorized by this Act, on, over or along any land, without the necessity of acquiring a title in fee simple. "Land."

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

No. 124.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL

An Act respecting the Cataract Power Company of Hamilton, Limited.

Received and read the first and second time, Tuesday, 8th June, 1897.

(PRIVATE BILL.)

Mr. MacPherson.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 125.] **BILL.** [1897.

An Act respecting the Departments of Customs and Inland Revenue.

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

1887, c. 11 repealed.

1. Chapter eleven of the statutes of 1887, intituled *An Act respecting the Department of Customs and the Department of Inland Revenue*, is hereby repealed.

Offices of Minister of Customs and Minister of Inland Revenue revived.

2. The offices of Minister of Customs and Minister of Inland Revenue, which, under the provisions of the said Act, ceased to exist when the said Act was brought into force, are hereby revived; and hereafter the Department of Customs shall be presided over by the Minister of Customs for the time being, and the Department of Inland Revenue by the Minister of Inland Revenue for the time being.

Controllers t become Ministers,

3. The person holding the office of Controller of Customs immediately before the coming into force of this Act, shall, by virtue of this Act, be and become the Minister of Customs, and the person then holding the office of Controller of Inland Revenue, shall, by virtue of this Act, be and become the Minister of Inland Revenue, and they shall respectively hold the said offices during pleasure: Provided that if either of such persons is a member of the House of Commons he shall not, by reason of his so becoming Minister of Customs or Minister of Inland Revenue, vacate his seat in the House, or require to be re-elected.

Without vacating seat in House of Commons.

No. 125.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Departments of Customs and Inland Revenue.

Received and read a first time, Tuesday, 8th June, 1897.
Second reading, Wednesday, 9th June, 1897.

MR. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

[CORRECTED COPY.]

No. 125.] **BILL.** [1897.

An Act respecting the Departments of Customs and Inland Revenue.

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

1887, c. 11 repealed.

1. Chapter eleven of the statutes of 1887, intituled *An Act respecting the Department of Customs and the Department of Inland Revenue*, is hereby repealed.

Offices of Minister of Customs and Minister of Inland Revenue revived.

2. The offices of Minister of Customs and Minister of Inland Revenue, which, under the provisions of the said Act, ceased to exist when the said Act was brought into force, are hereby revived; and hereafter the Department of Customs shall be presided over by the Minister of Customs for the time being, and the Department of Inland Revenue by the Minister of Inland Revenue for the time being, *and the said Ministers shall each receive a salary at the rate of five thousand dollars per annum.*

Controllers to become Ministers,

3. The person holding the office of Controller of Customs immediately before the coming into force of this Act, shall, by virtue of this Act, be and become the Minister of Customs, and the person then holding the office of Controller of Inland Revenue, shall, by virtue of this Act, be and become the Minister of Inland Revenue, and they shall respectively hold the said offices during pleasure: Provided that if either of such persons is a member of the House of Commons he shall not, by reason of his so becoming Minister of Customs or Minister of Inland Revenue, vacate his seat in the House, or require to be re-elected.

Without vacating seat in House of Commons.

[CORRECTED COPY.]

No. 125.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Departments of Customs and Inland Revenue.

Received and read a first time, Tuesday, 8th June, 1897.
Second reading, Wednesday, 9th June, 1897.

Mr. Fitzpatrick.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 126.] **BILL.** [1897.

An Act respecting the Voters' Lists of 1897.

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

Lists of voters need not be revised for 1897.

1. It shall not be necessary that any revision of the lists of voters prepared in accordance with the provisions of *The Electoral Franchise Act*, shall be proceeded with during the present year, one thousand eight hundred and ninety-seven, but the lists of voters in force at the time of the passing of this Act shall continue in force until they are finally revised, in accordance with the provisions of *The Electoral Franchise Act*, in the year one thousand eight hundred and ninety-eight.

No. 126.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting the Voters' Lists of 1897.

Received and read a first time, Tuesday, 8th June, 1897.
Second reading, Wednesday, 9th June, 1897.

Mr. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 127.] **BILL.** [1897.

An Act further to amend The Fisheries Act.

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

1. Subsection two of section fifteen of *The Fisheries Act*, as enacted by section one of chapter twenty-seven of the statutes of 1895, shall not apply to the owners or employees of any saw-mill now constructed and in operation with respect to putting or permitting to pass, before the first day of July, one thousand eight hundred and ninety-eight, any sawdust or mill rubbish from such saw-mill into any waters which are on the thirtieth day of June, one thousand eight hundred and ninety-seven, excepted from the operation of the said subsection.

Exception from application of R.S.C. c. 95, s. 15.

No. 127.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Fisheries Act.

Received and read a first time, Tuesday, 8th June, 1897.
Second reading, Wednesday, 9th June, 1897.

Mr. DAVIES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 129] **BILL.** [1897.

An Act further to amend the Post Office Act.

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

1. Subsection one of section nine of *The Post Office Act*, chapter thirty-five of the Revised Statutes, is hereby amended by adding thereto the following paragraph :— R.S.C., c. 35, s. 9 amended.

"(*r.*) Make regulations for security being given by any person or body corporate to Her Majesty for the due performance of his duties in any matter relative to the Post Office of Canada by any officer, employee, clerk or servant employed by or under the Postmaster General, or by any one employed in the Canada Post Office, or by any one performing, whether with or without authority, any business of the post office of Canada; and also for the establishment and maintenance of a fund, to be derived from moneys received from officers, employees, clerks and servants employed by or under the Postmaster General, wherewith to make good to the Crown any loss by reason of any officer, employee, clerk or servant employed by or under the Postmaster General, or of any one performing any business of the post office, failing to duly discharge his duties in any matter relating to the Post Office of Canada." Regulations by Postmaster General.

2. Section fifty-five of the said Act is hereby repealed and the following substituted therefor:— Section 55 repealed.

"**55.** When, in the opinion of the Postmaster General, the lowest tender received after public advertisement for the performance of a mail contract is excessive, he shall not be compelled to accept the said tender, but may, in his discretion, either readvertise the said contract for further competition, or offer to any person willing to undertake the contract such lesser sum as he deems a reasonable and sufficient price for the said contract, and may enter into a contract with such person as will accept such offer." Lowest offer not to be accepted if deemed excessive. Proceedings in such case.

3. Subsection two of section sixty-one of the said Act is hereby amended by striking out the word "four" in the second line and substituting therefor the word "eight." Section 61 amended.

4. Hereafter railway mail clerks will not be required to pass the promotion examination provided for by section thirty-nine of *The Civil Service Act*. Railway mail clerks exempt from promotion examination.

Sections added.

5. The said Act is hereby further amended by adding thereto the following sections :—

Establishment of railway mail service branch.

"**119.** The Governor in Council may establish a branch of the Post Office Department to be called the Railway Mail Service Branch, to be composed of a controller, with head quarters at Ottawa, superintendents at points to be determined by the Head of the Department, and such other employees as are from time to time necessary for the proper conduct of the business of the branch."

Controller and other employees.

"**120.** The Governor in Council may appoint to such branch an officer to be called "The Controller of the Railway Mail Service of Canada" together with such superintendents, railway mail clerks, transfer agents and other employees as are deemed necessary; and such controller, superintendents, railway mail clerks, transfer agents and other employees may be appointed from among persons now in the Civil Service; and, in such event, such appointments shall not, within the meaning of *The Civil Service Superannuation Act* or any other Act, be regarded as new appointments, but shall be regarded as mere transfers from one branch of the Civil Service to another."

Qualification of controller.

"**121.** No person shall be eligible to be appointed Controller of the Railway Mail Service unless he has been for at least fifteen years employed in the Canada Post Office."

New appointments.

"**122.** New appointments to the said branch shall be made as provided for by *The Civil Service Act* and the amendments thereof."

Duties of controller.

"**123.** The duties of the controller, under the direction of the Head of the Department, shall be :—

"(*a.*) To have control over the superintendents, railway mail clerks, transfer agents and other employees in such branch in the discharge of the duties from time to time assigned to them by the controller, and to deal with all breaches or neglect of duty, with power to suspend such persons for such breaches or neglect of duty or other sufficient cause, during the pleasure of the Postmaster General;

"(*b.*) To issue mail schedules and distribution lists;

"(*c.*) To deal with all matters pertaining to the internal economy of postal cars;

"(*d.*) To deal with all delayed or mis-sent mails or mail matter;

"(*e.*) To regulate the receipt and despatch of mails between post offices and railways, and to perform such other duties as are from time to time assigned to him by the Head of the Department."

Salary.

"**124.** The salary of the controller shall be determined by the Governor in Council, and shall not exceed two thousand five hundred dollars per annum."

Controller's office to be in inside service.

"**125.** The controller, and those employed in his office at Ottawa, shall from part of the first or inside departmental division of the Civil Service."

Salary of superintendent.

"**126.** The salary of a superintendent shall be determined by the Governor in Counsil, and shall not exceed one thousand five hundred dollars per annum."

Qualification of superintendent.

"**127.** Except in British Columbia, no person shall be eligible to be appointed such superintendent unless he has served at least ten years as a railway mail clerk."

"**128.** The scale of salaries of clerks and other employees in the offices of the superintendents shall be the same as for clerks in the city post offices." Salaries in offices of superintendents.

"**129.** A railway mail clerk shall be appointed on probation for at least six months, at a salary of three hundred dollars per annum, together with the allowance for mileage." Railway mail clerk to be six months on probation,

"**130.** Except as regards those now in the Service and over sixty years of age, every railway mail clerk shall be subject at least once in each year, to a case examination under the directions of the controller." And subject to a case examination.

"**131.** Increases and reductions in the salaries of the superintendents, railway mail clerks, transfer agents and other employees in the railway mail service branch, may be made on the recommendation of the Postmaster General on the report of the controller; and in the case of railway mail clerks, the report shall be accompanied by a statement of the clerk's last case examination, general efficiency and length of service. Increases of salaries.

No. 129.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend the Post Office Act.

Received and read a first time, Wednesday, 9th June, 1897.
Second reading, Thursday, 10th June, 1897.

Mr. MULOCK,

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 130.] **BILL.** [1897.

An Act further to amend the Civil Service Act.

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

1. The paragraph substituted by section one of chapter fifteen of the statutes of 1895, for paragraph (*b*) of section ten of *The Civil Service Act*, chapter seventeen of the Revised Statutes, is hereby repealed and the following substituted therefor :— R.S.C., c. 17, s. 10 amended.

"(*b.*) No person shall be appointed to any place in the first or inside departmental division of the Civil Service—other than that of a deputy head, or controller of railway mail service or superintendent of railway mail service, or other officer or employee transferred from the outside service to the railway mail service branch—on probation or otherwise, whose age exceeds thirty-five years, or who has not attained the full age of fifteen years, in the case of a porter, messenger, or sorter, or the full age of eighteen years, in other cases." Limits as to age.

2. Schedule B to the said Act is hereby amended by inserting before the words "Railway Mail Clerks," the following words :—

"Controller of the railway mail service, salary not exceeding $2,500 ;

"Superintendents of railway mail service, salary not exceeding $1,500" ;

2. The said schedule B is hereby further amended by inserting, under the sub-heading "Clerks in City Post Offices," between the words "Letter-Carriers" and "Messengers" the words "Sorters and Stampers."

3. Subsection one of section thirteen of chapter fifteen of the statutes of 1895, intituled *An Act further to amend the Civil Service Act*, is hereby amended by inserting after the word "on" in the first line, the words "or since." 1895. c. 15, s. 13 amended.

2. Subsection three of the said section is hereby repealed and the following substituted therefor :— Section 13 further amended.

"3. No appointment or promotion shall be made under the provisions of this section after the first day of July, one thousand eight hundred and ninety-eight."

No. 130.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Civil Service Act.

Received and read a first time, Wednesday, 9th June, 1897.
Second reading, Thursday, 10th June, 1897.

Mr. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 132.] **BILL.** [1897.

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

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

Days of absence during present session.

1. For the present session of Parliament, the deduction of eight dollars per day mentioned in section twenty-six of the *Act respecting the Senate and House of Commons*, being chapter eleven of the Revised Statutes, shall not be made for twelve days in the case of a member who has been absent from a sitting of the House of which he is a member, or of some committee thereof, during such number of days ; but this provision shall not operate to extend the maximum amount mentioned in section twenty-five of the said Act, nor in the case of a member elected since the commencement of the present session shall it apply to days prior to his election.

Proviso.

No. 132.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

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

Received and read a first time, Thursday, 10th June, 1897.
Second reading, Thursday, 10th June, 1897.

Mr. DAVIES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 133.] **BILL.** [1897

An Act to amend the Law relating to Aliens.

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

Aliens may not hold mining or timber lands, &c.

1. Notwithstanding section three of *The Naturalization Act*, chapter one hundred and thirteen of the Revised Statutes, or anything in any Act of the Parliament of Canada or of the Legislature of any Province, no alien shall be qualified to acquire or hold, either directly in his own name, or indirectly through a trustee or otherwise, any timber lands, or any license to cut timber on public lands, or any mining lands or mining rights in Canada, or to be a director of a mining company.

No. 133.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to amend the Law relating to Aliens.

Received and read a first time Friday, 11th June, 1897.
Second reading, Monday, 14th June, 1897.

Mr. McMullen.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

No. 136.] **BILL.** [1897.

An Act further to amend the Civil Service Superannuation Act.

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

Deductions for superannuation fund may be repaid to dismissed public servant.

1. The Governor in Council may, on the recommendation of the Treasury Board, pay to any person dismissed from the public service of Canada, who at the time of such dismissal was contributing to any civil service superannuation fund under the provisions of *The Civil Service Superannuation Act*, or any Act in amendment thereof, the whole, or such portion as the Governor in Council deems expedient, of the amount so contributed by such person to such fund; and the Governor in Council may also, on the recommendation af the Treasury Board, in addition pay to such person interest to the date of such dismissal on the contributions so repaid, or any portion thereof, at such rate of interest, not exceeding five per cent per annum, and calculated in such manner, as the Governor in Council deems advisable.

With interest.

Retroaction.

2. This Act applies to any person heretofore or hereafter dismissed from the public service.

Payments in discretion of Governor in Council.

3. Nothing herein shall be construed to confer upon any person any right to demand or enforce the repayment of any amount contributed by him to any such fund, or any interest thereon, and all payments made under this Act shall be wholly in the discretion of the Governor in Council.

No. 136.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Civil Service Superannuation Act.

Received and read a first time, Tuesday, 15th June, 1897.
Second reading, Tuesday, 15th June, 1897.

Mr. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 139.] **BILL.** [1897.

An Act further to amend the Petroleum Inspection Act.

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

1. Subsection one of section four of *The Petroleum Inspection Act*, chapter one hundred and two of the Revised Statutes, as enacted by section two of chapter forty of the statutes of 1894, is hereby amended by striking out the words "two hundred and ninety," in the fifth line, and substituting therefor the words "two hundred and seventy." R.S.C., c. 102, s. 4 amended.

2. Subsection three of section fifteen of the said Act, as enacted by section three of chapter forty of the statutes of 1894, is hereby repealed and the following substituted therefor:— Section 15 amended.

"3. Notwithstanding anything in this section contained, the Governor in Council may designate places at which petroleum may be imported in tank cars and in tank ships respectively, and may, on the joint recommendation of the Ministers of Customs and Inland Revenue, prescribe regulations under which petroleum may be so imported; but all petroleum so imported shall, before being removed for consumption, be put into packages, inspected, and marked in accordance with the requirements of section seven of this Act." Importation of petroleum in tank cars and tank ships.

3. The said Act is hereby amended by adding the following section thereto:— Section added.

"**32.** Notwithstanding anything in this Act contained, the Governor in Council may, with regard to petroleum made in Canada, from time to time make regulations prescribing the time, place and mode of its inspection, storage, transportation and delivery." Regulations by Governor in Council.

No. 139.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Petroleum Inspection Act.

Received and read a first time, Wednesday, 16th June, 1897.
Second reading, Thursday, 17th June, 1897.

Sir HENRI JOLY DE LOTBINIÈRE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 140.] **BILL.** [1897.

An Act further to amend the Act respecting the Judges of Provincial Courts.

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

R.S.C., c. 138 s. 11 amended.

1. The paragraph respecting Manitoba of section eleven of the *Act respecting the Judges of Provincial Courts*, chapter one hundred and thirty-eight of the Revised Statutes, as amended by section two of chapter thirty-eight of the statutes of 1895, is hereby repealed and the following substituted therefor:—

Manitoba judges.

"Six county court judges, each $2,000 per annum, during the first three years of service, and after three years of service, each $2,500 per annum."

Section 12 amended.

2. The section substituted for section twelve of the said Act by chapter twenty-seven of the statutes of 1891, is hereby amended by striking out the third and fourth lines and substituting the following therefor:—

Quebec judge in Admiralty.

"The local judge of the District of Quebec, $1,000 per annum."

No. 140.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act further to amend the Act respecting the Judges of Provincial Courts.

Received and read a first time, Wednesday, 16th June, 1897.
Second Reading, Thursday, 17th June, 1897.

Mr. DAVIES.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 141.] **BILL.** [1897.

An Act respecting Cold Storage on Steamships from Canada to the United Kingdom and in certain cities in Canada.

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

Agreements ratified for cold storage on steamships from Canada to United Kingdom.

1. The agreements between the Government and certain companies, entered into under the authority of an Order in Council dated the fourth day of May, one thousand eight hundred and ninety-seven, for providing cold storage on steamships from Montreal to the United Kingdom during the seasons of one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-eight, and one thousand eight hundred and ninety-nine, copies whereof have been laid before Parliament, are hereby sanctioned and confirmed and declared to be effectual to all intents and purposes.

Cold storage at Toronto, Quebec, Halifax, St. John and Charlottetown.

2. The Governor in Council may enter into contracts with any person or company, for providing cold storage accommodation at Toronto, Quebec, Halifax, St. John and Charlottetown, for a term not exceeding three years, on such terms and conditions as the Governor in Council deems expedient; and the Governor in Council may guarantee a dividend not exceeding five per cent per annum during such term on the cost of the cold storage premises and refrigerating plant, the sum on which such dividend is so guaranteed not to exceed forty thousand dollars in the case of each of the cities of Quebec, Halifax and St. John, not to exceed fifty thousand dollars in the case of Toronto, and not to exceed twenty thousand dollars in the case of Charlottetown.

No. 141.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act respecting Cold Storage on steamships from Canada to the United Kingdom and in certain cities in Canada.

Received and read a first time Wednesday, 16th June, 1897.
Second reading, Thursday, 17th June, 1897.

MR. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 146] **BILL.** [1897.

An Act to authorize a Subsidy for a Railway through the Crow's Nest Pass.

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

Subsidy to the Canadian Pacific Railway Co. for railway Crow's Nest Pass.

1. Subject to the conditions hereinafter mentioned, the Governor in Council may grant to the Canadian Pacific Railway Company a subsidy towards the construction of a railway from Lethbridge, in the Territory of Alberta, through the Crow's Nest Pass to Nelson, in the province of British Columbia (which railway is hereinafter called "the Crow's Nest Line,") to the extent of eleven thousand dollars per mile thereof, and not exceeding in the whole the sum of three million six hundred and thirty thousand dollars, payable by instalments on the completion of each of the several sections or the said railway of the length respectively of not less than ten miles, and the remainder on the complerion of the whole of the said railway; provided that an agreement between the Government and the Company is first entered into in such form as the Governor in Council thinks fit, containing covenants to the following effect, that is to say:—

Agreement to be entered into.

Covenants therein.

On the part of the Company:

(*a.*) That the Company will construct or cause to be constructed, the said railway upon such route and according to such descriptions and specifications and within such time or times as are provided for in the said agreement, and, when completed, will operate the said railway forever;

(*b.*) That the said line of railway shall be constructed through the town of Macleod, and a station shall be established therein, unless the Governor in Council is satisfied by the Company that there is good cause for constructing the railway outside the limits of the said town, in which case the said line of railway shall be located and a station established at a distance not greater than five hundred yards from the limits of the said town;

(*c.*) That so soon as the said railway is opened for traffic to Kootenay Lake, the local rates and tolls on the railway and on any other railway used in connection therewith and now or hereafter owned or leased by or operated on account of the Company south of the Company's main line in British Columbia, as well as the rates and tolls between any point on any such line or lines of railway and any point on the main line of the Company throughout Canada, or any other railway owned or leased by or operated on account of the Company, including its lines of steamers in British Columbia, shall be first ap-

proved by the Governor in Council or by a Railway Commission, if and when such Commission is established by law, and shall at all times thereafter and from time to time be subject to revision and control in the manner aforesaid;

(*d.*) That a reduction shall be made in the general rates and tolls of the Company as now charged, or as contained in its present freight tariff, whichever rates are now the lowest, for carloads or otherwise, upon the classes of merchandise hereinafter mentioned, westbound, from and including Fort William and all points east of Fort William on the Company's railway to all points west of Fort William on the Company's main line, or on any line of railway throughout Canada owned or leased by or operated on account of the Company, whether the shipment is by all rail line or by lake and rail, such reduction to be to the extent of the following percentages respectively, namely :—

Upon all green and fresh fruits, 33⅓ per cent;

Coal oil, 20 per cent;

Cordage and binder twine, 10 per cent;

Agricultural implements of all kinds, set up or in parts, 10 per cent;

Iron, including bar, band, Canada plates, galvanized, sheet, pipe, pipe-fittings, nails, spikes and horse shoes, 10 per cent;

All kinds of wire, 10 per cent;

Window glass, 10 per cent;

Paper for building and roofing purposes, 10 per cent;

Roofing felt, box and packing, 10 per cent;

Paints of all kinds and oils, 10 per cent;

Live stock, 10 per cent;

Wooden ware, 10 per cent;

Household furniture, 10 per cent;

And that no higher rates than such reduced rates or tolls shall be hereafter charged by the Company upon any such merchandise carried by the Company between the points aforesaid; such reductions to take effect on or before the first of January, one thousand eight hundred and ninety-eight;

(*e.*) That there shall be a reduction in the Company's present rates and tolls on grain and flour from all points on its main line, branches, or connections, west of Fort William to Fort William and Port Arthur and points east, of three cents per one hundred pounds, to take effect in the following manner :—One and one-half cent per one hundred pounds on or before the first day of September, one thousand eight hundred and ninety-eight, and an additional one and one-half cent per one hundred pounds on or before the first day of September, one thousand eight hundred and ninety-nine; and th t no higher rates than such reduced rates or tolls shall be charged after the dates mentioned on such merchandise from the points aforasaid :

And on the part of the Government, to pay the said subsidy by instalments as aforesaid.

Company to carry out agreement.

2. The Company shall be bound to carry out in all respects the said agreement, and may do whatever is necessary for that purpose.

3. In order to facilitate such financial arrangements as will enable the Company to complete the railway as aforesaid without delay and to acquire and consolidate with it the railway from Dunmore to Lethbridge, hereinafter called "the Alberta Branch," which, under the authority of chapter thirty-eight of the statutes of 1893, it now operates as lessee, and is under covenant to purchase, the Company may issue bonds which will be a first lien and charge and be secured exclusively upon the said Alberta Branch and Crow's Nest Line together in the same way and with the same effect as if both the said pieces of railway to be so consolidated were being built by the Company as one branch of its railway within the meaning of section one of chapter fifty-one of the statutes of 1888, and that section shall apply accordingly, such first lien to be subject to the payment of the purchase money of the Alberta Branch, as provided for in the said covenant to purchase.

Issue of bonds.

No. 146.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to authorize a subsidy for a railway, through the Crow's Nest Pass.

Received and read a first time, Saturday, 19th June, 1897.
Second reading, Monday, 21st June, 1897.

Mr. BLAIR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

No. 149.] **BILL.** [1897.

An Act to provide for Bounties on Iron and Steel made in Canada.

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

Bounties for production in Canada of—

1. The Governor in Council may authorize the payment of the following bounties on steel ingots, puddled iron bars and pig iron made in Canada, that is to say:—

Steel ingots,

On steel ingots manufactured from ingredients of which not less than fifty per cent of the weight thereof consists of pig iron made in Canada, a bounty of three dollars per ton;

Puddled iron bars,

On puddled iron bars manufactured from pig iron made in Canada, a bounty of three dollars per ton;

And pig iron.

On pig iron manufactured from ore, a bounty of three dollars per ton on the proportion produced from Canadian ore, and two dollars per ton on the proportion produced from foreign ore.

During five years.

2. The said bounties shall be applicable only to steel ingots, puddled iron bars and pig iron made in Canada prior to the twenty-third day of April, one thousand nine hundred and two.

Duties on such iron and steel, if exported.

3. The said bounties shall be payable only on iron and steel for consumption in Canada, and the Governor in Council may, at any time, by proclamation, impose export duties on such iron and steel if exported from Canada,—such duties to be not greater than the amount of the bounty payable on such iron and steel.

Regulations.

4. The Governor in Council may make regulations in relation to the said bounties in order to carry out the intention of this Act.

1894, c. 9 repealed.

5. Chapter nine of the statutes of 1894, intituled *An Act to provide for the payment of Bounties on Iron and Steel manufactured from Canadian ore*, is hereby repealed.

No. 149.

2nd Session, 8th Parliament, 60 Victoria, 1897

BILL.

An Act to provide for Bounties on Iron and Steel made in Canada.

Received and read the first time, Friday, 25th June, 1897.
Second reading Saturday, 26th June, 1897.

Mr. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

A.] **SENATE BILL.** [1897.

An Act respecting the Employment of Children.

WHEREAS it is expedient that provision should be made by Parliament for the protection of children employed in factories: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Short title.

1. This Act may be cited as *The Childrens' Employment Act*, 1897.

Interpretation.

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

"Child."

(*a.*) The expression "child" includes a boy under fourteen years of age and a girl under sixteen years of age;

"Factory."

(*b.*) The expression "factory" includes all manufactories, works, workshops, workyards and mills of every kind, wherein steam, water, or other mechanical power, or electricity, is used in aid of the manufacturing process or handicraft carried on therein;

"Employer."

(*c.*) The expression "employer" means any person who in his own behalf, or as the manager, superintendent, overseer, or agent for any person, has charge of any factory and employs persons therein;

"Parent."

(*d.*) The expression "parent" includes the guardian or person having the legal custody of, or the control over, or direct benefit from the wages of, any child.

R. S. Ont., c. 208, s. 2; Q. 1894, c. 30, art. 3020.

Ages of children.

3. No boy under twelve years of age and no girl under fourteen years of age shall be employed in a factory.

Q. 1894, c. 30, art. 3023.

Health, care of.

4. No child shall be employed in a factory so that his health is likely to be permanently injured.

R. S. Ont., c. 208, s. 5.

Ages in dangerous works.

5. The Governor General may by proclamation prohibit the employment of boys under sixteen years of age and of girls under eighteen years of age in factories in which the work is deemed by him to be dangerous or unwholesome.

Ont. 1895, c. 50, s. 12; Q. 1894, c. 30, art. 3023.

Exemption as to cleaning fruit.

6. Nothing in this Act shall extend to the process of cleaning and preparing fruit so far as is necessary to prevent the spoil-

ing of the fruit on its arrival at a canning or desiccating factory during the months of July, August, September and October:

Proviso. Provided that any children employed in such process shall be so employed in a place or room separate from that in which the cooking, canning, or desiccating of the fruit is carried on.

Imp. 1878, c. 16, s. 100, and 1891, c. 78, s. 32; R. S. Ont., c. 208, s. 6.

Hours of work.

7. No child shall be employed in a factory before eight o'clock in the morning or after six o'clock in the evening.

Cf. Q. 1894, c. 30, s. 3025.

Meals.

8. No child shall be so employed continuously for more than five hours without an interval of at least an hour for a meal.

2. All children employed in a factory shall have the time allowed for a meal at the same hour of the day.

3. No child shall, during any part of the time allowed for a meal, be employed in the factory or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

Imp. 1878, c. 16, s. 17; R. S. Ont., c. 208, s. 6.

Employment defined.

9. A person who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory, or in cleaning or oiling any part of the machinery, or in any other kind of work incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

Imp. 1878, c. 16, s. 94; R. S. Ont., c. 208, s. 4.

Evidence in summary proceedings.

10. In summary proceedings under this Act, if a person is found in a factory, except at meal times or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory:

Proviso: as to certain parts of factory.

Provided that yards, play grounds, and places open to the public view, waiting-rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process is carried on, shall not be taken to be part of the factory within the meaning of this section.

Imp. 1878, c. 16, s. 92; R. S. Ont., c. 208, s. 3.

Child not to clean machinery in motion, or work between parts of self-acting machine.

11. A child shall not be allowed to clean any part of the machinery in a factory while such machinery is in motion by the aid of steam, water, or other mechanical power, or of electricity.

2. A child shall not be allowed to work between the fixed and traversing parts of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power, or of electricity.

3. A child allowed to clean or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Imp. 1878, c. 16, s. 9 ; R. S. Ont., c. 208, s. 7.

Inspectors, and regulations by Governor in Council.

12. The Governor in Council may,—

(*a.*) Appoint, to act within such local limits as he deems advisable, one or more inspectors to enforce this Act ;

(*b.*) Prescribe the duties and define the powers of the inspectors ;

(*c.*) Fix the salaries or remuneration, not exceeding the amount voted by parliament, to be allowed to the inspectors;

(*d*) Assign any duty in connection with this Act to any person in the employ of the Government of Canada,—which duty such person shall discharge in conjunction with and in addition to his other official duties;

(*e.*) Make such regulations and orders as he deems necessary for the purposes of this Act.

Publication.

2. All such appointments, regulations and orders shall be published in the *Canada Gazette.*

Effect of publication.

3. Every such regulation and order shall, upon publication, have the like force and effect as if it were embodied in this Act.

Penalty for employing child contrary to this Act.

13. Where a child is employed in a factory contrary to the provisions of this Act, the employer shall be liable, on summary conviction, to a fine not exceeding fifty dollars for each child so employed.

Penalty on parent permitting employment.

14. Where a child is employed in a factory contrary to the provisions of this Act, the parent of the child shall be liable, on summary conviction, to a fine not exceeding fifty dollars for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent.

Imp. 1878, c. 16, s. 84; R. S. Ont., c. 208, s. 17.

Penalty when none other provided.

15. Every person who violates any provision of this Act, or of any regulation or order made by the Governor in Council under the authority thereof, when no penalty is hereinbefore provided, shall, for each offence, on summary conviction, be liable to a fine not exceeding one hundred dollars.

Cf. R. S. Ont., c. 208, s. 31 ; Q. 1894, c. 30, art. 3045.

Agent, etc., committing offence is liable to penalty.

16. Where an offence for which an employer is liable under this Act to a penalty has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman, or other person shall be liable to the same penalty as if he were the employer.

Imp. 1878, c. 16, s. 86; R. S. Ont., c. 208, s. 35 ; Q. 1894, c. 30, art. 3048.

Employer may have actual offender summoned.

17. When an employer is charged with an offence against this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender, brought before the court at the time appointed for

hearing the charge; and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of this Act, and that such other person had committed the offence without his knowledge, consent, or connivance, such other person shall be summarily convicted of the offence and the employer shall be exempt from any penalty.

Inspector may proceed against actual offender instead of employer.

2. When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the employer had used all due diligence to enforce this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer and in contravention of his orders, then the inspector shall in the first instance proceed against the person whom he believes to be the actual offender.

Imp. 1878, c. 16, s. 87; R. S. Ont., c. 208, ss. 33 and 34; Q. 1894, c. 30, arts. 3046 and 3047.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

A

An Act respecting the Employment of Children.

Received and read a first time, Tuesday, 30th March, 1897.
Second reading, Friday, 2nd April, 1897.

Honourable Sir Oliver Mowat.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

B.] **SENATE BILL.** [1897

An Act further to amend the Criminal Code, 1892.

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

1. This Act may be cited as *The Criminal Code Amendment Act*, 1897. Short title.

2. *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule:— 1892, c. 29 amended.

SCHEDULE.

(NOTE.—*Words between square brackets are new.*)

Section **179.**—By striking out paragraph (*a*) in subsection one thereof and substituting the following therefor:—

"(*a.*) [Manufactures or] sells or exposes for sale or to public view, any obscene book, or other printed or written matter, or any picture, photograph, model or other object tending to corrupt morals: or" Manufacturing and publishing obscene matter.

And by repealing subsections three and four thereof and substituting the following therefor:—

"3. It shall be a question of law whether the occasion of the [manufacture,] sale, publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in, to or under which the [manufacture] sale, publishing or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question for the jury whether there is or is not in fact such excess.

"4. The motives of the [manufacturer], seller, publisher or exhibitor shall in all cases be irrelevant."

Section **180.**—By repealing paragraph (*a*) thereof and substituting the following therefor:—

"(*a.*) Any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication of an indecent, immoral [or scurrilous] character; or" Posting immoral books, etc.

Section **181.**—By repealing the section as amended by chapter thirty of the Statutes of 1893, and substituting the following therefor:—

Seduction of girls under sixteen.

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

Section **183.**—By repealing it and substituting the following therefor :—

Seduction of a ward or employee.

"**183.** Every one is guilty of an indictable offence and liable to two years' imprisonment who, being a guardian, seduces or has illicit connection with his ward, and every one who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of twenty-one years who is in his employment in a factory, mill, workshop, [shop or store], or who, being in a common employment with him in such factory, mill, workshop, [shop or store], is, in respect of her employment or work in such factory, mill, workshop, [shop or store,] under or in any way subject to his control or direction."

Section **197.**—By adding at the end thereof, as amended by section one of chapter forty of the Acts of 1895, the following words :—

Limitation of definition of common betting house.

" But no place is a common betting house for the purposes of this section merely because opened, kept or used as a place for bets of which the recording or registering is not an offence under this Act."

203A. By inserting the following section immediately after section 203 :—

Horse racing for longer than certain periods.

Section **203A.**—Every one is guilty of an indictable offence and liable to one year's imprisonment and to a fine not exceeding one thousand dollars, who —

(*a*) holds or carries on horse races anywhere for twelve days continuously, or permits horse races to be held or carried on on any race course, race courses or premises under his control for more than twelve days continuously ; or

(*b*) in the same calendar year holds or carries on horse races anywhere for more than twenty days in the aggregate, whether such days are continuous or not, or permits horse-races to be held or carried on on any race course, race courses or premises under his control for more than twenty days in the aggregate, whether such days are continuous or not; or

(*c*) having already in the same calendar year held or carried on horse races anywhere, or permitted horse races to be held or carried on on any race course, race courses or premises under his control for twelve days in the aggregate, whether such days have been continuous or not, as aforesaid, holds or carries on any further horse races anywhere, or permits any further horse races to be held or carried on on any race course, race courses or premises under his control, until at least forty days have elapsed since the last of such twelve days; or

(*d*) holds or carries on horse races, or permits horse races to be held or carried on upon any race course or premises where horse races have already during the same calendar year been held or been carried on for twenty days ; or holds or carries on horse races, or permits horse races to be held or carried on upon any race course or premises within forty days after the same race course or premises have been used for horse racing for a period of, or for periods aggregating, twelve days in the same calendar year.

Section **205.**—By adding to paragraph (*c*) of subsection six thereof the following :—

"Provided such paintings, drawings or other works of art are themselves actually and *bonâ fide* so distributed, and the member or ticket-holder is not given the option of taking in place of any work allotted to or drawn by him a sum of money or something else of value."

Lotteries of paintings, etc. among members of art societies.

Section **261.**—By repealing it and substituting the following therefor :—

"**261.** It is no defence to a charge or indictment for any indecent assault on a person under the age of sixteen years to prove that he or she consented to the act of indecency."

Consent of child under sixteen no defence.

Section **306.**—By adding at the end thereof the following words :—"by any peace officer or public officer."

Theft of things under seizure.

Section **331A.**—By inserting the following section immediately after section three hundred and thirty-one :—

"**331A.** Every one is guilty of an indictable offence and liable to three years' imprisonment who—

(*a*) without the consent of the owner thereof,

(I) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, or causes or procures, or assists to be taken possession of, concealed, appropriated, purchased or sold, any cattle which is found astray ; or

(II) fraudulently, wholly or partially obliterates, alters or defaces, or causes or procures to be obliterated, altered or defaced, any brand, mark or vent brand on any such cattle, or makes or causes or procures to be made any false or counterfeit brand, mark or vent brand on any such cattle ; or

(*b*) refuses to deliver up any such cattle to the proper owner thereof or to the person in charge thereof on behalf of such owner, or authorized by such owner to receive such cattle.

Stealing, altering brands on, and detention of cattle.

Section **410.**—By adding at the end thereof the following sub-section :—

"2. Everyone convicted of an offence under this section who when arrested, or when he committed such offence, had upon his person any offensive weapon, shall be liable, in addition to the imprisonment above prescribed, to be whipped."

Housebreaking and committing an indictable offence.

Section **479.**—By adding at the end thereof the following words :—"and includes also any coin or paper money, which although genuine, has no value as money, but in the case of such coin or paper money it is necessary in order to constitute an offense under this part that there should be knowledge on the part of the person charged that such coin or paper money was of no value as money, and a fraudulent intent on his part in his dealings with or with respect to the same.

Definition of "counterfeit token of value."

Section **520.**—By adding at the end thereof the following paragraph :—

"Provided that nothing in this section shall be construed to apply to combinations of workmen or employees for their own protection as such workmen or employees."

Proviso as to combinations in restraint of trade.

Jurisdiction of certain courts.

Section **540.**—By adding at the end thereof the following words :—

"or any indictment for bribery or undue influence, personation or other corrupt practice under *The Dominion Elections Act.*"

Exclusion of public during trial of certain cases.

Section **550A.**—By adding immediately after Section 550 the following section :—

"**550A.**—At the trial of any person charged with an offence under any of the following sections, that is to say, 174, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188,189, 190 (?), 195 (?), 198 (?), 207, paragraphs (i) (j) (k) and (l) (?), 259, 260, 267, 268, 269, 270, 271 (?), 272 (?), 273 (?), 274 (?), 281 (?), and 282 (?), or with conspiracy or attempt to commit, or being an accessory after the fact to any such offence, the Court or Judge may order that the public be excluded from the room or place in which the Court is held during such trial."

Limitation of time for commencing prosecutions.

Section **551.** By repealing paragraphs (*e*) and (*f*) of subsection one and substituting the following therefor :—

"(*e*) after the expiration of three months from its commission, if the offence is—

"(i.) cruelty to animals (Part xxxviii, sections 512 and 513) ;

"(ii.) seducing or having illicit connection with a girl between fourteen and sixteen (Part xiii, section 181) ;

"(*f*) after the expiration of one month from its commission, if the offence is—

"(i.) improper use of offensive weapons (Part VI, sections 103, and 105 to 111 inclusive) ;

"(ii.) railways violating provisions relating to conveyance of cattle (Part xxxix, section 514) ;

"(iii.) refusing peace officer admission to car, etc. (section 515)."

Procuring attendance of prisoner as witness.

Section **680.**—By adding at the end thereof the following subsection :—

"(2) or such court or judge may make an order upon the warden or jailer or sheriff, or other person having the custody of such prisoner, to himself convey such prisoner to such place, there to receive and obey such further order as to the said court seems meet; and such person, on being served with the order and being paid or tendered his reasonable charges, shall convey the prisoner to such place and produce him there according to the exigency of the order."

Evidence as to common gaming house.

Section **702.**—By inserting after the word "ninety-eight" in the eighth line thereof the words "or section one hundred and ninety-nine."

Other evidence as to common gaming house.

Section **703.**—By striking out all the words preceding paragraph (*a*) thereof and substituting the following therefor :—

"**703.** In any prosecution under section 198 for keeping a common gaming house, (or under section 199 for playing or looking on while any other person is playing in a common gaming house) it shall be *primâ facie* evidence that a house, room or place is used as a common gaming house, and that the persons found therein were unlawfully playing therein—"

Section **707A.**—By inserting immediately after section seven hundred and seven the following section :—

"**707A.** In any prosecution, proceeding or trial for any offence under section 331A, a brand or mark duly recorded or registered under the provisions of any Act, ordinance or law, on any cattle shall be *primâ facie* evidence that such cattle is the property of the registered owner of such brand or mark, and possession by the person charged or by others in his employ or on his behalf of any such cattle with such a brand or mark of which he is not himself the registered owner shall throw upon the accused the burden of proving that such cattle came lawfully into his possession or into the possession of such others in his employ or on his behalf."

Evidence as to offences under s. 331A. *supra* respecting cattle.

Section **748.**—By repealing this section.

New trial by order of Minister of Justice.

Section **760.**—By striking out the fifth and sixth lines thereof.

Criminal calendar in Nova Scotia.

Section **767.**—By adding at the end thereof the following subsection :—

"3. Any person who has elected to be tried by a jury, may, notwithstanding such election, at any time before such trial has commenced, notify the sheriff that he desires to re-elect, and it shall thereupon be the duty of the sheriff to proceed as directed by section 766, and thereafter such person shall be proceeded against as if his said election had not been made."

Election of jury trial by accused.

Section **784.**—By repealing the sub-section substituted for section three thereof, by chapter forty of the Statutes of 1895, and substituting the following :—

"3. The jurisdiction of the magistrate in the provinces of Prince Edward Inland and British Columbia, and in the North-West Territories, and the district of Keewatin. under this part, is absolute without the consent of the party charged except in cases coming within the provisions of section 785, and cases under sections 789 and 790 where the person charged is not a person who can be tried summarily without his consent."

When magistrate shall have absolute jurisdiction on summary trial of indictable offences in certain provinces, etc.

Section **785.** By adding at the end thereof the following subsections :—

"2. This section shall apply also to police magistrates of cities and incorporated towns in every other part of Canada.

3. Sections 787 and 788 do not extend or apply to cases tried under this section, but where the magistrate has jurisdiction by virtue of this section only, no person shall be summarily tried thereunder without his own consent."

Summary trial in certain cases.

Section **789.** By striking out the following words in the ninth, tenth and eleventh lines, that is to say :—"and may be adequately punished by virtue of the powers conferred by this part."

Proceedings for offences in respect of property worth over ten dollars, summary trial.

Section **790.**—By striking out all the words after the word "guilty" in the ninth line, and substituting for them the follow-

The same.

ing words :—"he shall be remanded to jail to await his trial in the usual course."

Transmission and custody of of record of proceedings.

Section **801**.—By repealing it and substituting the following therefor :—

"**801.** The magistrate adjudicating under the provisions of this part shall forthwith transmit the conviction, or a duplicate of the certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, [to the clerk of the peace or other proper officer for the district, city, county or place wherein the offence was committed, there to be kept by the proper officer among the records of the general or quarter sessions of the peace or of any court discharging the functions of a court of general or quarter sessions of the peace]"

Form of information to obtain search warrant.

Schedule One, Form J. By transposing the parenthetical clause in the seventh and eighth lines of the said form, namely; "(*describe things to be searched for and offence in respect of which search is made*," so that the same shall follow immediately after the word "that" in the ninth line.

SENATE BILL B. THE CRIMINAL CODE AMENDMENT ACT, 1897.

EXPLANATORY NOTES BY THE DEPARTMENT OF JUSTICE.

S. 179 (*a*) :—This clause omits the word "publicly" which now appears in the section before the word "sells" and omits the word "public" which is in the section before the word "sale."

S. 179. 4 :—The only change is the addition of the word "manufacturer" consequent on the proposed amendment *supra* inserting that word in paragraph (*a*) of subsection 1.

S. 180 :—Section 180 was adapted from the P.O. Act, s. 103, which section was repealed by the Code (section 981). It contained the words which have not been copied in section 180, viz. : "seditious, disloyal, scurrilous or libellous." Of these all but "scurrilous" are probably thought to be sufficiently covered elsewhere in the Code. Scurrilous mail-matter causes serious trouble to the department and the sending of it is a grave offence, but there is at present no provision in the Code dealing with it. The object of the amendment is to supply the omission.

S. 181 :—This clause proposes to omit from section 181 the words "of previously chaste character" before the word "girl." There is no such condition in the Imperial Act 48–49 Vict., c. 69, s. 5, which makes a like act criminal, nor in sections 261, 269, 282 or 283 of the Canadian Code. Under section 181, of the code, however, after the age of 13, there is no protection unless the girl's previously chaste character is provable and proved, and it is urged that this, in the case of poor friendless girls, may be impossible, and that what was perhaps a single or even a falsely alleged instance of defilement, no matter under what circumstances it occurred, takes away all protection. It has been urged that this condition leads to groundless attacks on a girl's character by perjured witnesses. It is claimed that there should be absolute and unconditional protection up to the age of 16, if not longer.

S. 183 :—The insertion of the words between square brackets is the only change.

S. 203A :—Section 204 forbids betting of various kinds ; and subsection 2 provides that the provisions of the section shall not extend, amongst other things, to bets between individuals, or made on the race-course of an incorporated association, during the actual progress of a race-meeting. This exception is stated to have been introduced into the Code at the suggestion of friends and promoters of what is considered legitimate sport. For the last two years, however, protracted race-meetings, lasting sixty days continuously, have been held at Windsor, Ont., and similar meetings are projected elsewhere, and under cover of this provision betting is carried on at these meetings. There has been considerable correspondence with the Justice Department upon this subject, and it is agreed on all hands that these long meetings are extremely demoralizing to the neighbourhood in which they are held ; they encourage and incite the gambling spirit, and attract numbers of crooks and crooked sports from the neighbouring States and elsewhere. It is therefore proposed to limit race meetings as above provided.

S. 205 :—The attention of the authorities has been called to several societies, claiming to be within this exception, but whose operations are only colourably so, they being to all intents and purposes lotteries for money prizes, as they give ticket-holders such an option.

S. 261 :—The age under the section as it stands is *fourteen*. See note to S. 181.

S. 306 :—In consequence of the absence of some such words as it is proposed to add to this section, the provisions of the section may be and in fact have been taken advantage of to try private rights at the expense of the Crown, and even to brand as a criminal a party to a mere civil dispute arising out of a more or less doubtful question of law or fact.

S. 331A :—See 707A, *post*.

S. 410 :—It has been represented that crimes of this nature have been alarmingly frequent of late, and that in many cases they are committed by professional tramps, which class is year by year becoming a greater menace to the peace and safety of residents of small towns and villages, and rural districts. A provision such as that proposed would probably be the most effective preventive, as imprisonment alone has not sufficient terrors for the class referred to. The Cods already provides the punishment of whipping for the crime of robbery with violence. See Section 398.

S. 479 :—The object of the amendment is obvious ; cases within it have frequently been brought to the intention of the authorities, especially in the case of bills of defunct banks, and notes of the Confederate States.

S. 540 :—This is to make the Criminal Code correspond with the Dominion Elections Act which provides that offences of bribery or undue influence are not to be tried in general or quarter sessions.

S. 550A :—At present there appears to be no provision in the law for the exclusion of the public in such cases, altnough judges do sometimes, in the interests of morality, clear the court. It is thought that this practice should be given the sanction of law.

S. 680 :—See Impl. Act, 16 and 17 Vict., ch. 30 ; Taylor on Evidence, § 1275, 1276.

S. 702 :—This is to make certain evidence necessary on the trial of a prosecution under section 199, as it is already necessary on the trial of a prosecution under section 198.

S. 703 :—The object of this amendment is the same as that of the amendment of 702, *supra*.

S. 707A :—See 331A *ante*.

S. 748 :—This section authorizes the Minister of Justice to grant a new trial. No Minister of Justice has ever acted on this section or approved of it. It is not known on whose suggestion it was introduced into the Code. There is no such provision in England or elsewhere, so far as is known. Ample provision is made by sections 742 *et seq.* for the granting of a new trial by the Court of Appeal, which is the more suitable tribunal.

S. 760 :—This section applies only to Nova Scotia. The lines proposed to be struck out provide that "the indictments shall not be made out, except in Halifax, until the Grand Jury so directs." One of the judges has pointed out that the distinction thus made between Halifax and the country is not now necessary, and is very inconvenient in practice.

S. 767 :—It has been held that the technical effect of a prisoner's having once elected to be tried by jury is that the power to elect has been thereby exhausted, a consequence which there is no reason for maintaining (except a mere technical reason.) It delays the trial uselessly and involves increased expense to the Crown and the prisoner, and prolongs the time of imprisonment of a man who on the trial may be found not guilty.

S. 785.2 :—The section at present applies to Ontario only.

S. 785.3 :—The proposed subsection is intended to make clear that where a prisoner elects to be tried under this section the punishment, if he is found guilty, is to be the same as if he were tried otherwise. This was no doubt the intention of the present section 785. Sections 787 and 788 provide for the punishment by all magistrates in ordinary cases. Section 785 declares that in cases under that section a prisoner may be sentenced to the same punishment to which he would have been liable if he had been tried before the Court of General Sessions of the Peace, and at such general sessions a greater punishment might by law be inflicted than where magistrates convict under sections 787 and 788. A doubt having been expressed whether, notwithstanding the terms of section 785, the punishment inflicted thereunder is not limited by sections 787 and 788, it is expedient to remove any such possible doubt.

S. 789 :—This section gives the magistrate, under certain circumstances, jurisdiction to try theft, &c., where the value of the property exceeds $10, if he thinks the offence may be adequately punished under this part. The words struck out are no longer necessary and may be misleading, because since the passing of the Act of 52 Victoria, chapter 46, the magistrate may in such cases impose the same punishment as if the accused had been convicted upon indictment.

S. 790 :—The section now provides that if a person charged under the preceding section with theft, &c., where the value of the property exceeds $10, pleads not guilty, the magistrate shall proceed as provided in section 786. So proceeding, he can in case of conviction, impose a sentence of only six months imprisonment, while if the prisoner pleads guilty, he can under this section impose the same punishment as if the case had been tried in the ordinary way. The amendment does away with this anomaly. It takes away the jurisdiction of the magistrate to try such cases at all, where the prisoner says he is not guilty. This makes the law as it was up to the time the Code was passed. It is thought best that in such serious cases as may arise under these sections, the magistrate should have jurisdiction to try only where the accused pleads guilty. It will be seen, however, that so far as magistrates in cities and towns are concerned, this bill proposes to largely extend their jurisdiction, making it the same in all the provinces as that of magistrates in Ontario under section 785.

S. 801 :—Under section 801 the records are to be sent to the next Court of General or Quarter Sessions, and that court may not meet for months. The amendment is adapted from section 822 in Part LVI, Juvenile Offenders.

Schedule One, Form J :—This is to correct a manifest slip in the location of these words.

2nd Session, 8th Parliament, 60 Victoria,

SENATE BILL.

B

An Act further to amend the Cri
Code, 1892.

Received and read a first time Tuesday,
March, 1897.
Second reading, Thursday, 1st April, 18

The Honourable
Sir Oliver Mowa

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

C] **SENATE BILL.** 1897.]

An Act to commemorate the reign of Her Majesty Queen Victoria by making her birthday a holiday for ever.

WHEREAS the reign of Her Most Gracious Majesty Queen Victoria is the longest in the history of the British Empire and the most distinguished in peace, civilization, art, commerce, and in scientific discoveries and their adaptation to the interests of mankind, and whereas it is befitting that it should be marked in every way which may do honour to Her Majesty and perpetuate her name: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Paragraph (26) of section seven of *The Interpretation Act*, chapter one of the Revised Statutes, is hereby further amended by adding thereto, immediately after the word "sovereign" in the seventh line, the following words:— R.S.C., c. 1, s. 7 (26) amended.

"the twenty-fourth day of May, in perpetual commemoration "of the birthday and reign of Her Gracious Majesty Queen "Victoria, and if that day is a Sunday, then the following "day,". 24th May to be a holiday always.

2. Paragraph (*a*) of subsection two of section fourteen of *The Bills of Exchange Act*, chapter thirty-three of the statutes of 1890, is hereby further amended by adding thereto, immediately after the words "following day" in the ninth line, the following sub-paragraph:— 1890, c. 33, s. 14 (2) (*a*) amended.

"The twenty-fourth day of May, in perpetual commemoration of the birthday and reign of Her Gracious Majesty Queen Victoria, and if that day is a Sunday, then the following day;". 24th May to be a bank holiday also.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

C

An Act to commemorate the reign of Her Majesty Queen Victoria by making her birthday a holiday for ever.

Received and read a first time, Friday, 2nd April, 1897.
Second reading, Friday, 9th April, 1897.

The Honourable Mr. MACDONALD,
(Victoria).

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

An Act respecting Trials by Jury in certain cases in the North-west Territories.

WHEREAS by "The Judicature Ordinance," number 6 of 1893, of the Ordinances of the Legislative Assembly of the North-west Territories, section 155 purports to enact as follows:— Preamble.

"155. On the application to set a cause down for trial, if the "action be for slander, libel, false imprisonment, malicious "prosecution, seduction, breach of promise of marriage, or if "the action arises out of a tort, wrong or grievance in which "the damages claimed exceed five hundred dollars, or if the "action be for debt or founded on contract wherein the amount "claimed or the damages sought to be recovered exceed one "thousand dollars, or if the action is for the recovery of real "property, and either party signify his desire to have the "issues of fact therein tried by a judge with a jury, or the "judge so directs, the same shall be tried by a jury." N.-W. T. Ordinance 1893, No. 6, s. 155.

And whereas, in view of the provisions of section eighty-eight of *The North-west Territories Act*, chapter 50 of The Revised Statutes of Canada, doubts have been entertained as to the power of the said Legislative Assembly to enact the said section 155 so far as the same purports to provide for the trial by a jury of actions for slander, libel, false imprisonment, malicious prosecution or seduction in which the amount claimed does not exceed five hundred dollars, and of actions for breach of promise of marriage in which the amount claimed does not exceed one thousand dollars; Doubts as to validity of certain provisions.

And whereas it is expedient to prevent any question being raised on the ground of such doubts as to the validity of that provision: 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 said provision of the said section is hereby ratified and confirmed and is declared to have the force of law in the North-west Territories in manner and form as the same is enacted by the said Ordinance; and all acts, matters and things which have heretofore been done, or which may hereafter be done under the authority or supposed authority of the said section are hereby confirmed as if the said section had been enacted by the Parliament of Canada at the time of the passing of the said Ordinance. Said provisions validated. Retroactive effect of validation.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL

D

An Act respecting Trials by Jury in certain cases in the North-west Territories.

Received and read a first time, Tuesday, 6th April, 1897.
Second reading, Friday, 9th April, 1897.

Hon. Sir Oliver Mowat.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

E] **SENATE BILL.** [1897.

An Act for the Relief of Adeline Myrtle Tuckett Lawry.

Preamble.

WHEREAS Adeline Myrtle Tuckett Lawry, of the City of Hamilton, in the county of Wentworth and province of Ontario, wife of Thomas Henry Lawry, of the same place, manufacturer, hath by her petition set forth that, on the twenty-ninth day of October, one thousand eight hundred and eighty-four, she was lawfully married, at the said city of Hamilton, to the said Thomas Henry Lawry; that they cohabited together as husband and wife until the year one thousand eight hundred and ninety-four, when she learned that he had committed adultery with a certain woman; that she has ever since continued to live apart from him; and whereas she has humbly prayed that the said marriage be dissolved and that she may be authorized to marry again and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her petition and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Adeline Myrtle Tuckett Lawry and Thomas Henry Lawry, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Adeline Myrtle Tuckett Lawry may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Thomas Henry Lawry had not been solemnized.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

E

An Act for the Relief of Adeline Myrtle Tuckett Lawry.

Received and read a first time, Friday, 9th April, 1897.
Second reading, Wednesday, 28th April, 1897.

The Honourable Mr. Clemow.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

F] **SENATE BILL.** 1897.

An Act respecting forged or unauthorized indorsements of Bills.

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

1. Subsection 2 of section 24 of *The Bills of Exchange Act*, 1890, as amended by section 4 of chapter 17 of the statutes of 1891 intituled "An Act to amend *The Bills of Exchange Act*, 1890," is hereby repealed, and the following subsections are substituted therefor:— 1890, c. 33, s. 2, subs. 24 and 1891, c. 17, s. 4 amended.

"2. If a bill bearing a forged or unauthorized indorsement is paid in good faith and in the ordinary course of business, by or on behalf of the drawee or acceptor, the person by whom or on whose behalf such payment is made shall have the right to recover the amount so paid from the person to whom it was so paid or from any indorser who has indorsed the bill subsequent to the forged or unauthorized indorsement, provided that notice of the forged or unauthorized indorsement is given to each such subsequent indorser within the time and in the manner hereinafter mentioned; and any such person or indorser from whom said amount has been recovered shall have the like right of recovery against any prior indorser subsequent to the forged or unauthorized indorsement. Right of recovery by person paying bill bearing forged or unauthorized indorsement. Notice of forgery, etc., a condition of such right.

"3. The notice of the forged or unauthorized indorsement shall be given within a reasonable time after the person seeking to recover the amount has acquired notice that the indorsement is forged or unauthorized, and may be given in the same manner, and if sent by post may be addressed in the same way, as notice of protest or dishonour of a bill may be given or addressed under this Act." Time for and mode of such notice.

(Imp. Bill of Exchange Act 1882, s. 60; Ryan v. The Bank of Montreal; 12 O. R., p. 39; 14 Ont., A. R., p. 540; Daniel on Negotiable Instruments, 4th Ed., p. 386; Charles v. Blackwell: L.R. 2, C.P.D. (1887) pp. 151, 157; Tiedmann on Sales, p. 400; Canadian Bills of Exchange Act 1890, 53 Vict., ch. 33; 54-55 Vict., ch. 17, s. 4; McLaren on the Bills of Exchange Act thereon.)

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL

F

An Act respecting forged or unauthorized indorsements of Bills.

Received and read a first time, Thursday, 13th May, 1897.
Second reading, Monday, 17th May, 1897.

Hon. Sir Oliver Mowat.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

G] **SENATE BILL.** [1897.

An Act as to the jurisdiction of the Exchequer Court with respect to Railway debts.

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

1. The Exchequer Court shall have jurisdiction at the instance of mortgagees, or of holders of mortgage bonds or debentures, to order or decree a sale of any railway not wholly within the limits of any one province, or any section of a railway where such section is not wholly within such limits, or of any railway otherwise subject to the legislative authority of the Parliament of Canada ; or to order or decree the foreclosure of the interest of the person or company owning or entitled to such railway or such section, or the equity of redemption therein, whenever in the like circumstances the High Court of Justice in England can at the time this Act comes into force so order or decree with respect to a railway situate in England ; and the Exchequer Court in any such case shall have all the powers for the appointment of a receiver, and the interim preservation of the property, and for enforcing its order or decree and rendering the same effective, and as to the application of the proceeds, and generally such further and other jurisdiction in the premises as the said High Court of Justice has in the like case.

Power of Exchequer Court to order sale under mortgage of a Dominion railway.

To order foreclosure of interest or equity of redemption.

To appoint receiver, etc.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

G

An Act as to the jurisdiction of the Exchequer Court with respect to Railway debts.

Received and read a first time, Thursday, 13th May, 1897.
Second reading, Monday, 17th May, 1897.

Honourable Sir OLIVER MOWAT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

An Act further to amend the Criminal Code, 1892.

[Explanatory notes have been added to some of the sections in order to facilitate examination by Honourable Members.]

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

1. This Act may be cited as *The Criminal Code Amendment Act*, 1897. Short title.

2. *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule :— 1892, c. 29, amended.

SCHEDULE.

NOTE.—The addition of new words to the existing sections of the Code is shown by their inclusion within square brackets.
The omission of words is indicated by the explanatory notes.

Section **3.**—By repealing sub-paragraph (*i*) of paragraph (*y*) and substituting the following therefor :—

["(*i.*) In the Province of Ontario any divisional court of the High Court of Justice."]

NOTE.—This amendment is necessary because the provision as it stands relates to "Divisions" of the High Court, and "divisional courts" of the High Court have been substituted, which are differently constituted and are varying bodies from sittings to sittings.

Section **92.**—By substituting the following therefor :—

"**92.** In sections 9[illegible] to [97A] inclusive the expression "prize-fight" means an encounter or fight with fists or hands, between two persons who have met for such purpose by previous arrangement made by or for them."

NOTE.—The amendment is necessitated by the proposed insertion of section 97A. The definition remains unchanged.

Section **97A.**—By inserting immediately after section 97 the following section :—

["**97A.** Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding five thousand dollars and not less than five hundred dollars, or to imprisonment for a term not exceeding twelve months, with or without hard labour, or to both, who—

(*a*) Exhibits by means of the biograph, vitascope, kinetoscope, kinematograph, or any kindred device or machine, any picture or representation of a prize-fight; or—

(*b*) Brings into Canada, or procures to be brought into Canada to or for him, or posts for transmission or delivery by

or through the post, any picture or other material or appliance to be used in such an exhibition as is described in the next preceding section."]

Section **179.**—By substituting the following therefor :—

"**179.** Every one is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse—

(*a.*) [manufactures, or] sells, or exposes for sale or to public view, [or distributes or circulates, or causes to be distributed or circulated] any obscene book, or other printed, [typewritten,] or [otherwise] written matter, or any picture, photograph, model or other object tending to corrupt morals : or

(*b.*) publicly exhibits any disgusting object or any indecent show ; or

(*c.*) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any medicine, drug or article intended or represented as a means of preventing conception or causing abortion.

2. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done.

3. It shall be a question [for the court or judge] whether the occasion of the [manufacture,] sale, [exposing for sale,] publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in, to or under which the [manufacture,] sale, [exposing for sale,] publishing or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question for the jury whether there is or is not such excess.

4. The motives of the [manufacturer], seller, [exposer,] publisher or exhibitor shall in all cases be irrelevant."

NOTE.—*This amendment omits the word "publicly" from before "sells and "public" from before "sale," in the first line of paragraph (a) of subsection one.*

Section **180.**—By substituting the following therefor :—

"**180.** Every one is guilty of an indictable offence and liable lo two years' imprisonment who posts for transmission or delivery by or through the post,—

(*a.*) Any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, [matter or thing] of an indecent, immoral [or scurrilous] character ; or

(*b.*) Any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid ; or

(*c.*) Any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretenses."

NOTE.—Section 180 was adapted from the P.O. Act, s. 103, which section was repealed by the Code (section 981). It contained the words which have not been copied in section 180, viz. : "seditious, disloyal, scurrilous or libellous." Of these all but "scurrilous" are probably thought to be sufficiently covered elsewhere in the Code. Scurrilous mail-matter causes serious trouble to the Post Office Department and the sending of it is a grave offence, but there is at present no provision in the Code dealing with it. The object of the amendment is to supply the omission.

Section **181.**—By repealing the section as amended by chapter 32 of the Statutes of 1893, and substituting the following therefor :—

"**181.** Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces [and] has illicit connection with any girl of or above the age of fourteen years and under the age of [eighteen] years."

NOTE.—Section 269 of the Criminal Code deals with carnal knowledge of girls under 14. As to girls from 14 to 18 the clause as now proposed omits from section 181 the words "of previously chaste character" before the word "girl." There is no such condition in the Imperial Act 48-49 Vict., c. 69, s. 5, which makes a like act criminal in the case of girls under 16, nor is there any such condition in sections 261, 269, 282 or 283 of the Canadian Code. Under section 181 of this code, however, after the age of 13, there is no protection unless the girl's previously chaste character is provable and proved, and it is urged that this, in the case of poor friendless girls, may be impossible, and that what was perhaps a single or a falsely alleged instance of defilement, no matter under what circumstances it occurred, takes away all protection. It has been urged that this condition leads to groundless attacks on a girl's character by perjured witnesses. It is claimed that there should be absolute and unconditional protection up to the age of 18, and that the protection should not apply to the first offence only. A previous instance of unchastity does not appear to be a defence in any of the United States. In Massachusetts and, it is believed, in several others of the United States, the age of consent is 18. That is the age asked by the National Council of the Women of Canada, and by others who take an interest in legislation on the subject. Some claim that in the case of a previously chaste girl the age of consent should be 21. They point out that under that age a girl's consent to the disposal of her property is insufficient to make such disposal lawful, and that *à fortiori* her consent should not be sufficient in respect of what is of much greater value to her than mere property.

Section **182.**—By substituting the following therefor :—

"**182.** Every one is guilty of an indictable offence and liable to two years' imprisonment who, under promise of marriage, seduces and has illicit connection with any unmarried female of previously chaste character and under twenty-one years of age."

NOTE.—The Section amended is confined to offenders who are "above the age of twenty-one years," these words being inserted after the words "every one" in the first line. If is suggested that if a man is old enough and wicked enough to commit such an offence he should be indictable for it, though he may not be 21. Hence the proposed amendment omitting the words which restrict the offence to those over that age.

Section **183.**—By substituting the following therefor :—

"**183.** Every one is guilty of an indictable offence and liable to two years' imprisonment—

(*a.*) Who, being a guardian, seduces or has illicit connection with his ward ; or—

(*b.*) Who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of twenty-one years who is in his employment in a factory, mill, workshop, [shop or store, or as a domestic servant,] or who, being in a common employment with him in such factory, mill, workshop, [shop or store, or as a domestic servant,] is, in respect of her employment or work in such factory, mill, workshop, [shop or store, or as a domestic servant,] under or in any way subject to his control or direction, [or receives her wages or salary directly or indirectly from him."]

NOTE.—The words between square brackets make the only change. See Reports of the National Council of the Women of Canada.

Section **186.**—By substituting the following therefor :—

"**186.** Every one who, being the parent or [other relative or the] guardian of any girl or woman,—

(*a.*) procures such girl or woman to have carnal connection with any man other than the procurer; or

(*b.*) orders, is party to, permits or knowingly receives the avails of the defilement, seduction or prostitution of such girl or woman,

is guilty of an indictable offence, and liable to fourteen years imprisonment if such girl or woman is under the age of fourteen years, and if such girl or woman is of or above the age of fourteen years to five years' imprisonment."

NOTE.—The insertion of the words between square brackets is the only change.

Sections **186A** and **186B**.—By inserting the following sections immediately after section 186 :—

["**186A.** The word "guardian" in sections 183, 186, 210 and 284, shall be deemed to include the following :—

(*a.*) Any Dominion or Provincial officer charged with the oversight of minors ;

(*b.*) Any society or person to whom a court or judge or other lawful authority has at any time theretofore committed the control or care of the girl or child ;

(*c.*) Any society or person who in any province has by the laws thereof such control or care ;

(*d.*)Any person who is for the time guardian *de facto*, or is occupying for the time the position of guardian, or is for the time *quasi* guardian of the girl or child.]

["**186B.** In order to prove the age of a girl or child for the purposes of sections 183, 186, 210, 282, 283, 284 and 284A, the following shall be sufficient *primâ facie* evidence :—

(*a.*) Any entry or record by an incorporated society or its officers having had the control or care of the girl at or about the time of the girl being brought to Canada, if such entry or record has been made before the alleged offence was committed.

(*b.*) In the absence of other evidence, or by way of corroboration of other evidence, the judge or jury before whom an indictment for the offence is tried, or the justice before whom a preliminary inquiry thereinto is held, may infer the age from the appearance of the girl."]

NOTE.—These two clauses 186A and 186B are suggested to remove technical difficulties in consequence of which the law has become almost a dead letter. *See* Statutes of Ontario 1893, chap. 45 ; 1895, chap. 52.

Section **187**.—By substituting the following therefor :—

"**187.** Every one who, being the owner [or] occupier of any premises, or having, or acting or assisting in the management or control thereof, induces or knowingly suffers any girl of such age as in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, is guilty of an indictable offence and—

(*a.*) is liable to ten years' imprisonment if such girl is under the age of [16] years ; and

(*b.*) is liable to two years' imprisonment if such girl is of or above the age of [16] and under the age of [21] years."

NOTE.—In paragraph (*a*) 16 is substituted for 14 ; in paragraph (*b*) 16 is substituted for 14, and 21 is substituted for 16. *See* Massachusetts Law. In the first line of the section "owner and occupier" is made to read "owner or occupier." These are the only changes.

Section **189.**—By substituting the following therefor :—

"**189.** Every one is guilty of an indictable offence and liable to four years' imprisonment who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile, insane or deaf and dumb woman or girl, under circumstances which do not amount to rape but which prove that the offender knew [or had reason to believe,] at the time of the offence, that the woman or girl was an idiot, or imbecile, or insane or deaf and dumb."

NOTE.—The only change is the insertion of the words within square brackets.

Section **190A.**—By inserting immediately after section 190 the following section :—

["**190A.** Every one is guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars, or to one year's imprisonment, or to both, who lives in a state of open and notorious adultery or fornication with another person, and without any claim or pretence of their being married to one another."]

NOTE.—*See* Bishop on Statutory Crimes, p. 696 *et seq* and p. 711 *et seq* for enactments in the United States.

["**203A.**—Every one is guilty of an indictable offence and liable to one year's imprisonment and to a fine not exceeding one thousand dollars, who—

(*a*) holds or carries on horse-races anywhere for more than *twelve* days continuously, or permits horse-races to be held or carried on on any race-course, race-courses or premises under his control for more than twelve days continuously ; or

(*b*) in the same calendar year holds or carries on horse-races anywhere for more than *twenty-four* days in the aggregate, whether such days are continuous or not, or permits horse-races to be held or carried on upon any race-course, race-courses or premises under his control for more than *twenty-four* days in the aggregate, whether such days are continuous or not ; or

(*c*) having already in the same calendar year held or carried on horse-races anywhere, or permitted horse-races to be held or carried on on any race-course, race-courses or premises under his control for twelve days in the aggregate, whether such days have been continuous or not, as aforesaid, holds or carries on any further horse-races anywhere, or permits any further horse-races to be held or carried on on any race-course, race-courses or premises under his control, until at least forty days have elapsed since the last of such twelve days ; or

(*d*) holds or carries on horse-races, or permits horse-races to be held or carried on upon any race-course or premises where horse-races have already during the same calendar year been held or been carried on for *twenty-four* days ; or holds or carries on horse-races, or permits horse-races to be held or carried on upon any race-course or premises within forty days after the same race-course or premises have been used for horse-racing for a period of, or for periods aggregating, *twenty-four* days in the same calendar year.

2. In construing this section one or more Sundays intervening shall not be considered a breach or interruption of the days being continuous."

NOTE :—During the last two years protracted race-meetings, lasting sixty days continuously, have been held, and similar meetings are projected elsewhere, and under cover of this provision betting is carried on at these meetings. There has been considerable correspondence with the Department of Justice, upon this subject, during the last two years or more, and it is asserted that these long meetings are extremely demoralizing to the neighbourhood in which they are held ; that they encourage and incite the gambling spirit, and attract numbers of crooks and crooked sports from the neighbouring States and elsewhere. It is therefore desired to limit race meetings as above provided.

Section **205.**—By substituting for subsection six thereof the following :—

"6. This section does not apply to

(*a.*) the division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests (*droits indivis*) in any such property ; or

(*b.*) raffles for prizes of small value at any bazaar held for any charitable object, if permission to hold the same has been obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held and the articles, raffled for thereat have first been offered for sale and none of them are of a value exceeding fifty dollars ; or

(*c.*) any distribution by lot among the members or ticket holders of any incorporated society established for the encouragement of art, of any paintings, drawings or other works of art produced by the labour of the members of, or published by or under the direction or such incorporated society ; [if—

(i) such paintings, drawings or other works of art are themselves actually and *bonâ fide* so distributed, and

(ii) the member or ticket holder is not given the option of taking in place of any work allotted to or drawn by him a sum of money or something else of value ; and

(iii) no other such distribution has taken place among the members or ticket holders for a period of six months less one day next preceding the date of, or the date fixed for, such distribution ;] or

(*d.*) the Crédit Foncier du Bas-Canada, or to the Crédit Foncier Franco-Canadien."

NOTE :—The changes are the insertion of the words within square brackets. The attention of the authorities has been called to several societies, claiming to be art societies, but whose operations are only colourably so, they being to all intents and purposes lotteries for money prizes, as directly or indirectly they give ticket-holders an option to take money.

Section **261.**—By substituting the following therefor :—

"**261.** It is no defence to a charge or indictment for any indecent assault on a person under the age of [sixteen] years to prove that he or she consented to the act of indecency."

NOTE :—The age under the section as it stands is *fourteen*. See note to S. 181.

Section **284A.**—By adding the following section immediately after section 284 :—

"Every one is guilty of an indictable offence and liable to two years' imprisonment who brings into Canada a girl or woman whom he had seduced elsewhere than in Canada."

NOTE :—See Section 355.

Section **306.**—By substituting the following therefor :—

"**306.** Every one commits theft and steals the thing taken or carried away who, whether pretending to be the owner or not, secretly or openly, takes or carries away, or causes to be taken or carried away, without lawful authority, any property under lawful seizure and detention [by any peace officer or public officer."]

NOTE :—The only change is the addition of the words within square brackets. In consequence of the absence of some such words the provisions of the section may be and have been taken advantage of to try private rights at the expense of the Crown, and even to brand as a criminal a party to a mere civil dispute arising out of a more or less doubtful question of law or fact.

Section **331A.**—By inserting the following section immediately after section 331 :—

["**331A.** Every one is guilty of an indictable offence and liable to three years' imprisonment who—

(*a*) without the consent of the owner thereof,

(I) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, or fraudulently causes or procures, or assists in taking possession of, concealing, appropriating, purchasing or selling, any cattle which is found astray ; or

(II) fraudulently, wholly or partially obliterates, alters or defaces, or causes or procures to be obliterated, altered or defaced, any brand, mark or vent brand on any such cattle, or makes or causes or procures to be made any false or counterfeit brand, mark or vent brand on any such cattle ; or

(*b*) without reasonable cause refuses to deliver up any such cattle to the proper owner thereof or to the person in charge thereof on behalf of such owner, or authorized by such owner to receive such cattle.]

NOTE :—See Section 707A *post*.

Section **410.**—By substituting the following therefor :—

"**410.** Every one is guilty of the indictable offence called burglary, and liable to imprisonment for life, who

(*a.*) breaks and enters a dwelling-house by night with intent to commit any indictable offence therein ; or

(*b*) breaks out of any dwelling-house by night, either after committing an indictable offence therein, or after having entered such dwelling-house, either by day or by night, with intent to commit an indictable offence therein.

[2. Everyone convicted of an offence under this section who when arrested, or when he committed such offence, had upon his person any offensive weapon, shall, in addition to the imprisonment above prescribed, be liable to be whipped.]

NOTE.—The only change is in the addition of subsection two.

It has been represented that crimes of this nature have been alarmingly frequent of late, and that in many cases they are committed by professional tramps, which class is year by year becoming a greater menace to the peace and safety of residents of small towns and of villages and rural districts. A provision such as that proposed would probably be the most effective preventive, as imprisonment alone has not sufficient terrors for the class referred to. The Code already provides the punishment of whipping for the crime of robbery with violence. See Section 398.

Section **479.**—By substituting the following therefor :—

"**479.** In this Part the expression "counterfeit token of value" means any spurious or counterfeit coin, paper money,

inland revenue stamp, postage stamp, or other evidence of value, by whatever technical, trivial or deceptive designation the same may be described, [and includes also any coin or paper money, which although genuine, has no value as money, but in the case of such coin or paper money it is necessary in order to constitute an offense under this part that there should be knowledge on the part of the person charged that such coin or paper money was of no value as money, and a fraudulent intent on his part in his dealings with or with respect to the same.]"

NOTE.—The change consists in the addition of the words within square brackets.

The object of the amendment is obvious; cases not covered by the terms of the section of the Code as it now stands and requiring to be provided for have frequently been brought to the attention of the authorities, especially in the case of bills of defunct banks, and notes of the Confederate States.

Section **480.**—By adding thereto the following subsection:—

[2. For the purposes of paragraph (*b*) of this section the notes of any bank which has ceased to do business and whose notes have become of no value, and any other paper money which, although genuine, has ceased to have any value, shall be deemed to be counterfeit tokens of value where the dealings with them have been with intent to pass them as money or where they are passed or attempted to be passed as money."]

NOTE:—See note to section 479 *ante*.

Section **520.**—By substituting the following therefor:—

"**520.** Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully—

(*a.*) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce; or

(*b.*) to restrain or injure trade or commerce in relation to any such article or commodity; or

(*c.*) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(*d*) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

[2. Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees."]

NOTE:—The change is in the addition of the second subsection.

Section **533.** By inserting at the beginning thereof before the word "Every" the following words:—["In the Province of Ontario the High Court of Justice and in the other provinces."]

NOTE.—*See* Note to Section 3.

Section **540.**—By adding to the section as amended by section one of chapter 57 of the Statutes of 1894, the following:—

[" Or any indictment for bribery or undue influence, personation or other corrupt practice under *The Dominion Elections Act.*"]

NOTE:—The 540th section provides that the Courts of General or Quarter Sessions shall not have jurisdiction in certain cases which are specified, and does not specify these offences against the Election law, but the Dominion Elections Act declares that these offences shall not be tried in those courts, and this amendment to the Criminal Code is proposed to make the Code correspond.

Section **550A.**—By adding immediately after Section 550 the following section:—

[**550A.**—At the trial of any person charged with an offence under any of the following sections, that is to say, 174, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188,189, 190, 190A, 195, 198, 208 in so far as it relates to paragraphs (i) (j) and (k) of 207, 259, 260, 267, 268, 269, 270, 271, 272, 273, 274, 281, 282 and 284A, or with conspiracy or attempt to commit, or being an accessory after the fact to any such offence, the court or judge may order that the public be excluded from the room or place in which the court is held during such trial; and such order may be made in any other case also in which the court or judge or justice may be of opinion that the same will be in the interests of justice.

2. Nothing in this section shall be construed by implication or otherwise as limiting the power heretofore possessed at common law by the presiding judge or other presiding officer of any court from excluding the general public from the court-room in any case when such judge or officer deems such exclusion necessary or expedient."]

Section **641.**—By substituting the following therefor:—

"**641.** Any one who is bound over to prosecute any person, whether committed for trial or not, may prefer a bill of indictment for the charge on which the accused has been committed, or in respect of which the prosecutor is so bound over, or for any charge founded upon the facts or evidence disclosed on the depositions taken before the justice. The accused may at any time before he is given in charge to the jury apply to the court to quash any count in the indictment on the ground that it is not founded on such facts or evidence, and the court shall quash such count if satisfied that it is not so founded. And if at any time during the trial it appears to the court that any count is not so founded, and that injustice has been or is likely to be done to the accused in consequence of such count remaining in the indictment, the court may then quash such count and discharge the jury from finding any verdict upon it.

[2. The counsel acting on behalf of the Crown at any court of criminal jurisdiction may prefer against any person who has been committed for trial a bill of indictment for the charge on which the accused has been so committed or for any charge founded on the facts or evidence disclosed in the depositions taken before the justice.]

[3.] The Attorney General or any one by his direction or any one with the written consent of a judge of any court of criminal jurisdiction or of the Attorney General, may prefer

a bill of indictment for any offence before the grand jury of any court specified in such consent; and any person may prefer any bill of indictment before any court of criminal jurisdiction by order of such court.

[4.] It shall not be necessary to state such consent or order in the indictment. An objection to an indictment for want of such consent or order must be taken by motion to quash the indictment before the accused person is given in charge.

[5.] Save as aforesaid no bill of indictment shall after the commencement of this Act be preferred in any province of Canada.

NOTE :—The only amendment consists in the insertion of subsection 2. The subsequent subsections are renumbered to accord with this change.

Section **680.**—By substituting the following therefor :—

"**680.** When the attendance of any person confined in any prison in Canada, or upon the limits of any gaol, is required in any court of criminal jurisdiction in any case cognizable therein by indictment, the court before whom such prisoner is required to attend may, or any judge of such court, or of any superior court or county court may, before or during any such term or sittings at which the attendance of such person is required, make an order upon the warden or gaoler of the prison, or upon the sheriff or other person having the custody of such prisoner,—

(*a.*) to deliver such prisoner to the person named in such order to receive him ; and such person named shall, at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said court seems meet ; or

[(*b.*) to himself convey such prisoner to such place, there to receive and obey such further order as to the said court seems meet ; and in such case, on being served with the order and being paid or tendered his reasonable charges, such warden, gaoler, sheriff or other person shall convey the prisoner to such place and produce him there according to the exigency of the order."]

NOTE.—The only change is in the addition of paragraph (*b*). See Impl. Act, 16 & 17 Vict., ch. 30 ; Taylor on Evidence, 9th Edn., ss. 1275, 1276.

Section **702.**—By substituting the following therefor :—

"**702.** When any cards, dice, balls, counters, tables or other instruments of gaming used in playing any unlawful game are found in any house, room or place suspected to be used as a common gaming house, and entered under a warrant or order issued under this Act, or about the person of any of those who are found therein, it shall be *primâ facie* evidence, on the trial of a prosecution under section 198 [or section 199,] that such house, room or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments of gaming are found were playing therein although no play was actually going on in the presence of the chief constable, deputy chief constable or other officer

entering the same under a warrant or order issued under this Act, or in the presence of those persons by whom he is accompanied as aforesaid."

NOTE.—The only change is the insertion of the words within square brackets. This is to make certain evidence sufficient on the trial of a prosecution under section 199, as it is already on the trial of a prosecution under section 198.

Section **703.**—By substituting the following therefor :—

"**703.** [In any prosecution under section 198 for keeping a common gaming house, or under section 199 for playing or looking on while any other person is playing in a common gaming house, it shall be *primâ facie* evidence that a house, room or place is used as a common gaming house, and that the persons found therein were unlawfully playing therein—]

(*a.*) if any constable or officer authorized to enter any house, room or place, is wilfully prevented from, or obstructed or delayed in entering the same or any part thereof; or

(*b.*) if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing or destroying any instruments of gaming."

NOTE.—The object of this amendment is the same as that of the amendment of 702, *supra*. The only change is the addition of the provision as to section 199. The first paragraph has been redrafted.

Section **707A.**—By inserting immediately after section 707 the following section:—

["**707A.** In any prosecution, proceeding or trial for any offence under section 331A, a brand or mark, duly recorded or registered under the provisions of any Act, ordinance or law, on any cattle shall be *primâ facie* evidence that such cattle is the property of the registered owner of such brand or mark, and possession by the person charged or by others in his employ or on his behalf of any such cattle marked with such a brand or mark of which he is not himself the registered owner shall throw upon the accused the burden of proving that such cattle came lawfully into his possession or into the possession of such others in his employ or on his behalf, unless it appears that such possession by others in his employ or on his behalf was without his knowledge and without his authority, sanction or approval."]

NOTE :—See Section 331 A *ante*.

Section **748.**—By repealing this section.

NOTE :—This section authorizes the Minister of Justice to grant a new trial to persons convicted of an indictable offence. No Minister of Justice has ever acted on this section or approved of it. It is not known on whose suggestion it was introduced into the Code. There is no such provision in England or elsewhere, so far as is known. Ample provision is made by sections 742 *et seq.* for the granting of a new trial by the Court of Appeal, which is the more suitable tribunal.

Section **760.**—By substituting the following therefor :—

"**760.** In the province of Nova Scotia a calendar of the criminal cases shall be sent by the clerk of the Crown to the grand jury in each term, together with the depositions taken in each case and the names of the different witnesses."

NOTE:—This section applies only to Nova Scotia. The amendment consists in striking out the last two lines of the section which read thus : "and the indictments shall not be made out, except in Halifax, until the Grand Jury so directs." One of the judges has pointed out that the distinction thus made between Halifax and the country is not now necessary and is very inconvenient in practice. Practitioners have communicated the same view.

Section **767.**—By substituting the following therefor:—

"**767.** The judge [or such prosecuting officer] upon having obtained the depositions on which the prisoner was so committed, shall state to him,—

(*a.*) that he is charged with the offence, describing it;

(*b.*) that he has the option to be forthwith tried before such judge without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

[2. If the prisoner demands a trial by jury, he shall be remanded to gaol.

3. If the prisoner has been brought before the judge and consents to be tried by him without a jury,] the county solicitor, clerk of the peace or other prosecuting officer shall prefer the charge against him for which he has been committed for trial, and if, upon being arraigned upon the charge, the prisoner pleads guilty, the prosecuting officer shall draw up a record as nearly as may be in one of the forms MM or NN in schedule one to this Act, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed by any court having jurisdiction to try the offence in the ordinary way.

[4. If the prisoner has been brought before the county solicitor, clerk of the peace, or other prosecuting officer, and consents to be tried by the judge, without a jury, such prosecuting officer shall forthwith inform the judge, and the judge shall thereupon fix an early day for the trial and communicate the same to such prosecuting officer; and in such case the trial shall proceed in the manner provided by subsection 3."]

NOTE:—It has been held that the technical effect of a prisoner's having once elected to be tried by jury is that his power to elect has been thereby exhausted, a consequence which there is no reason for maintaining except a mere technical reason. The rule delays a trial uselessly, involves increased expense to the Crown and the prisoner, and prolongs the time of imprisonment of a man who on the trial may be found not guilty.

Section **784.**—By repealing the subsection substituted for subsection 3 thereof, by chapter 40 of the Statutes of 1895, and substituting the following:—

"3. The jurisdiction of the magistrate in the provinces of Prince Edward Island and British Columbia, [and in the North-West Territories,] and the district of Keewatin, under this part, is absolute without the consent of the party charged [except in cases coming within the provisions of section 785, and cases under sections 789 and 790 where the person charged is not a person who can be tried summarily without his consent."]

NOTE:—The only changes are the additions indicated by the square brackets.

Section **785.**—By substituting the following therefor:—

"**785.**—If any person is charged, in the Province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province, with having committed any offence for which he may be tried at a court of General Sessions of the Peace, or if any person is committed to a gaol in the county, district or provisional county, under the warrant of any justice of the

peace, for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such magistrate, and may, if found guilty, be sentenced by the magistrate to the same punishment as he would have been liable to if he had been tried before the court of General Sessions of the Peace.

["2. This section shall apply also to police magistrates of cities and incorporated towns in every other part of Canada.

3. Sections 787 and 788 do not extend or apply to cases tried under this section; but where the magistrate has jurisdiction by virtue of this section only, no person shall be summarily tried thereunder without his own consent."]

NOTE:—The only change is in the addition of subsections two and three.

Section 785 at present applies to Ontario only, and it is proposed to extend it to cities and incorporated towns elsewhere.

The proposed subsection 3 is intended to make clear that where a prisoner elects to be tried under this section the punishment, if he is found guilty, is to be the same as if he were tried otherwise. This was no doubt the intention of the present section 785. Sections 787 and 788 provide for the punishment by all magistrates in ordinary cases. Section 785 declares that in cases under that section a prisoner may be sentenced to the same punishment to which he would have been liable if he had been tried before the Court of General Sessions of the Peace, and at such general sessions a greater punishment might by law be inflicted than where magistrates convict under sections 787 and 788. A doubt having been expressed whether, notwithstanding the terms of section 785, the punishment inflicted thereunder is not limited by sections 787 and 788, it is expedient to remove any such possible doubt.

Section **789**.—By substituting the following therefor:—

"**789.**—When any person is charged before a magistrate with theft or with having obtained property by false pretenses, or with having unlawfully received stolen property, and the value of the property stolen, obtained or received exceeds ten dollars, and the evidence in support of the prosecution is, in the opinion of the magistrate, sufficient to put the person on his trial for the offence charged, such magistrate, if the case appears to him to be one which may properly be disposed of in a summary way, shall reduce the charge to writing, and shall read it to the said person, and, unless such person is one who can be tried summarily without his consent, shall then put to him the question mentioned in section 786, and shall explain to him that he is not obliged to plead or answer before such magistrate, and that if he does not plead or answer before him, he will be committed for trial in the usual course."

NOTE:—The amendment consists in striking out the words "and may be adequately punished by virtue of the powers conferred by this Part," in lines 9.10 and 11 of the original.

This section gives the magistrate, under certain circumstances, jurisdiction to try theft, &c., where the value of the property exceeds $10, if he thinks the offence may be adequately punished under this part. The words struck out are no longer necessary and may be misleading, because since the passing of the Act of 52 Victoria, chapter 46, the magistrate may in such cases impose the same punishment as if the accused had been convicted upon indictment.

Section **790**.—By substituting the following therefor:—

"**790.** If the person charged as mentioned in the next preceding section consents to be tried by the magistrate, the magistrate shall then ask him whether he is guilty or not guilty of the charge, and if such person says that he is guilty, the magistrate shall then cause a plea of guilty to be entered upon the proceedings, and sentence him to the same punishment as he would have been liable to if he had been convicted

upon indictment in the ordinary way; and if he says that he is not guilty, [he shall be remanded to gaol to await his trial in the usual course.]"

NOTE.—The amendment consists in the substitution of the words within square brackets for "the magistrate shall proceed as provided in section seven hundred and eighty-six." The section now provides that if a person charged under the preceding section with theft, &c., where the value of the property exceeds $10, pleads not guilty, the magistrate shall proceed as provided in section 786. So proceeding, he can in case of conviction, impose a sentence of only six months imprisonment, while if the prisoner pleads guilty, he can under this section impose the same punishment as if the case had been tried in the ordinary way. The amendment does away with this anomaly. It takes away the jurisdiction of the magistrate to try such cases at all where the prisoner says he is not guilty. This makes the law as it was up to the time the Code was passed. It is thought best that in such serious cases as may arise under these sections, the magistrate should have jurisdiction to try only where the accused pleads guilty. It will be seen, however, that so far as magistrates in cities and towns are concerned, this bill proposes to largely extend their jurisdiction, making it the same in all the provinces as that of magistrates in Ontario under section 785.

Section **801**.—By substituting the following therefor :—

"**801.** The magistrate adjudicating under the provisions of this part shall transmit the conviction, or a duplicate of the certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, [to the clerk of the peace or other proper officer for the district, city, county or place wherein the offence was committed, there to be kept by the proper officer among the records of the general or quarter sessions of the peace or of any court discharging the functions of a court of general or quarter sessions of the peace]"

NOTE.—Under section 801 the records are to be sent to the next court of General or Quarter Sessions, and that court may not meet for months. The amendment is adapted from section 822 in Part LVI, Juvenile Offenders.

Section **832**.—By substituting the following therefor :—

"**832.** Any court by which and any judge under Part LIV or magistrate under LV by whom judgment is pronounced or recorded, upon the conviction of any person for treason or any indictable offence, in addition to such sentence as may otherwise by law be passed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted, if to such court it seems fit so to do; [and the court may include in the amount to be paid such moderate allowance for loss of time as the court, by affidavit or other inquiry and examination, ascertains to be reasonable;] and the payment of such costs and expenses, or any part thereof, may be ordered by the court to be made out of any moneys taken from such person on his apprehension (if such moneys are his own), or may be enforced at the instance of any person liable to pay or who has paid the same in such and the same manner (subject to the provisions of this Act) as the payment of any costs ordered to be paid by the judgment or order of any court of competent jurisdiction in any civil action or proceeding may for the time being be enforced: Provided, that in the meantime, and until the recovery of such costs and expenses from the person so convicted as aforesaid, or from his estate, the same shall be paid and provided for in the same manner as if this section had not been passed; and any money which is recovered in respect thereof from the person so con-

victed, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses have been paid or defrayed."

NOTE.—Section 248 of the Revised Statute of Canada, c. 174, repealed by the Criminal Code, contained the provision inserted by the amendment here proposed.

Section **846.**—By substituting the following therefor :—

"**846.** No information, complaint, warrant, conviction or other proceeding under this Part shall be deemed objectionable or insufficient on any of the following grounds ; that is to say :

(*a*) that it does not contain the name of the person injured, or intended or attempted to be injured ; or

(*b*) that it does not state who is the owner of any property therein mentioned ; or

(*c*) that it does not specify the means by which the offence was committed ; or

(*d*) that it does not name or describe with precision any person or thing.

Provided that the justice may, if satisfied that it is necessary for a fair trial, order that a particular further describing such means, person, place or thing be furnished by the prosecutor.

[2. The description of any offence in the words of the Act, or any Order, By-law, Regulation or other document creating the offence, or any similar words, shall be sufficient in law."]

NOTE :—See Imperial Act 42 and 43 Vict. (1879) c. 49, s. 39 ; Regina *v* Coulson. 24 Ontario Reports 247, 249.

916.—By striking out the first five lines of subsection 2 and substituting the following therefor :—

" 2. If such court is a Superior Court having criminal jurisdiction one of such rolls shall be filed with the clerk, prothonotary, registrar or other proper officer—

[(*a.*) In the province of Ontario of the High Court of Justice."]

NOTE.—The section as it now stands needs this alteration because the "divisions" of the High Court have been abolished.

Section **971.**—By substituting the following therefor :—

"**971.** In any case in which a person is convicted before any court of any offence punishable with not more than two years' imprisonment and no previous conviction is proved against him, if it appears to the court before which he is so convicted, that, regard being had to the youth, character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behavior :

[2. Where the offence is punishable with more than two years' imprisonment the court shall have the same power as aforesaid with the concurrence of the counsel acting for the Crown in the prosecution of the offender.]

[3.] The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as the court directs."

NOTE.—Section 971 enacts that in the case of an offence "punishable with not more than two years imprisonment" (that is, two years being the maximum punishment for the offence) the court may under certain circumstances and on certain conditions, instead of sentencing the offender at once, direct his release on probation of good conduct. Previous to the statutory enactment the court had this power in the case of offences without the restriction as to two years; and it has since the statute been found that a suspended sentence may be proper in the case of an offence punishable (as a maximum) with more than two years' imprisonment. It is therefore proposed to make the statutory enactment conform to the law as it previously stood, adding only the proviso that the prosecuting counsel concur. The amendment consists in the addition of subsection 2 as shown above and in renumbering the existing subsection 2 as 3.

Schedule One, Form J.—By substituting the following therefor:—

J.—(*Section* 569.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada.
Province of ,
County of .

The information of A.B., of in the said county (*yeoman*), taken this day of in the year , before me, J.S., Esquire, a justice of the peace, in and for the district (*or* county *etc.*,) of , who says that (*describe things to be searched for and offence in respect of which search is made*), and that he has just and reasonable cause to suspect, and suspects, that the said goods and chattels, or some part of them are concealed in the (*dwelling-house, &c.*,) of C.D., of in the said district (*or* county, *etc.*,) (*here add the causes of suspicion, whatever they may be*): Wherefore (*he*) prays that a search warrant may be granted to him to search the (*dwelling-house, &c.*), of the said C.D., as aforesaid, for the said goods and chattels so feloniously stolen, taken and carried away as aforesaid.

Sworn (*or* affirmed) before me the day and year first above mentioned, at in the said county, of

J.S.,
J.P., (*name of district or county, etc.*)

NOTE.—This is to correct a manifest slip in the position of the words "(*describe things to be searched for and offence in respect of which search is made.*)"

2nd Session, 8th Parliament, 60 Victoria,

SENATE BILL.

H

An Act further to amend the Crim
Code, 1892.

Received and read a first time, Thurs
13th May, 1797.
Second reading, Monday, 17th May, 189

The Honourable Sir OLIVER MOWA

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

An Act further to amend the Criminal Code, 1892.

[*Reprinted as amended in Committee of the Whole.* 11*th June*, 1897.]

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

1. This Act may be cited as *The Criminal Code Amendment Act*, 1897. Short title.

2. *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule:— 1892, c. 29, amended.

SCHEDULE.

NOTE.—The addition of new words to the existing sections of the Code is shown by their inclusion within square brackets.

Section **3.**—By repealing sub-paragraph (*i*) of paragraph (*y*) and substituting the following therefor:—

["(*i.*) In the Province of Ontario any divisional court of the High Court of Justice."]

Section **92.**—By substituting the following therefor:—

"**92.** In sections 93 to [97A] inclusive the expression "prize-fight" means an encounter or fight with fists or hands, between two persons who have met for such purpose by previous arrangement made by or for them."

Section **97A.**—By inserting immediately after section 97 the following section:—

["**97A.** Every one is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one thousand dollars, or to imprisonment for a term not exceeding three months, or to both, who—

(*a*) exhibits by means of the biograph, vitascope, kinetoscope, kinematograph, or any kindred device or machine, any picture or representation of a prize-fight; or—

(*b*) knowingly brings into Canada, or procures to be brought into Canada to or for him, or posts for transmission or delivery by or through the post, any picture or other material or appliance to be used in such an exhibition as is described in the next preceding paragraph; or—

(*c.*) publishes a detailed account of a prize-fight; or—

(*d.*) brings into Canada any newspaper or other printed paper containing a detailed description of any prize-fight.

2. The said picture, material or appliance shall be confiscated."]

Section **179.**—By substituting the following therefor :—

"**179.** Every one is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse—

(*a.*) [manufactures, or] sells, or exposes for sale or to public view, [or distributes or circulates, or causes to be distributed or circulated] any obscene book, or other printed, [typewritten,] or [otherwise] written matter, or any picture, photograph, model or other object tending to corrupt morals: or

(*b.*) publicly exhibits any disgusting object or any indecent show; or

(*c.*) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any medicine, drug or article intended or represented as a means of preventing conception or causing abortion or miscarriage.

2. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done.

3. It shall be a question [for the court or judge] whether the occasion of the [manufacture,] sale, [exposing for sale,] publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in, to or under which the [manufacture,] sale, [exposing for sale,] publishing or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question for the jury whether there is or is not such excess.

4. The motives of the [manufacturer], seller, [exposer,] publisher or exhibitor shall in all cases be irrelevant."

Section **180.**—By substituting the following therefor :—

"**180.** Every one is guilty of an indictable offence and liable to two years' imprisonment who posts for transmission or delivery by or through the post,—

(*a.*) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, [matter or thing] of an indecent, immoral [or scurrilous] character; or

(*b.*) any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid; or

(*c.*) any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretenses."

Section **181.**—By repealing the section as amended by chapter 32 of the Statutes of 1893, and substituting the following therefor :—

"**181.** Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces [and] has illicit connection with any girl of or above the age of 14 years and under the age of 16 years."

Section **185.**—By repealing paragraph (*d*) thereof; and by substituting for paragraph (*e*) thereof the following:—

"(*e.*) procures any woman or girl to come to Canada from abroad with intent that she may [have unlawful criminal connection with any person] or that she may become an inmate of a brothel in Canada."

Section **186.**—By substituting the following therefor:—

"**186.** Every one who, being the parent or [other relative or the] guardian of any girl or woman,—

(*a.*) procures such girl or woman to have carnal connection with any man other than the procurer; or

(*b.*) orders, is party to, permits or knowingly receives the avails of the defilement, seduction or prostitution of such girl or woman,

is guilty of an indictable offence, and liable to fourteen years imprisonment if such girl or woman is under the age of fourteen years, and if such girl or woman is of or above the age of fourteen years to five years' imprisonment."

Section **186A**—By inserting the following section immediately after section 186:—

["**186A.** The word "guardian" in sections 183, 186, 210 and 284, shall be deemed to include the following:—

(*a.*) Any Dominion or Provincial officer charged with the oversight of minors;

(*b.*) Any society or person to whom a court or judge or other lawful authority has at any time theretofore committed the control or care of the girl or child;

(*c.*) Any society or person who in any province has by the laws thereof such control or care;

(*d.*)Any person who is for the time guardian *de facto*, or is occupying for the time the position of guardian, or is for the time *quasi* guardian of the girl or child.]

Section **187.**—By substituting the following therefor:—

"**187.** Every one who, being the owner [or] occupier of any premises, or having, or acting or assisting in the management or control thereof, induces or knowingly suffers any girl of such age as in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, is guilty of an indictable offence and—

(*a.*) is liable to ten years' imprisonment if such girl is under the age of 14 years; and

(*b.*) is liable to two years' imprisonment if such girl is of or above the age of 14 and under the age of [18] years."

Section **189.**—By substituting the following therefor:—

"**189.** Every one is guilty of an indictable offence and liable to four years' imprisonment who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile, insane or deaf and dumb woman or girl, under circumstances which do not amount to rape but which prove that the offender knew [or had reason to believe,] at the time of the offence, that the woman or girl was an idiot, or imbecile, or insane or deaf and dumb."

Section **190A.**—By inserting immediately after section 190 the following section :—

["**190A.** Every one is guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars, or to one year's imprisonment, or to both, who lives in a state of open and notorious adultery with another person, and without any claim or pretence of their being married to one another."]

Section **203A.**—By inserting immediately after section 203 the following section :—

["**203A.**—Every one is guilty of an indictable offence and liable to one year's imprisonment and to a fine not exceeding one thousand dollars, who —

(*a*) holds or carries on horse-races anywhere for more than twelve days continuously, or permits horse-races to be held or carried on on any race-course, race-courses or premises under his control for more than twelve days continuously ; or

(*b*) in the same calendar year holds or carries on horse-races anywhere for more than twenty-four days in the aggregate, whether such days are continuous or not, or permits horse-races to be held or carried on upon any race-course, race-courses or premises under his control for more than twenty-four days in the aggregate, whether such days are continuous or not ; or

(*c*) having already in the same calendar year held or carried on horse-races anywhere, or permitted horse-races to be held or carried on on any race-course, race-courses or premises under his control for twelve days in the aggregate, whether such days have been continuous or not, as aforesaid, holds or carries on any further horse-races anywhere, or permits any further horse-races to be held or carried on on any race-course, race-courses or premises under his control, until at least forty days have elapsed since the last of such twelve days ; or

(*d*) holds or carries on horse-races, or permits horse-races to be held or carried on upon any race-course or premises where horse-races have already during the same calendar year been held or been carried on for twenty-four days ; or holds or carries on horse-races, or permits horse-races to be held or carried on upon any race-course or premises within forty days after the same race-course or premises have been used for horse-racing for a period of, or for periods aggregating, twenty-four days in the same calendar year.

2. In construing this section one or more Sundays intervening shall not be considered a breach or interruption of the days being continuous."]

Section **205.**—By substituting for subsection six thereof the following :—

"6. This section does not apply to

(*a.*) the division by lot or chance of any property by joint tenants or tenants in common, or persons having joint interests (*droits indivis*) in any such property ; or

(*b.*) raffles for prizes of small value at any bazaar held for any charitable object, if permission to hold the same has been obtained from the city or other municipal council, or from the mayor, reeve or other chief officer of the city, town or other municipality, wherein such bazaar is held and the articles, raffled for thereat have first been offered for sale and none of them are of a value exceeding fifty dollars ; or

(*c.*) any distribution by lot among the members or ticket holders of any incorporated society established for the encouragement of art, of any paintings, drawings or other works of art produced by the labour of the members of, or published by or under the direction or such incorporated society ; [if—

(i) such paintings, drawings or other works of art are themselves actually and *bonâ fide* so distributed, and

(ii) the member or ticket holder is not given the option of taking in place of any work allotted to or drawn by him a sum of money or something else of value ; and

(iii) no other such distribution has taken place among the members or ticket holders for a period of six months less one day next preceding the date of, or the date fixed for, such distribution ;] or

(*d.*) the Crédit Foncier du Bas-Canada, or to the Crédit Foncier Franco-Canadien."

Section **207.**—By substituting the following for paragraph (*a.*) of subsection one thereof :—

"(*a.*) Not having any visible means of [subsistence and not giving a good account of himself, is found wandering abroad or lodging in any barn or outhouse or in any deserted or unoccupied building or in any cart or waggon or in any railway carriage or freight car."]

Section **261.**—By substituting the following therefor :—

"**261.** It is no defence to a charge or indictment for any indecent assault on a person under the age of [sixteen] years to prove that he or she consented to the act of indecency."

Section **285.**—By substituting for the word "to" in the last line of subsection one thereof the words ["of or concerning."]

Section **306.**—By substituting the following therefor :—

["**306.** Every one commits theft and steals the thing taken or carried away who, whether pretending to be the owner or not, secretly or openly, takes or carries away, or causes to be taken or carried away, without lawful authority, any property under lawful seizure and detention [by any peace officer or public officer in his official capacity."]

Section **331A.**—By inserting the following section immediately after section 331 :—

["**331A.** Every one is guilty of an indictable offence and liable to three years' imprisonment who—

(*a*) without the consent of the owner thereof,

(I) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, or fraudulently causes or procures, or assists in taking possession of, concealing, appropriating, purchasing or selling, any cattle which is found astray ; or

(II) fraudulently, wholly or partially obliterates, or alters or defaces, or causes or procures to be obliterated, altered or defaced, any brand, mark or vent brand on any such cattle, or makes or causes or procures to be made any false or counterfeit brand, mark or vent brand on any such cattle ; or

(*b*) without reasonable cause refuses to deliver up any such cattle to the proper owner thereof or to the person in charge thereof on behalf of such owner, or authorized by such owner to receive such cattle.]

Section **410.**—By substituting the following therefor :—

"**410.** Every one is guilty of the indictable offence called burglary, and liable to imprisonment for life, who

(*a.*) breaks and enters a dwelling-house by night with intent to commit any indictable offence therein ; or

(*b*) breaks out of any dwelling-house by night, either after committing an indictable offence therein, or after having entered such dwelling-house, either by day or by night, with intent to commit an indictable offence therein.

[2. Everyone convicted of an offence under this section who when arrested, or when he committed such offence, had upon his person any offensive weapon, shall, in addition to the imprisonment above prescribed, be liable to be whipped.]

Section **479.**—By substituting the following therefor :—

"**479.** In this Part the expression "counterfeit token of value" means any spurious or counterfeit coin, paper money, inland revenue stamp, postage stamp, or other evidence of value, by whatever technical, trivial or deceptive designation the same may be described, [and includes also any coin or paper money, which although genuine, has no value as money, but in the case of such coin or paper money it is necessary in order to constitute an offence under this part that there should be knowledge on the part of the person charged that such coin or paper money was of no value as money, and a fraudulent intent on his part in his dealings with or with respect to the same.]"

Section **480.**—By adding thereto the following subsection :—

[2. For the purposes of paragraph (*b*) of this section the notes of any bank which has ceased to do business and whose notes have become of no value, and any other paper money which, although genuine, has ceased to have any value, shall be deemed to be counterfeit tokens of value where the dealings with them have been with intent to pass them as money or where they are passed or attempted to be passed as money."]

Section **533.** By inserting at the beginning thereof before the word "Every" the following words :—["In the Province of Ontario the High Court of Justice and in the other provinces."]

Section **540.**—By adding to the section as amended by section one of chapter 57 of the Statutes of 1894, the following :—

["Or any indictment for bribery or undue influence, personation or other corrupt practice under *The Dominion Elections Act.*"]

Section **550A.**—By adding immediately after Section 550 the following section :—

[**550A.**—At the trial of any person charged with an offence under any of the following sections, that is to say, 174,

175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 188,189, 190, 190A, 195, 198, 208 in so far as it relates to paragraphs (i) (j) and (k) of 207, 259, 260, 267, 268, 269, 270, 271, 272, 273, 274, 281, and 282, or with conspiracy or attempt to commit, or being an accessory after the fact to any such offence, the court or judge may order that the public be excluded from the room or place in which the court is held during such trial; and such order may be made in any other case also in which the court or judge or justice may be of opinion that the same will be in the interests of justice.

2. Nothing in this section shall be construed by implication or otherwise as limiting the power heretofore possessed at common law by the presiding judge or other presiding officer of any court of excluding the general public from the court-room in any case when such judge or officer deems such exclusion necessary or expedient."]

Section **553.** By substituting the following for paragraph (*a.*) thereof:—

"(*a.*) Where the offence is committed in [or upon] any water, tidal or other, [or upon any bridge], between two or more magisterial jurisdictions, such offence may be considered as having been committed in either of such jurisdictions;"

Section **641.**—By substituting the following thereror:—

"**641.** Any one who is bound over to prosecute any person, whether committed for trial or not, may prefer a bill of indictment for the charge on which the accused has been committed, or in respect of which the prosecutor is so bound over, or for any charge founded upon the facts or evidence disclosed on the depositions taken before the justice. The accused may at any time before he is given in charge to the jury apply to the court to quash any count in the indictment on the ground that it is not founded on such facts or evidence, and the court shall quash such count if satisfied that it is not so founded. And if at any time during the trial it appears to the court that any count is not so founded, and that injustice has been or is likely to be done to the accused in consequence of such count remaining in the indictment, the court may then quash such count and discharge the jury from finding any verdict upon it.

[2. The counsel acting on behalf of the Crown at any court of criminal jurisdiction may prefer against any person who has been committed for trial at such court a bill of indictment for the charge on which the accused has been so committed or for any charge founded on the facts or evidence disclosed in the depositions taken before the justice.]

[3.] The Attorney General or any one by his direction or any one with the written consent of a judge of any court of criminal jurisdiction or of the Attorney General, may prefer a bill of indictment for any offence before the grand jury of any court specified in such consent; and any person may prefer any bill of indictment before any court of criminal jurisdiction by order of such court.

[4.] It shall not be necessary to state such consent or order in the indictment. An objection to an indictment for want of such consent or order must be taken by motion to quash the indictment before the accused person is given in charge.

[5.] Save as aforesaid no bill of indictment shall after the commencement of this Act be preferred in any province of Canada.

Section **680.**—By substituting the following therefor :—

"**680.** When the attendance of any person confined in any prison in Canada, or upon the limits of any gaol, is required in any court of criminal jurisdiction in any case cognizable therein by indictment, the court before whom such prisoner is required to attend may, or any judge of such court or of any superior court or county court, [or any chairman of General Sessions,] may, before or during any such term or sittings at which the attendance of such person is required, make an order upon the warden or gaoler of the prison, or upon the sheriff or other person having the custody of such prisoner,—

(*a.*) to deliver such prisoner to the person named in such order to receive him ; and such person named shall, at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said court seems meet ; or

[(*b.*) to himself convey such prisoner to such place, there to receive and obey such further order as to the said court seems meet ; and in such case, on being served with the order and being paid or tendered his reasonable charges, such warden, gaoler, sheriff or other person shall convey the prisoner to such place and produce him there according to the exigency of the order."]

Section **687.** By substituting the following therefor :—

"**687.** If upon the trial of an accused person [such facts are] proved upon the oath or affirmation of any credible witness that [it can be reasonably inferred therefrom] that any person whose deposition has been taken in the investigation of any charge is dead or so ill as not to be able to travel or is absent from Canada, and if it is proved that such deposition was taken in the presence of the person accused and that he, his counsel or solicitor, had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the judge or justice before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof unless it is proved that such deposition was not in fact signed by the judge or justice purporting to have signed the same.

[(2) In this section the word "deposition" includes the evidence of a witness given at a trial."]

Section **702.**—By substituting the following therefor :—

"**702.** When any cards, dice, balls, counters, tables or other instruments of gaming used in playing any unlawful game are found in any house, room or place suspected to be used as a common gaming house, and entered under a warrant or order issued under this Act, or about the person of any of those who are found therein, it shall be *primâ facie* evidence, on the trial of a prosecution under section 198 [or section 199,] that such house, room or place is used as a common gaming house, and that the persons found in the room or place where

such tables or instruments of gaming are found were playing therein although no play was actually going on in the presence of the chief constable, deputy chief constable or other officer entering the same under a warrant or order issued under this Act, or in the presence of those persons by whom he is accompanied as aforesaid."

Section **703.**—By substituting the following therefor :—

"**703.** [In any prosecution under section 198 for keeping a common gaming house, or under section 199 for playing or looking on while any other person is playing in a common gaming house, it shall be *primâ facie* evidence that a house, room or place is used as a common gaming house, and that the persons found therein were unlawfully playing therein –]

(*a.*) if any constable or officer authorized to enter any house, room or place, is wilfully prevented from, or obstructed or delayed in entering the same or any part thereof; or

(*b.*) if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing or destroying any instruments of gaming."

Section **707A.**—By inserting immediately after section 707 the following section:—

["**707A.** In any prosecution, proceeding or trial for any offence under section 331A, a brand or mark, duly recorded or registered under the provisions of any Act, ordinance or law, on any cattle shall be *primâ facie* evidence that such cattle is the property of the registered owner of such brand or mark, and possession by the person charged or by others in his employ or on his behalf of any such cattle marked with such a brand or mark of which he is not himself the registered owner shall throw upon the accused the burden of proving that such cattle came lawfully into his possession or into the possession of such others in his employ or on his behalf, unless it appears that such possession by others in his employ or on his behalf was without his knowledge and without his authority, sanction or approval."]

Section **748.**—By repealing this section.

Section **760.**—By substituting the following therefor :—

"**760.** In the province of Nova Scotia a calendar of the criminal cases shall be sent by the clerk of the Crown to the grand jury in each term, together with the depositions taken in each case and the names of the different witnesses."

Section **763.**—By inserting after the word "includes" in the second line of paragraph (*b*) thereof, the following words :—"in the Province of Ontario the County Crown Attorney."

Section **765.**—By substituting in line three thereof for the words "five hundred and thirty-nine" the words "five hundred and forty."

Section **767.**—By substituting the following therefor :—

"**767.** The judge [or such prosecuting officer] upon having obtained the depositions on which the prisoner was so committed, shall state to him,—

(*a.*) that he is charged with the offence, describing it;

(*b.*) that he has the option to be forthwith tried before such judge without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

[2. If the prisoner has been brought before the county solicitor, clerk of the peace, or other prosecuting officer, and consents to be tried by the judge, without a jury, such prosecuting officer shall forthwith inform the judge, and the judge shall thereupon fix an early day for the trial and communicate the same to such prosecuting officer; and in such case the trial shall proceed in the manner provided by subsection 4.]

[3. If the prisoner demands a trial by jury, he shall be remanded to gaol.

4. If the prisoner has been brought before the judge and consents to be tried by him without a jury,] the county solicitor, clerk of the peace or other prosecuting officer shall prefer the charge against him for which he has been committed for trial, and if, upon being arraigned upon the charge, the prisoner pleads guilty, the prosecuting officer shall draw up a record as nearly as may be in one of the forms MM or NN in schedule one to this Act, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed by any court having jurisdiction to try the offence in the ordinary way.

[5. Any person who has elected to be tried by a jury, may, notwithstanding such election, at any time before such trial has commenced, notify the sheriff that he desires to re-elect, and it shall thereupon be the duty of the sheriff to proceed as directed by section 766, and thereafter such person shall be proceeded against as if his said election had not been made.

6. This section shall apply to the North-west Territories."]

Section **781A.** By inserting immediately after section 781 the following section :—

[" **781A.** Notwithstanding anything contained in this Part the Attorney General for the Province may, in the case of an indictable offence punishable by imprisonment for five years or more, certify that, in his opinion, it is expedient that the trial should be had before a judge of a superior court of criminal jurisdiction, and in such case the prisoner shall not have a right to elect, and, if he has already elected, shall not be tried under this Part, but the trial shall take place before such superior court judge and a jury in the ordinary way."]

Section **784.**—By repealing the subsection substituted for subsection 3 thereof, by chapter 40 of the Statutes of 1895, and substituting the following :—

"3. The jurisdiction of the magistrate in the provinces of Prince Edward Island and British Columbia, [and in the North-West Territories,] and the district of Keewatin, under this part, is absolute without the consent of the party charged

[except in cases coming within the provisions of section 785, and cases under sections 789 and 790 where the person charged is not a person who can be tried summarily without his consent."]

Section **785**.—By substituting the following therefor:—

"**785**.—If any person is charged, in the Province of Ontario before a police magistrate or before a stipendiary magistrate in any county, district or provisional county in such province, with having committed any offence for which he may be tried at a court of General Sessions of the Peace, or if any person is committed to a gaol in the county, district or provisional county, under the warrant of any justice of the peace, for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such magistrate, and may, if found guilty, be sentenced by the magistrate to the same punishment as he would have been liable to if he had been tried before the court of General Sessions of the Peace.

["2. This section shall apply also to police magistrates of cities and incorporated towns in every other part of Canada.

3. Sections 787 and 788 do not extend or apply to cases tried under this section; but where the magistrate has jurisdiction by virtue of this section only, no person shall be summarily tried thereunder without his own consent."]

Section **789**.—By substituting the following therefor:—

"**789**.—When any person is charged before a magistrate with theft or with having obtained property by false pretenses, or with having unlawfully received stolen property, and the value of the property stolen, obtained or received exceeds ten dollars, and the evidence in support of the prosecution is, in the opinion of the magistrate, sufficient to put the person on his trial for the offence charged, such magistrate, if the case appears to him to be one which may properly be disposed of in a summary way, shall reduce the charge to writing, and shall read it to the said person, and, unless such person is one who can be tried summarily without his consent, shall then put to him the question mentioned in section 786, and shall explain to him that he is not obliged to plead or answer before such magistrate, and that if he does not plead or answer before him, he will be committed for trial in the usual course."

Section **790**.—By substituting the following therefor:—

"**790**. If the person charged as mentioned in the next preceding section consents to be tried by the magistrate, the magistrate shall then ask him whether he is guilty or not guilty of the charge, and if such person says that he is guilty, the magistrate shall then cause a plea of guilty to be entered upon the proceedings, and sentence him to the same punishment as he would have been liable to if he had been convicted upon indictment in the ordinary way; and if he says that he is not guilty, [he shall be remanded to gaol to await his trial in the usual course.]"

Section **801**.—By substituting the following therefor:—

"**801**. The magistrate adjudicating under the provisions of this part shall transmit the conviction, or a duplicate

of the certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, [to the clerk of the peace or other proper officer for the district, city, county or place wherein the offence was committed, there to be kept by the proper officer among the records of the general or quarter sessions of the peace or of any court discharging the functions of a court of general or quarter sessions of the peace]"

Section **808A.**—By inserting immediately after section 808 the following section :—

[" **808A.**—Notwithstanding anything contained in this Part the Attorney General for the Province may, in the case of an indictable offence punishable by imprisonment for five years or more, certify that, in his opinion, it is expedient that the trial should be had before a judge of a superior court of criminal jurisdiction, and in such case the prisoner shall not have a right to elect, and, if he has already elected, shall not be tried under this Part, but the trial shall take place before such superior court judge and a jury in the ordinary way."]

Section **832.**—By substituting the following therefor :—

" **832.** Any court by which and any judge under Part LIV or magistrate under Part LV by whom judgment is pronounced or recorded, upon the conviction of any person for treason or any indictable offence, in addition to such sentence as may otherwise by law be passed, may condemn such person to the payment of the whole or any part of the costs or expenses incurred in and about the prosecution and conviction for the offence of which he is convicted, if to such court it seems fit so to do; [and the court may include in the amount to be paid such moderate allowance for loss of time as the court, by affidavit or other inquiry and examination, ascertains to be reasonable ;] and the payment of such costs and expenses, or any part thereof, may be ordered by the court to be made out of any moneys taken from such person on his apprehension (if such moneys are his own), or may be enforced at the instance of any person liable to pay or who has paid the same in such and the same manner (subject to the provisions of this Act) as the payment of any costs ordered to be paid by the judgment or order of any court of competent jurisdiction in any civil action or proceeding may for the time being be enforced : Provided, that in the meantime, and until the recovery of such costs and expenses from the person so convicted as aforesaid, or from his estate, the same shall be paid and provided for in the same manner as if this section had not been passed ; and any money which is recovered in respect thereof from the person so convicted, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses have been paid or defrayed."

Section **846.**—By substituting the following therefor :—

" **846.** No information, complaint, warrant, conviction or other proceeding under this Part shall be deemed objectionable or insufficient on any of the following grounds ; that is to say :

(*a*) that it does not contain the name of the person injured, or intended or attempted to be injured ; or

(*b*) that it does not state who is the owner of any property therein mentioned ; or

(*c*) that it does not specify the means by which the offence was committed ; or

(*d*) that it does not name or describe with precision any person or thing.

Provided that the justice may, if satisfied that it is necessary for a fair trial, order that a particular further describing such means, person, place or thing be furnished by the prosecutor.

[2. The description of any offence in the words of the Act, or any Order, By-law, Regulation or other document creating the offence, or any similar words, shall be sufficient in law."]

916.—By striking out the first five lines of subsection 2 and substituting the following therefor :—

" 2. If such court is a Superior Court having criminal jurisdiction one of such rolls shall be filed with the clerk, prothonotary, registrar or other proper officer—

[(*a.*) In the province of Ontario of the High Court of Justice."]

Section **957.**—By substituting the following therefor :—

"**957.** Whenever whipping may be awarded for any offence, the court may sentence the offender to be once, twice or thrice whipped, within the limits of the prison, under the supervision of the medical officer of the prison.

[2.] The number of strokes shall be specified in the sentence ; [and the instrument to be used for whipping shall be a " cat of nine tails " unless some other instrument is specified in the sentence.]

[3.] Whenever practicable, every whipping shall take place not less than ten days before the expiration of any term of imprisonment to which the offender is sentenced for the offence.

[4.] Whipping shall not be inflicted on any female."

Section **971.**—By substituting the following therefor :—

"**971.** In any case in which a person is convicted before any court of any offence punishable with not more than two years' imprisonment and no previous conviction is proved against him, if it appears to the court before which he is so convicted, that, regard being had to the [age,] character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour :

[2. Where the offence is punishable with more than two years' imprisonment the court shall have the same power as aforesaid with the concurrence of the counsel acting for the Crown in the prosecution of the offender.]

[3.] The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as the court directs."

Schedule One, Form J.—By substituting the following therefor:—

J.—(*Section* 569.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada.
Province of
County of

The information of A.B., of in the said county (*yeoman*), taken this day of in the year , before me, J.S., Esquire, a justice of the peace, in and for the district (*or* county *etc.*,) of , who says that (*describe things to be searched for and offence in respect of which search is made*), and that he has just and reasonable cause to suspect, and suspects, that the said goods and chattels, or some part of them are concealed in the (*dwelling-house, &c.,*) of C.D., of in the said district (*or* county, *etc.*,) (*here add the causes of suspicion, whatever they may be*): Wherefore (*he*) prays that a search warrant may be granted to him to search the (*dwelling-house, &c.*), of the said C.D., as aforesaid, for the said goods and chattels so feloniously stolen, taken and carried away as aforesaid.

Sworn (*or* affirmed) before me the day and year first above mentioned, at in the said county, of

J.S.,
J.P., (*name of district or county, etc.*)

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

H

An Act further to amend the Criminal Code, 1892.

[*Reprinted as amended in Committee of the Whole.* 11*th June*, 1897.]

Honourable Sir Oliver Mowat.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

An Act respecting Interest.

WHEREAS on the part of some lenders of money, a practice has obtained of charging exorbitant rates of interest to needy or ignorant borrowers, sometimes as much as five per cent per diem or at the rate of 1825 per cent per annum; and whereas it is desirable that the protection of the law should be extended to necessitous borrowers; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. This Act may be cited as *The Interest Act*, 1897. Short title.

2. Notwithstanding the provisions of chapter one hundred and twenty-seven of the Revised Statutes of Canada, the rate of interest reserved or payable on bonds, promissory notes, bills and contracts of every kind shall not exceed *eight* per cent per annum, and no promise or agreement to pay a higher rate of interest shall be valid. R.S.C., c. 127, ss. 1 and 2 amended. Rate of interest not to exceed 8 per cent.

3. If in an action hereafter brought on a bond, promissory note, bill or contract of any kind it appears that payments have been made thereon on account of interest in excess of *eight* per cent per annum, the judge may in his discretion treat such excessive payments or any part thereof as payments on account of principal and render judgment accordingly. In actions excess paid over 8 per cent may be treated as on account of capital.

4. This Act applies to instruments and agreements heretofore as well as hereafter executed or made, but the second section shall not apply to any payment made before the passing of this Act. Act retroactive, except s. 2.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

I

An Act respecting Interest.

Received and read a first time, Monday, 17th May, 1897.
Second reading, Thursday, 20th May, 1897.

Honourable Sir Oliver Mowat.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1897

I] **SENATE BILL.** [1897.

An Act respecting Interest.

[*Reprinted as amended in Committee of the Whole. 3rd June*, 1897.]

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

1. This Act may be cited as *The Interest Act*, 1897. Short title.

2. Whenever any interest is, by the terms of any written or printed contract and whether under seal or not, made payable at a rate or percentage per day, week, month, or at any rate or percentage for any period less than a year, no interest exceeding the rate or percentage of six per cent *per annum* shall be chargeable, payable or recoverable on any part of the principal money unless the contract contains a statement showing truly the *per annum* rate or percentage of interest to which such other rate or percentage is equivalent. When rate of interest not *per annum*, more than 6 per cent not recoverable unless contract states the equivalent rate *per annum*.

3. If any sum is paid on account of any interest not chargeable, payable or recoverable under the last preceding section, such sum may be recovered back or deducted from any principal or interest payable under such contract. Recovery of sums paid otherwise.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

I

An Act respecting Interest.

[*Reprinted as amended in Committee of the Whole. 3rd June*, 1897.]

Honourable Sir OLIVER MOWAT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

An Act respecting the Supreme Court of Ontario and the Judges thereof.

WHEREAS by Acts of the Legislature of the province of Ontario it is provided to the effect hereinafter mentioned with respect to appeals to the Supreme Court of Canada, and it is desirable to confirm hereby the provisions of the said Acts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:

No appeal to Supreme Court of Canada from Court of Appeal for Ontario.

1. No appeal shall lie to the Supreme Court of Canada from any judgment of the Court of Appeal for Ontario, except in the following cases:—

Exceptions.

(*a.*) Where the title to real estate or some interest therein is in question;

(*b.*) Where the validity of a patent is affected;

(*c.*) Where the matter in controversy in the appeal exceeds the sum or value of one thousand dollars, exclusive of costs;

(*d.*) Where the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a general or public nature affecting future rights;

(*e.*) In other cases where the special leave of the Court of Appeal for Ontario or of the Supreme Court of Canada to appeal to such last mentioned court is granted.

Judges of Supreme Court of Ontario to reside at or near Toronto.

2. The judges of the Supreme Court of Judicature for Ontario shall reside at the city of Toronto or within five miles thereof.

(*Vide The Supreme and Exchequer Courts Act*, R.S.C., c. 135, s. 4, subsec. 5).

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL

J

An Act respecting the Supreme Court of Ontario and the Judges thereof.

Received and read a first time, Tuesday, 18th May, 1897.
Second reading, Friday, 21st May, 1897.

Hon. Sir OLIVER MOWAT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

An Act to amend the Acts relating to the Red Deer Valley Railway and Coal Company.

Preamble. 1889, c. 52; 1891, c. 76. 1894, c. 90.

WHEREAS the Red Deer Valley Railway and Coal Company, hereinafter called "the Company," have by their petition prayed for the passing of an Act to amend the Acts relating to the Company in the manner hereinafter mentioned and to extend the time for the commencement and completion of the railway of the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1894, c. 90 repealed.

1. Chapter ninety of the statutes of 1894 is hereby repealed.

Time for commencement and completion extended.

2. The time for the commencement of the construction of the railway and for the expenditure thereon of fifteen per cent on the amount of the capital stock, as provided by section eighty-nine of *The Railway Act*, is hereby further extended for the period of three years from the first July, one thousand eight hundred and ninety-seven; and if such expenditure is not so made within such period the powers of construction granted to the Company shall then cease and be null and void as repects so much of the railway as then remains uncompleted.

1889, c. 52, s. 3 amended.

3. Section three of chapter fifty-two of the statutes of 1889, the Act incorporating the Company, is hereby amended as follows:—

Alternative route for portion of line.

By adding after the words "at or near Cheadle Station on the Canadian Pacific Railway" in lines fifteen and sixteen thereof, the following words: "or from a point of junction with the Calgary and Edmonton Railway about two miles north of the Bow River crossing of that railway."

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL

K

An Act to amend the Acts relating to the Red Deer Valley Railway and Coal Company.

Received and read a first time, Thursday, 20th May, 1897.
Second Reading, Friday, 21st May, 1897.

Hon. Mr. BOULTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

L] **SENATE BILL.** [1897.

An Act relating to The Canada Investment and Agency Company, (Limited).

Preamble.

WHEREAS the Canada Investment and Agency Company (Limited), hereinafter called "the Company," has by its petition represented that doubts have arisen with regard to the meaning of section six of chapter ninety-nine of the statutes of 1874, as to the power of the Company to hold real estate acquired in satisfaction of any debt beyond a period of five years from the date of the acquisition thereof; and whereas it is expedient to pass an Act for the purpose of quieting such doubts and of further extending the power of the Company to hold real estate: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1874, c. 99, s. 6.

Title of Company to real estate validated.

1. Notwithstanding anything contained in section six of chapter ninety-nine of the statutes of 1874, all real estate heretofore acquired and held by the Company, as well as all real estate now held by it, shall be deemed to have been and to be legally and validly held by the Company, without regard to the period of time such real estate may have been so held; but the Company shall sell any real estate, acquired by it in satisfaction of any debt and now held by it, within five years from the passing of this Act, and shall sell any such real estate hereafter acquired by it within five years from the date of the acquisition thereof.

As to real estate hereafter acquired.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

L

An Act relating to The Canada Investment and Agency Company, (Limited).

Received and read a first time Tuesday, 1st June, 1897.
Second reading, Wednesday, 2nd June, 1897.

The Honourable Mr. DRUMMOND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

M] **SENATE BILL.** [1897.

An Act to amend The Companies' Act.

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

1. Section 37 of *The Companies' Act* is hereby amended by striking out the following words at the end thereof, "But the limitation made by this section shall not apply to commercial paper discounted by the Company";—and by substituting therefor the following words—"Provided always that the limitations and restrictions on the borrowing powers of the Company contained in this section shall not apply to or include moneys borrowed by the Company on bills of exchange or promissory notes drawn, made, accepted, or indorsed by the Company." R.S.C., c. 119, s. 37 amended. Exception from restrictions of borrowing powers.

2. This Act shall be read as part of *The Companies' Act*, and the provisions hereof shall apply and extend to all existing companies to which the provisions of *The Companies' Act* are applicable. Application of amendment.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

M

An Act to amend The Companies' Act

Received and read a first time, Wednesday, 2nd June, 1797.
Second reading, Friday, 4th June, 1897.

The Honourable Sir OLIVER MOWAT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1897

An Act to amend "An Act respecting certain Savings Banks in the Province of Quebec."

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

1890, c. 32, ss. 18, 19, 20 repealed and new provisions.

1. Sections eighteen, nineteen and twenty of chapter thirty-two of the Statutes of 1890 are hereby repealed and the following sections substituted therefor respectively:

Amount of deposits to be invested in certain securities.

"**18.** The bank shall hold at least twenty per centum of the moneys deposited with it in public securities of the Dominion of Canada or of any of the provinces thereof or in such securities as are accepted by the Government of Canada as deposits from insurance companies or deposited in chartered banks in Canada.

Investment of deposits.

"**19.** The bank may, subject to the provisions contained in the next preceding section, invest any moneys deposited with it in the debentures, bonds, stocks or other securities of the Dominion of Canada or of any province of Canada, or in the securities of any municipal or school corporation in Canada, or in the bonds or debentures of any incorporated building society, loan or investment company, water works company, gas company, street railway company, electric light or power company, electric railway or street railway company, telegraph or telephone company incorporated in Canada, or in the stock, bonds or debentures of the United States or of any state thereof, or of the United Kingdom, or in the manner provided in the two sections next following, but not otherwise. But the bank may continue to hold any stock of any now existing chartered bank held by it before it received its charter, and may sell and dispose of such stock.

Securities on which loans may be made. Proviso: collateral securities to be taken.

"**20.** The bank may also lend such moneys upon the personal security of individuals, or to any corporate bodies; provided that collateral securities of the nature mentioned in the two sections next preceding, or British or foreign public securities or stock of some chartered bank in Canada, or bonds or debentures or stock of any incorporated institution or company are taken in addition to such personal or corporate security, with authority to sell such securities if the loan is not paid; and provided also that the bank may lend moneys without collateral securities to the Government of Canada or the Government of any province of Canada, or to the corporation of any city or town in Canada with a population of at least two thousand inhabitants, or to any waterworks company, gas company, street railway company, electric light or power company, electric railway or street railway company or telephone or telegraph company incorporated in Canada, if such company has no power to issue or does not issue debentures.

Proviso: loans to governments, cities, and certain co porations may be made without collateral security.

2nd Session, 8th Parliament, 60 Victoria, 1897

SENATE BILL.

N

An Act to amend "An Act respecting certain Savings Banks in the Province of Quebec."

Received and read a first time, Thursday, 17th June, 1897.
Second reading, Friday, 18th June, 1897.

The Honourable Sir W. HINGSTON.

OTTAWA
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Printer to the Queen's most Excellent Majesty
1897