

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers /
Couverture de couleur
- Covers damaged /
Couverture endommagée
- Covers restored and/or laminated /
Couverture restaurée et/ou pelliculée
- Cover title missing /
Le titre de couverture manque
- Coloured maps /
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) /
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations /
Planches et/ou illustrations en couleur
- Bound with other material /
Relié avec d'autres documents
- Only edition available /
Seule édition disponible
- Tight binding may cause shadows or distortion
along interior margin / La reliure serrée peut
causer de l'ombre ou de la distorsion le long de la
marge intérieure.
- Blank leaves added during restorations may
appear within the text. Whenever possible, these
have been omitted from filming / Il se peut que
certaines pages blanches ajoutées lors d'une
restauration apparaissent dans le texte, mais,
lorsque cela était possible, ces pages n'ont pas
été filmées.
- Additional comments /
Commentaires supplémentaires:

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated /
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- Pages detached / pages détachées
- Showthrough / Transparence
- Quality of print varies /
Qualité inégale de l'impression
- Includes supplementary materials
Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips,
tissues, etc., have been refilmed to ensure the
best possible image / Les pages totalement ou
partiellement obscurcies par un feuillet d'errata,
une pelure, etc., ont été filmées à nouveau de
façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or
discolourations are filmed twice to ensure the best
possible image / Les pages s'opposant ayant des
colorations variables ou des décolorations sont
filmées deux fois afin d'obtenir la meilleure image
possible.

Various pagings.

Page lxxii is incorrectly numbered page xxii.

Page 253 is incorrectly numbered page 258.

Page iv of Table of contents is incorrectly numbered page v.

ACTS

OF THE

PARLIAMENT OF THE UNITED KINGDOM

OF

GREAT BRITAIN & IRELAND,

PASSED IN THE SESSIONS HELD IN THE

32ND AND 33RD, 33RD AND 34TH, 34TH AND 35TH, AND 35TH AND 36TH
YEARS OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE FIRST, SECOND, THIRD, AND FOURTH SESSIONS OF THE
TWENTIETH PARLIAMENT OF THE UNITED KINGDOM.



OTTAWA

PRINTED BY BROWN CHAMBERLIN

LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1872.



32 VICTORIA.

CHAP. XI.

An Act for amending the Law relating to the Coasting A. D. 1869.
Trade and Merchant Shipping in British Possessions.

[13th May, 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PRELIMINARY.

1. This Act may be cited as "*The Merchant Shipping (Colonial) Act, 1869.*" Short title.

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

Definition of terms.

The term "British possession" means any territory or place situate within Her Majesty's dominions, and not forming part of the United Kingdom, or of the Channel Islands, or Isle of Man; and all territories and places under one legislature as hereinafter defined, are deemed to be one British possession for the purposes of this Act: "British possession."

The term "Legislature" includes any person or persons who exercise legislative authority in the British possession, and where there are local legislatures as well as a central legislature, means the central legislature only. "Legislature."

3. This Act shall be proclaimed in every British possession by the Governor thereof, as soon as may be, after he receives notice of this Act, and shall come into operation in that British possession on the day of such proclamation, which day is hereinafter referred to as the commencement of this Act. Commencement of Act.

Merchants Shipping (Colonial), 1869.

COASTING TRADE.

Regulation of
coasting trade
by Colonial
legislature.

4. After the commencement of this Act the legislature of a British possession, by any Act or Ordinance, from time to time, may regulate the coasting trade of that British possession, subject in every case to the following conditions :—

1. The Act or Ordinance shall contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

2. The Act or Ordinance shall treat all British ships (including the ships of any British possession) in exactly the same manner as ships of the British possession in which it is made.

3. Where by treaty made before the passing of this Act, Her Majesty has agreed to grant to any ships of any foreign state, any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

Sects. 328 and
163 of 16 and
17 Vict. c. 107
repealed.

5. The following sections of "*The Customs Consolidation Act, 1853*," are hereby repealed, namely :

Section three hundred and twenty-eight, as from the commencement of this Act :

Section one hundred and sixty-three as from the date in the case of each British possession at which either an Act or Ordinance with respect to the coasting trade made within two years after the commencement of this Act in such British possession comes into operation, or if there is no such Act or Ordinance, at which the said two years expire.

MERCHANT SHIPPING.

Registrars of
British ships
in British pos-
sessions.

6. It shall be lawful for Her Majesty, by Order in Council, from time to time to declare, with respect to the British possession mentioned in the order, the description of persons who are to be registrars of British ships in that British possession, and to revoke any order so made ; after the date specified in the order, or, if no date is specified,—after the date of the proclamation of the order in the British possession, the order shall have effect as if it were contained in section thirty of "*The Merchant Shipping Act, 1854*."

Merchants Shipping (Colonial), 1869.

7. In the construction of "*The Merchant Shipping Act, 1854*," and of the Acts amending the same, Canada shall be deemed to be one British possession. Application of Merchant Shipping Acts to Canada.

8. Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to persons intending to act as masters, mates or engineers on board British ships, and the Board of Trade reports to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom, under the Acts relating to Merchant Shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited, for the like reasons and in the like manner, it shall be lawful for Her Majesty, by Order in Council, Colonial certificates to master, mates and engineers.

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts :

2. To declare that all or any of the provisions of the said Acts which relate to certificates of competency granted under those Acts shall apply to the certificates referred to in the said order :

3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

Upon the publication in the *London Gazette* of any such Order in Council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such order, take effect as if they had been contained in this Act.

It shall be lawful for Her Majesty in Council to revoke any order made under this section.



32 and 33 VICTORIA.

CHAP. CI.

A. D. 1869. An Act for authorizing a guarantee of a loan to be raised by Canada for a payment in respect of the transfer of Rupert's Land:

[11th August, 1869.]

31 and 32 Vic.,
cap. 105.

WHEREAS by "*The Rupert's Land Act, 1868*," power was given for the Governor and Company of Adventurers of England trading into Hudson's Bay (in this Act referred to as the Hudson's Bay Company) to surrender, and for Her Majesty to accept a surrender of Rupert's Land (as therein defined) for the purpose of admitting the same into the Dominion of Canada :

And whereas an arrangement has been made for the surrender by the Hudson's Bay Company of Rupert's Land, and for the admission thereof into the Dominion of Canada :

And whereas part of the terms of the said arrangement were the payment of three hundred thousand pounds to the Hudson's Bay Company by the Government of Canada :

And whereas the Government of Canada propose to raise the said sum of three hundred thousand pounds by way of loan, and it is expedient to authorize the Commissioners of Her Majesty's Treasury, in this Act referred to as the Treasury, to guarantee the interest of such loan :

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as "*The Canada (Rupert's Land) Loan Act, 1869*."

Canada (Rupert's Land) Loan.

2. The Treasury may guarantee, in such manner and form as they think fit, the payment of the interest, at a rate not exceeding four per cent., on any principal money not exceeding the sum of three hundred thousand pounds sterling to be raised by way of loan by the Government of Canada for the purpose of the said payment to the Hudson's Bay Company. Power to Treasury to guarantee loan

3. The Treasury shall not give any guarantee under this Act, unless and until provision is made by an Act of the Parliament of Canada, or otherwise to the satisfaction of the Treasury. Conditions of guarantee.

1. For raising and appropriating the said loan :

2. For charging the consolidated revenue fund of Canada with the payment of the principal and interest of the said loan immediately after the charge of the loan for fortifications created by an Act of the Parliament of Canada of the year one thousand eight hundred and sixty-eight, chapter forty-one, or to be created by any subsequent Act in respect of sums paid out of the Consolidated Fund of the United Kingdom, on account of such last mentioned loan :

3. For payment by the Government of Canada of a sinking fund at the rate of one per centum per annum, on the entire amount of the said loan, and for charging the consolidated revenue fund of Canada with the payment of such sinking fund immediately after the principal and interest of the said loan :

4. For charging the consolidated revenue fund of Canada with any sum issued out of the Consolidated Fund of the United Kingdom under this Act, with interest thereon at the rate of five per centum per annum immediately after the sinking fund of the said loan :

5. For payment of the money raised by the said loan to four trustees, nominated from time to time, two by the Treasury and two by the Government of Canada, and for the application of such money under the direction of those trustees :

6. For remitting to the Treasury the annual sums for the sinking fund by equal half yearly payments, in such manner as they from time to time direct, and for the investment and accumulation thereof under their direction in the names of four trustees nominated from time to time, two by the Treasury and two by the Government of Canada.

4. The said sinking fund may be invested only in such securities as the Government of Canada and the Treasury from time to time agree upon, and shall be applied from time to time, under Application of sinking fund. 1
the

Canada (Rupert's Land) Loan.

the direction of the Treasury, in discharging the principal of the said loan and the interest arising from such securities, and the resulting income thereof shall be invested and applied as part of such sinking fund.

Alteration of Act relating to guaranteed loan.

5. Every Act passed by the Parliament of Canada which in any way impairs the priority of the charge upon the consolidated revenue fund of Canada created by that Parliament of the said loan and the interest and sinking fund thereof, and the sums paid out of the Consolidated Fund of the United Kingdom and the interest thereon, shall, so far only as it impairs such priority, be void, unless such Act has been reserved for the signification of Her Majesty's pleasure.

Issue out of Consolidated Fund.

6. The Treasury are hereby authorized to cause to be issued from time to time, out of the growing produce of the Consolidated Fund of the United Kingdom, such sums of money as may at any time be required to be paid to fulfil the guarantee under this Act.

Certificate of amount paid out of Consolidated Fund.

7. The Treasury may, from time to time certify to one of Her Majesty's principal Secretaries of State the amount which has been paid out of the Consolidated Fund of the United Kingdom to fulfil the guarantee under this Act, and the date of such payment; such certificate shall be communicated to the Governor of Canada, and shall be conclusive evidence of the amount having been so paid, and of the time when the same was so paid.

Accounts to be laid before Parliament.

8. The Treasury shall cause to be prepared and laid before both Houses of Parliament a statement of any guarantee given under this Act, and an account of all sums issued out of the Consolidated Fund of the United Kingdom for the purposes of this Act, within one month after the same are so given or issued if Parliament be then sitting, or if Parliament be not sitting, then within fourteen days after the then next meeting of Parliament.



33 VICTORIA.

CHAP. XIV.

An Act to amend the Law relating to the legal condition A. D. 1870.
of Aliens and British Subjects.

[12th May, 1870.]

WHEREAS it is expedient to amend the law relating to the legal condition of aliens and British subjects:—Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as "*The Naturalization Act, 1870.*" Short title.

STATUS OF ALIENS IN THE UNITED KINGDOM.

2. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided,—

Capacity of an alien as to property.

1. That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise.

2. That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him.

3. That this section shall not affect any estate or interest in real
of

Naturalization.

or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.

Power of naturalized aliens to divest themselves of their status in certain cases.

3. Where Her Majesty has entered into a convention with any foreign State to the effect that the subjects or citizens of that State who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such convention has been entered into by Her Majesty; and from and after the date of such Order in Council, any person being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

A declaration of alienage may be made as follows; that is to say:—If the declarant be in the United Kingdom in the presence of any Justice of the Peace; if elsewhere in Her Majesty's dominions in the presence of any Judge of any Court of civil or criminal jurisdiction, of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

How British-born subject may cease to be such.

4. Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became under the law of any foreign State a subject of such State, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.

Alien not entitled to jury de medietate linguae.

5. From and after the passing of this Act, an alien shall not be entitled to be tried by a Jury *de medietate linguae*, but shall be triable in the same manner as if he were a natural-born subject.

EXPATRIATION.

Capacity of

6. Any British subject who has at any time before, or may at any

Naturalization.

any time after the passing of this Act, when in any foreign State and not under any disability voluntarily become naturalized in such State, shall from and after the time of his so having become naturalized in such foreign State, be deemed to have ceased to be a British subject and be regarded as an alien : Provided,—

British subject
to renounce
allegiance to
Her Majesty.

1. That where any British subject has before the passing of this Act voluntarily become naturalized in a foreign State and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration hereinafter referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject ; with this qualification, that he shall not, when within the limits of the foreign State in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

2. A declaration of British nationality may be made, and the oath of allegiance be taken as follows ; that is to say :—If the declarant be in the United Kingdom in the presence of a Justice of the Peace ; if elsewhere in Her Majesty's dominions in the presence of any Judge of any Court of civil or criminal jurisdiction, of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

NATURALIZATION AND RESUMPTION OF BRITISH NATIONALITY.

7. An alien who, within such limited time before making the application hereinafter mentioned as may be allowed by one of Her Majesty's Principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom or to serve under the Crown, may apply to one of Her Majesty's Principal Secretaries of State for a certificate of naturalization.

Certificate of
naturalization

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from
his

Naturalization.

his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

Certificate of
re-admission
to British
nationality.

8. A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of Her Majesty's Principal Secretaries of State for a certificate hereinafter referred to as a certificate of re-admission to British nationality, re-admitting him to the status of a British subject. The said Secretary of State shall have the same discretion, as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of re-admission to British nationality has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject; with this qualification, that within the limits of the foreign State of which
he

Naturalization.

he became a subject he shall not be deemed to be a British subject unless he has ceased to be a subject of that foreign State according to the laws thereof, or in pursuance of a treaty to that effect. The jurisdiction by this Act conferred on the Secretary of State in the United Kingdom in respect of the grant of a certificate of re-admission to British nationality, in the case of any statutory alien being in any British possession may be exercised by the Governor of such possession ; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

9. The oath in this Act referred to as the oath of allegiance shall be in the form following ; that is to say :—

Form of
oath of alle-
giance.

“ I, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me GOD.”

NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

10. The following enactments shall be made with respect to the national status of women and children :—

National
status of
married
women and
infant
children.

1. A married woman shall be deemed to be a subject of the State of which her husband is for the time being a subject.

2. A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of re-admission to British nationality in manner provided by this Act.

3. Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject.

4. Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality, every child of such father or mother who during infancy has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents.

5. Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdom, every child
of

Naturalization.

of such father or mother who during infancy has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalized British subject.

SUPPLEMENTAL PROVISIONS.

Regulations
as to regis-
tration.

11. One of Her Majesty's Principal Secretaries of State may by regulation provide for the following matters:—

1. The form and registration of declarations of British nationality.

2. The form and registration of certificates of naturalization in the United Kingdom.

3. The form and registration of certificates of re-admission to British nationality.

4. The form and registration of declarations of alienage.

5. The registration by officers in the diplomatic or consular service of Her Majesty of the births and deaths of British subjects who may be born or die out of Her Majesty's dominions, and of the marriages of persons married at any of Her Majesty's embassies or legations.

6. The transmission to the United Kingdom for the purpose of registration or safe keeping, or of being produced as evidence of any declarations or certificates made in pursuance of this Act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of or for the purpose of carrying into effect the provisions of this Act.

7. With the consent of the Treasury the imposition and application of fees in respect of any registration authorized to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this Act.

The said Secretary of State, by a further regulation, may repeal, alter or add to any regulation previously made by him in pursuance of this section. Any regulation made by the said Secretary of State in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act, but shall not so far as respects the imposition of fees be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any Act or ordinance to the contrary of

of

Naturalization.

of or inconsistent with any such direction may for the time being be in force.

12. The following regulations shall be made with respect to evidence under this Act:—

Regulations
as to evi-
dence.

1. Any declaration authorized to be made under this Act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned.

1

2. A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate.

3. A certificate of re-admission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate.

4. Entries in any register authorized to be made in pursuance of this Act shall be proved by such copies and certified in such manner as may be directed by one of Her Majesty's Principal Secretaries of State, and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the said Secretary of State authorized to be inserted in the register.

5. "*The Documentary Evidence Act, 1868*," shall apply to any regulation made by a Secretary of State, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

MISCELLANEOUS.

13. Nothing in this Act contained shall affect the grant of letters of denization by Her Majesty.

Saving of
letters of
denization.

14. Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

Saving as to
British ships.

Naturalization.

Saving of
allegiance
prior to ex-
patriation.

15. Where any British subject has in pursuance of this Act become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

Power of
colonies to
legislate
with respect
to natural-
ization.

16. All laws, statutes and ordinances which may be duly made by the legislature of any British possession for imparting to any person the privileges, or any of the privileges of naturalization, to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner, and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other laws, statutes or ordinances in that possession.

Definition
of terms.

17. In this Act, if not inconsistent with the context or subject-matter thereof,—“ Disability ” shall mean the status of being an infant, lunatic, idiot, or married woman.

“ British possession ” shall mean any colony, plantation, island, territory or settlement within Her Majesty’s dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this Act.

“ The Governor of any British possession ” shall include any person exercising the chief authority in such possession.

“ Officer in the Diplomatic Service of Her Majesty ” shall mean any Ambassador, Minister or Chargé d’Affaires, or Secretary of Legation, or any person appointed by such Ambassador, Minister, Chargé d’Affaires, or Secretary of Legation to execute any duties imposed by this Act on an officer in the Diplomatic Service of Her Majesty.

“ Officer in the Consular Service of Her Majesty ” shall mean and include Consul-General, Consul, Vice-Consul and Consular Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul and Consular Agent.

REPEAL OF ACTS MENTIONED IN SCHEDULE.

Repeal of
Acts.

18. The several Acts set forth in the first and second parts of the schedule annexed hereto shall be wholly repealed, and the Acts set forth in the third part of the said schedule shall be repealed to the extent therein mentioned ; provided that the repeal enacted in this Act shall not affect—

1. Any right acquired or thing done before the passing of this Act.

Naturalization.

2. Any liability accruing before the passing of this Act.
3. Any penalty, forfeiture or other punishment incurred or to be incurred in respect of any offence committed before the passing of this Act.
4. The institution of any investigation or legal proceeding or any other remedy for ascertaining or enforcing any such liability, penalty, forfeiture or punishment as aforesaid.

 SCHEDULE.

A. D., 1870

NOTE.—Reference is made to the repeal of the “whole Act” where portions have been repealed before, in order to preclude henceforth the necessity of looking back to previous Acts.

This Schedule, so far as respects Acts prior to the reign of George the Second, other than Acts of the Irish Parliament, refers to the edition prepared under the direction of the Record Commission, intituled “The Statutes of the Realm; printed by command of His Majesty King George the Third, in pursuance of an address of the House of Commons of Great Britain. From original Records and authentic Manuscripts.”

 PART I.

Acts wholly repealed, other than Acts of the Irish Parliament.

DATE.

TITLE.

An Act that all such as are to be naturalized or restored in 7 Jas. I., c. 2 blood shall first receive the Sacrament of the Lord’s Supper, and the oath of allegiance, and the oath of supremacy.

An Act to enable His Majesty’s natural-born subjects to inherit 11 Will. III., c. 6, (a.) the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.

An Act for naturalizing such foreign Protestants and others 13 Geo. II., c. 7. therein mentioned, as are settled or shall settle in any of His Majesty’s Colonies in America.

An Act to extend the provisions of an Act made in the 20 Geo. II., c. thirteenth year of His present Majesty’s reign, intituled “An Act 44. “for naturalizing such foreign Protestants and others therein mentioned, as are settled or shall settle in any of His Majesty’s Colonies in America,” to other foreign Protestants who conscientiously scruple the taking of an oath.

Naturalization.

DATE.	TITLE.
13 Geo. III, c. 25.	An Act to explain two Acts of Parliament, one of the thirteenth year of the reign of His late Majesty, "for naturalizing such foreign Protestants and others, as are settled or shall settle in any "of His Majesty's Colonies in America," and the other of the second year of the reign of His present Majesty, "for naturalizing such "foreign Protestants as have served or shall serve as officers or "soldiers in His Majesty's Royal American regiment or as engineers "in America."
14 Geo. III, c. 84.	An Act to prevent certain inconveniences that may happen by bills of naturalization.
16 Geo. III, c. 52.	An Act to declare His Majesty's natural-born subjects inheritable to the estate of their ancestors, whether lineal or collateral, in that part of Great Britain called Scotland, notwithstanding their father or mother were aliens.
6 Geo. IV, c. 67.	An Act to alter and amend an Act passed in the seventh year of the reign of His Majesty King James the First, intituled "An Act that all such as are to be naturalized or restored in blood shall first receive the Sacrament of the Lord's Supper and the oath of allegiance and the oath of supremacy."
7 and 8 Vict., c. 66.	An Act to amend the laws relating to aliens.
10 and 11 Vict., c. 83	An Act for the naturalization of aliens.

 PART II.

Acts of the Irish Parliament wholly repealed.

DATE.	TITLE.
14 and 15 Chas I II, c. 13.	An Act for encouraging Protestant strangers and other to inhabit and plant in the Kingdom of Ireland.
2 Anne, c. 14.	An Act for naturalizing of all Protestant strangers in this Kingdom.
19 and 20 Geo. III, c. 29.	An Act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers and others as shall settle in this Kingdom.
23 and 24 Geo. III, c. 38.	An Act for extending the provisions of an Act passed in this Kingdom in the nineteenth and twentieth years of His Majesty's reign, intituled "An Act for naturalizing such foreign merchants, "traders, artificers, artizans, manufacturers, workmen, seamen, "farmers and others as shall settle in this Kingdom."

Naturalization.

DATE.

TITLE..

An Act to explain and amend an Act, intituled "An Act for 36 Geo. III, "naturalizing such foreign merchants, traders, artificers, artizans, c. 48. "manufacturers, workmen, seamen, farmers and others as shall "settle in this Kingdom."

 PART III.

 EXTENT OF REPEAL. *Acts partially repealed.*

Sofaras it makes perpetual the Act of 2 Anne c. 14. An Act for reviving, continuing and amending several statutes made in this Kingdom heretofore temporary. 4 Geo. I, c. f— (Act of Irish Parliament.)

The whole of sect. 47. An Act for consolidating and amending the laws relative to jurors and juries. 6th Geo. IV, c. 50.

The whole of sect. 37. An Act consolidating and amending the laws relating to juries and jurors in Ireland. 3 and 4 Will⁴ IV, c. 91.



33 and 34 VICTORIA,

CHAP. LII.

A. D. 1870.] An Act for amending the Law relating to the Extradition of Criminals.

[9th August, 1870.]

WHEREAS it is expedient to amend the law relating to the surrender to foreign States of persons accused or convicted of the commission of certain crimes within the jurisdiction of such States, and to the trial of criminals surrendered by foreign States to this country :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PRELIMINARY.

Short title.

1. This Act may be cited as "The Extradition Act, 1870."

Where arrangement for surrender of criminals made, Order in Council to apply Act.

2. Where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that this Act shall apply in the case of such foreign State.

Her Majesty may, by the same or any subsequent order, limit the operation of the order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient.

Extradition.

Every such order shall recite or embody the terms of the arrangement, and shall not remain in force for any longer period than the arrangement.

Every such order shall be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London *Gazette*.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals: Restrictions
on surrender
of criminals.

(1.) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the Police Magistrate or the Court before whom he is brought on *habeas corpus*, or to the Secretary of State, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character:

(2.) A fugitive criminal shall not be surrendered to a foreign State unless provision is made by the law of that State, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign State for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded:

(3.) A fugitive criminal who has been accused of some offence within English jurisdiction, not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the United Kingdom, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise:

(4.) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

4. An Order in Council for applying this Act in the case of any foreign State shall not be made unless the arrangement— Provisions of
arrangements
for surrender,

(1.) provides for the determination of it by either party to it after the expiration of a notice not exceeding one year; and,

(2.) is in conformity with the provisions of this Act, and in particular with the restrictions on the surrender of fugitive criminals contained in this Act.

Extradition.

Publication
and effect of
order.

5. When an order applying this Act in the case of any foreign State has been published in the London *Gazette*, this Act (after the date specified in the order, or if no date is specified, after the date of the publication,) shall, so long as the order remains in force, but subject to the limitations, restrictions, conditions, exceptions and qualifications, if any, contained in the order, apply in the case of such foreign State. An Order in Council shall be conclusive evidence that the arrangement therein referred to complies with the requisitions of this Act, and that this Act applies in the case of the foreign State mentioned in the order, and the validity of such order shall not be questioned in any legal proceedings whatever.

Liability of
criminal to
surrender.

6. Where this Act applies in the case of any foreign State, every fugitive criminal of that State who is in or suspected of being in any part of Her Majesty's dominions, or that part which is specified in the order applying this Act (as the case may be) shall be liable to be apprehended and surrendered in manner provided by this Act, whether the crime in respect of which the surrender is sought was committed before or after the date of the order, and whether there is or is not any concurrent jurisdiction in any court of Her Majesty's dominions over that crime.

Order of Secretary of State for issue of Warrant in United Kingdom if crime is not of a political character.

7. A requisition for the surrender of a fugitive criminal of any foreign state, who is in or suspected of being in the United Kingdom, shall be made to a Secretary of State by some person recognised by the Secretary of State as a diplomatic representative of that foreign state. A Secretary of State may, by order under his hand and seal signify to a police magistrate that such requisition has been made and require him to issue his warrant for the apprehension of the fugitive criminal.

If the Secretary of State is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time, order a fugitive criminal accused or convicted of such offence to be discharged from custody.

Issue of Warrant by Police Magistrate, Justice, &c.

8. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in the United Kingdom, may be issued—

- (1.) by a Police Magistrate on the receipt of the said order of the Secretary of State, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in England; and
- (2.) by a Police Magistrate or any Justice of the Peace in any part of the United Kingdom, on such information or com-

Extradition.

plaint and such evidence, or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the United Kingdom in which he exercises jurisdiction.

Any person issuing a warrant under this section without an order from a Secretary of State shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint or certified copies thereof to a Secretary of State, who may if he think fit, order the warrant to be cancelled and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal, when apprehended on a warrant issued without the order of a Secretary of State, shall be brought before some person having power to issue a warrant under this section who shall, by warrant order him to be brought, and the prisoner shall accordingly be brought before a Police Magistrate.

A fugitive criminal apprehended on a warrant issued without the order of a Secretary of State shall be discharged by the Police Magistrate, unless the Police Magistrate, within such reasonable time as, with reference to the circumstances of the case, he may fix, receives from the Secretary of State an order signifying that a requisition has been made for the surrender of such criminal.

9. When a fugitive criminal is brought before the Police Magistrate, the Police Magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an indictable offence committed in England.

Hearing of case and evidence of political character of crime.

The Police Magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

10. In the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorizing the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) would, according to the Law of England, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in England, the Police Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

Committal or discharge of prisoner.

In the case of a fugitive criminal alleged to have been con-

Extradition.

victed of an extradition crime, if such evidence is produced as (subject to the provisions of this Act) would, according to the Law of England, prove that the prisoner was convicted of such crime, the Police Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to the Middlesex House of Detention, or to some other prison in Middlesex, there to await the warrant of a Secretary of State for his surrender, and shall forthwith send to a Secretary of State a certificate of the committal, and such report upon the case as he may think fit.

Surrender of
fugitive to
Foreign State
by Warrant
of Secretary
of State.

11. If the Police Magistrate commits a fugitive criminal to prison he shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a suit of *Habeas corpus*.

Upon the expiration of the said fifteen days; or, if a writ of *Habeas corpus* is issued, after the decision of the court upon the return to the writ, as the case may be, or after such further period as may be allowed in either case by a Secretary of State, it shall be lawful for a Secretary of State, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the court) to be surrendered to such person as may in his opinion be duly authorized to receive the fugitive criminal by the Foreign State from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed and for the person so authorized as aforesaid to receive, hold in custody, and convey within the jurisdiction of such Foreign State the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of that part of Her Majesty's Dominions to which he escapes may be retaken upon an escape.

Discharge of
persons appre-
hended if not
conveyed out
of United
Kingdom
within two
months.

12. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the United Kingdom, within two months after such committal; or, if a writ of *Habeas corpus* is issued, after the decision of the court upon the return to the writ, it shall be lawful for any judge of one of Her Majesty's Superior Courts at Westminster, upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to a Secretary of State, to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary

Extradition.

13. The warrant of the Police Magistrate issued in pursuance of this Act may be executed in any part of the United Kingdom in the same manner as if the same had been originally issued or subsequently indorsed by a Justice of the Peace, having jurisdiction in the place where the same is executed.

Execution of
Warrant of
Police Magis-
trate.

14. Depositions or statements on oath, taken in a Foreign State, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction may, if duly authenticated, be received in evidence in proceedings under this Act.

Depositions to
be evidence,
6 & 7 Vic.,
c. 76.

15. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Act if authenticated in manner provided for the time being by law or authenticated as follows:—

Authentica-
tion of deposi-
tions and war-
rants, 29 & 30
Vic. c. 121.

- (1.) If the warrant purports to be signed by a Judge, Magistrate, or Officer of the Foreign State where the same was issued;
- (2.) If the depositions or statements or the copies thereof purport to be certified, under the hand of a Judge, Magistrate, or Officer of the Foreign State where the same were taken, to be the original depositions or statements or to be true copies thereof as the case may require; and
- (3.) If the certificate of or judicial document stating the fact of conviction purports to be certified by a Judge, Magistrate, or Officer of the Foreign State where the conviction took place; and

If in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be), are authenticated by the oath of some witness or by being sealed with the official seal of the Minister of Justice, or some other Minister of State. And all Courts of Justice, Justices, and Magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

CRIMES COMMITTED AT SEA.

16. Where the crime in respect of which the surrender of a fugitive criminal is sought was committed on board any vessel on the high seas which comes into any port of the United Kingdom, the following provisions shall have effect:

Jurisdiction as
to crimes com-
mitted at sea.

Extradition.

1. This Act shall be construed as if any Stipendiary Magistrate in England or Ireland, and any Sheriff or Sheriff substitute in Scotland, were substituted for the Police Magistrate throughout this Act, except the part relating to the execution of the warrant of the Police Magistrate :
2. The criminal may be committed to any prison to which the person committing him has power to commit persons accused of the like crime :
3. If the fugitive criminal is apprehended on a warrant issued without the order of a Secretary of State, he shall be brought before the Stipendiary Magistrate, Sheriff, or Sheriff substitute who issued the warrant, or who has jurisdiction in the port where the vessel lies, or in the place nearest to that port.

FUGITIVE CRIMINALS IN BRITISH POSSESSIONS.

Proceedings as
to fugitive
criminals in
British Pos-
sessions.

17. This Act, when applied by Order in Council, shall, unless it is otherwise provided by such Order, extend to every British possession in the same manner as if throughout this Act the British possession were substituted for the United Kingdom or England, as the case may require, but with the following modifications, namely—

- (1.) The requisition for the surrender of a fugitive criminal who is in or suspected of being in a British possession may be made to the Governor of that British possession by any person recognized by that Governor as a Consul General, Consul or Vice-Consul, or, if the fugitive criminal has escaped from a colony or dependency of the Foreign State on behalf of which the requisition is made, as the Governor of such colony or dependency :
- (2.) No warrant of a Secretary of State shall be required, and all powers vested in or Acts authorized or required to be done under this Act by the Police Magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the governor of the British possession alone :
- (3.) Any prison in the British possession may be substituted for a prison in Middlesex :
- (4.) A judge of any court exercising in the British possession the like powers as the Court of Queen's Bench exercises in England, may exercise the power of discharging a criminal when not conveyed within two months out of such British possession.

Extradition.

18. If by any law or ordinance, made before or after the passing of this Act by the legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying this Act, in the case of any foreign State, or by any subsequent order, either

Saving of laws of British possessions.

suspend the operation within any such British possession of this Act, or of any part thereof, so far as it relates to such foreign State, and so long as such law or ordinance continues in force there, and no longer;

or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of this Act.

GENERAL PROVISIONS.

19. Where, in pursuance of any arrangement with a foreign State, any person accused or convicted of any crime which, if committed in England, would be one of the crimes described in the first schedule to this Act is surrendered by that foreign State, such person shall not, until he has been restored or had an opportunity of returning to such foreign State, be triable or tried for any offence committed prior to the surrender in any part of Her Majesty's dominions other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

Criminal surrendered by foreign State not triable for previous crime

20. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and in the case of a British possession may be so used, *mutatis mutandis*, and when used shall be deemed to be valid and sufficient in law.

As to use of forms in second schedule.

21. Her Majesty may, by Order in Council, revoke or alter, subject to the restrictions of this Act, any Order in Council made in pursuance of this Act, and all the provisions of this Act with respect to the original order shall (so far as applicable) apply, *mutatis mutandis*, to any such new order.

Revocation, &c., of Order in Council.

22. This Act (except so far as relates to the execution of warrants in the Channel Islands) shall extend to the Channel Islands and Isle of Man in the same manner as if they were part of the United Kingdom; and the royal courts of the Channel Islands are hereby respectively authorized and required to register this Act.

Application of Act in Channel Islands and Isle of Man.

Extradition.

Saving for
Indian treat-
ties.

23. Nothing in this Act shall affect the lawful powers of Her Majesty or of the Governor General of India in Council to make treaties for the extradition of criminals with Indian native States, or with other Asiatic States conterminous with British India, or to carry into execution the provisions of any such treaties made either before or after the passing of this Act.

Power of for-
eign State to
obtain evi-
dence in Uni-
ted Kingdom.

24. The testimony of any witness may be obtained in relation to any criminal matter pending in any court or tribunal in a foreign state in like manner as it may be obtained in relation to any civil matter under the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter one hundred and thirteen, intituled "*An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before foreign tribunals;*" and all the provisions of that Act shall be construed as if the term civil matter included a criminal matter, and the term cause included a proceeding against a criminal: Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

Foreign state
includes de-
pendencies.

25. For the purposes of this Act, every colony, dependency, and constituent part of a foreign State, and every vessel of that State, shall (except where expressly mentioned as distinct in this Act) be deemed to be within the jurisdiction of and to be part of such foreign State.

Definition of
terms.

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

"British pos-
session:"

The term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom, the Channel Islands, and Isle of Man; and all colonies, plantations, islands, territories and settlements under one legislature, as hereinafter defined, are deemed to be one British possession :

"Legisla-
ture:"

The term "legislature" means any person or persons who can exercise legislative authority in a British possession, and where there are local legislatures as well as a central legislature, means the central legislature only :

"Governor:"

The term "Governor" means any person or persons administering the government of a British possession, and includes the governor of any part of India :

"Extradition
crime:"

The term "extradition crime" means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the first schedule to this Act :

"Conviction:"

The terms "conviction" and "convicted" do not include or

Extradition.

refer to a conviction which under foreign law is a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy :

The term, "fugitive criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign State, who is in or is suspected of being in some part of Her Majesty's dominions ; and the term "fugitive criminal of a foreign State" means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that State :

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State :

The term "Police Magistrate" means a chief magistrate of the metropolitan Police Courts, or one of the other magistrates of the metropolitan Police Court in Bow Street :

The term "Justice of the Peace" includes in Scotland any Sheriff, Sheriff's substitute, or Magistrate :

The term "warrant," in the case of any foreign State, includes any judicial document authorizing the arrest of a person accused or convicted of crime.

REPEAL OF ACTS.

27. The Acts specified in the third schedule to this Act are hereby repealed as to the whole of Her Majesty's dominions ; and this Act (with the exception of anything contained in it which is inconsistent with the treaties referred to in the Acts so repealed) shall apply (as regards crimes committed either before or after the passing of this Act), in the case of the foreign States with which those treaties are made, in the same manner as if an Order in Council referring to such treaties had been made in pursuance of this Act, and as if such order had directed that every law and ordinance which is in force in any British possession with respect to such treaties should have effect as part of this Act.

Provided that if any proceedings for or in relation to the surrender of a fugitive criminal have been commenced under the said Acts previously to the repeal thereof, such proceedings may be completed, and the fugitive surrendered in the same manner as if this Act had not passed.

Extradition.

SCHEDULES.

FIRST SCHEDULE.

List of Crimes.

The following list of crimes is to be construed according to the law existing in England, or in a British possession (as the case may be) at the date of the alleged crime, whether by common law or by Statute made before or after the passing of this Act :

Murder, and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money and uttering counterfeit or altered money.

Forgery, counterfeiting, and altering, and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Crimes by bankrupts against bankruptcy law.

Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company made criminal by any Act for the time being in force.

Rape.

Abduction.

Child stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Extradition.

Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

SECOND SCHEDULE.

Form of Order of Secretary of State to the Police Magistrate.

To the Chief Magistrate of the Metropolitan Police Courts *or* other Magistrate of the Metropolitan Police Court in Bow Street [*or* the Stipendiary Magistrate at]

Whereas in pursuance of an arrangement with , referred to in an Order of Her Majesty in Council dated the day of , a requisition has been made to me, , one of her Majesty's Principal Secretaries of State, by , the diplomatic representative of , for the surrender of , late of , accused [*or* convicted] of the commission of the crime of , within the jurisdiction of

Now I hereby, by this my order under my hand and seal, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of "*The Extradition Act, 1870*," relating to the issue of such warrant, are in your judgment complied with.

Given under the hand and seal of the undersigned, one of Her Majesty's Principal Secretaries of State, this day of 18 .

Form of Warrant of Apprehension by Order of Secretary of State.

METROPOLITAN POLICE } To all and each of the constables of the
DISTRICT [*or* COUNTY } metropolitan police force, [*or* of the county
or BOROUGH OF] } *or* borough of
To Wit. }

WHEREAS the Right Honorable one of Her Majesty's Principal Secretaries of State, by order under his hand and seal, hath signified to me that requisition hath been duly made to him for the surrender of , late of , accused [*or* convicted] of the commission of the crime of , within the jurisdiction of . This is therefore to command you in Her Majesty's name forthwith to apprehend the said pursuant to "*The Extradition Act, 1870*," wherever he may be found in the United Kingdom or Isle of Man, and bring him before me or some other [* magistrate sitting in this

NOTE.—Alter as required.

Extradition.

court], to show cause why he should not be surrendered in pursuance of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at [*Bow Street, one of the police courts of the metropolis] this day of 18 . J. P.

*NOTE.—Alter as required.

Form of Warrant of Apprehension without Order of Secretary of State.

METROPOLITAN POLICE } To all and each of the constables of the
DISTRICT [or COUNTY } metropolitan police force, [or of the county
or BOROUGH OF] } or borough of
To WIT. }

WHEREAS it has been shown to the undersigned, one of Her Majesty's justices of the peace in and for the metropolitan police district, [or the said county or borough of], that , late of , is accused [or convicted] of the commission of the crime of within the jurisdiction of . This is, therefore, to command you in Her Majesty's name forthwith to apprehend the said , and to bring him before me or some other magistrate sitting at this court, [or one of Her Majesty's justices of the peace in and for the county (or borough) of], to be further dealt with according to law, for which this shall be your warrant.

Given under my hand and seal at Bow Street, one of the police courts of the metropolis, [or in the county or borough aforesaid], this day of 18 .

J. P.

Form of Warrant for bringing Prisoner before the Police Magistrate.

COUNTY [or BOR- } To
OUGH] or } , constable of the police force of
To WIT. } , and to all other peace officers in the said
county [or borough] of .

WHEREAS , late of , accused [or alleged to be convicted of] the commission of the crime of within the jurisdiction of , has been apprehended and brought before the undersigned, one of Her Majesty's justices of the peace in and for the said county [or borough] of . And whereas by "The Extradition Act, 1870," he is required to be brought before the chief magistrate of the metropolitan police court, or one of the police magistrates of the metropolis sitting at Bow Street, within the metropolitan police district [or the stipendiary magistrate for].

This is, therefore, to command you, the said constable, in Her

Extradition.

Majesty's name forthwith to take and convey the said to the metropolitan police district [or the said], and there carry him before the said chief magistrate or one of the police magistrates of the metropolis sitting at Bow Street within the said district [or before a stipendiary magistrate sitting in the said], to show cause why he should not be surrendered in pursuance of "*The Extradition Act, 1870*," and otherwise to be dealt with in accordance with law, for which this shall be your warrant.

Given under my hand and seal at _____, in the county [or borough] aforesaid, this _____ day of _____ 18 _____, J. P.

Form of Warrant of Committal.

METROPOLITAN POLICE DISTRICT } To _____, one of the constables of the
[or THE COUNTY } metropolitan police force [or of the police force
or BOROUGH OF } of the county or borough of _____], and to
] To Wit. } the keeper of the _____.

Be it remembered that on this _____ day of _____, in the year of our Lord _____, late of _____, is brought before me _____, the chief magistrate of the metropolitan police courts [or one of the police magistrates of the metropolis] sitting at the police court in Bow Street, within the metropolitan police district, [or a stipendiary Magistrate for _____], to show cause why he should not be surrendered in pursuance of "*The Extradition Act, 1870*," on the ground of his being accused [or convicted] of the commission of the crime of _____ within the jurisdiction of _____; and for as much as no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Act:

This is, therefore, to command you, the said constable in Her Majesty's name forthwith to convey and deliver the body of the said _____ into the custody of the said keeper of the _____, at _____, and you, the said keeper, to receive the said _____ into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said *Extradition Act*, for which this shall be your warrant.

Given under my hand and seal at Bow Street, one of the police courts of the metropolis, [or at the said _____], this _____ day of _____ 18 _____.

J. P.

Form of Warrant of Secretary of State for surrender of Fugitive.

To the keeper of _____, and to _____

WHEREAS _____, late of _____, accused [or convicted] of the commission of the crime of _____ within the jurisdiction of _____, was delivered into the custody of you _____, the keeper of _____, by warrant dated _____, pursuant to "*The Extradition Act, 1870*."

Extradition.

Now I do hereby, in pursuance of the said Act, order you, the said keeper, to deliver the body of the said _____ into the custody of the said _____, and I command you, the said _____, to receive the said _____ into your custody, and to convey him within the jurisdiction of the said _____, and there place him in the custody of any person or persons appointed by the said _____ to receive him, for which this shall be your warrant.

Given under the hand and seal of the undersigned, one of Her Majesty's Principal Secretaries of State, this _____ day of _____

Year and }
chapter. }

 THIRD SCHEDULE.

6 & 7, Vict. c.
75.

TITLE.

6 & 7, Vict. c.
76. An Act for giving effect to a convention between Her Majesty and the King of the French for the apprehension of certain offenders.

8 & 9, Vict. c.
120. An Act for giving effect to a treaty between Her Majesty and the United States of America for the apprehension of certain offenders.

25 & 26 Vict.,
c. 70. An Act for facilitating execution of the treaties with France and the United States of America for the apprehension of certain offenders.

29 & 30 Vict.,
c. 121. An Act for giving effect to a convention between Her Majesty and the King of Denmark for the mutual surrender of criminals.

An Act for the amendment of the law relating to treaties of extradition.



33 and 34 VICTORIA,

CHAP. XC.

An Act to regulate the conduct of Her Majesty's subjects A.D. 1870
during the existence of hostilities between foreign
states with which Her Majesty is at peace.

[9th August, 1870.]

WHEREAS it is expedient to make provision for the regula-
tion of the conduct of Her Majesty's subjects during the
existence of hostilities between foreign states with which Her
Majesty is at peace :

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

PRELIMINARY.

1. This Act may be cited for all purposes as "The Foreign Short title of
Enlistment Act, 1870." Act.

2. This Act shall extend to all the dominions of Her Majesty, Application of
including the adjacent territorial waters. Act.

3. This Act shall come into operation in the United Kingdom Commence-
immediately on the passing thereof, and shall be proclaimed ment of Act.
every British possession by the Governor thereof as soon as may be
after he receives notice of this Act, and shall come into operation
in that British possession on the day of such proclamation, and
the time at which this Act comes into operation in any place is, as
respects such place, in this Act referred to as the commencement
of this Act.

ILLEGAL ENLISTMENT.

4. If any person, without the license of Her Majesty, being a Penalty on
British subject, within or without Her Majesty's dominions, accepts enlistment in
or agrees to accept any commission or engagement in the military service of
or naval service of any foreign state at war with any foreign state foreign state.
at peace with Her Majesty, and in this Act referred to as a friend-
ly state, or whether a British subject or not within Her Majesty's
dominions,

Foreign Enlistment.

dominions, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid,—

He shall be guilty of an offence against this Act, and shall be

- punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on leaving Her Majesty's dominions with intent to serve a foreign state.

5. If any person, without the license of Her Majesty, being a British subject, quits or goes on board any ship with a view of quitting Her Majesty's dominions, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a British subject or not, within Her Majesty's dominions, induces any other person to quit or to go on board any ship with a view of quitting Her Majesty's dominions with the like intent,—

He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on embarking persons under false representations as to service.

6. If any person induces any other person to quit Her Majesty's dominions or to embark on any ship within Her Majesty's dominions under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state,—

He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on taking illegally enlisted persons on board ship.

7. If the master or owner of any ship, without the license of Her Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within Her Majesty's dominions any of the following persons, in this Act referred to as illegally enlisted persons ; that is to say,

(1.) Any person who, being a British subject within or without the dominions of Her Majesty, has, without the license of Her Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state :

Foreign Enlistment.

- (2.) Any person, being a British subject, who without the license of Her Majesty, is about to quit Her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state :
- (3.) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state :

Such master or owner shall be guilty of an offence against this Act, and the following consequences shall ensue, that is to say :—

- (1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour : and
- (2.) Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties, to the satisfaction of two justices of the peace, or other magistrate or magistrates having the authority of two justices of the peace : and
- (3.) All illegally enlisted persons shall immediately on the discovery of the offence, be taken on shore, and shall not be allowed to return to the ship.

ILLEGAL SHIPBUILDING AND ILLEGAL EXPEDITIONS.

8. If any person within Her Majesty's dominions, without the license of Her Majesty, does any of the following acts : that is to say,—

Penalty on illegal ship building and illegal expeditions.

- (1.) Builds or agrees to build or causes to be built any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or
- (2.) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or

Foreign Enlistment.

- (3.) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or
- (4.) Despatches, or causes or allows to be despatched, any ship, with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state :

Such person shall be deemed to have committed an offence against this Act, and the following consequences shall ensue :—

- (1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.
- (2.) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to Her Majesty

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping if he satisfies the conditions following,—that is to say :

- (1.) If forthwith upon a proclamation of neutrality being issued by Her Majesty, he gives notice to the Secretary of State that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract, and of any matters relating to or done, or to be done under the contract, as may be required by the Secretary of State :
- (2.) If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe for ensuring that such ship shall not be despatched, delivered, or removed without the license of Her Majesty until the termination of such war as aforesaid.

Presumption
as to evidence
in case of
illegal ship.

9. Where any ship is built by order of or on behalf of any foreign state when at war with a friendly state, or is delivered to or to the order of such foreign state, or any person who to the knowledge of the person building is an agent of such Foreign state, or is paid for by such foreign state or such agent, and is employed in the military or naval service of such foreign state, such

Foreign Enlistment.

such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign state.

10. If any person within the dominions of Her Majesty, and without the license of Her Majesty,—

Penalty on aiding the warlike equipment of foreign ships.

By adding to the number of the guns, or by changing those on board for other guns, or by the addition of any equipment for war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship, which, at the time of her being within the dominions of Her Majesty, was a ship in the military or naval service of any foreign state at war with any friendly state,—

Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labor.

11. If any person within the limits of Her Majesty's dominions, and without the license of Her Majesty,—

Penalty on fitting out naval or military expeditions without license.

Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, the following consequences shall ensue:—

(1.) Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Act, and shall be punishable by fine or imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labor.

(2.) All ships and their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be forfeited to Her Majesty.

12. Any person who aids, abets, counsels or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.

Punishment of accessories.

13. The term of imprisonment to be awarded in respect of any offence against this Act shall not exceed two years.

Limitation of term of imprisonment.

Foreign Enlistment.

ILLEGAL PRIZE.

Illegal prize brought into British ports restored.

14. If, during the continuance of any war in which Her Majesty may be neutral, any ship, goods, or merchandise captured as prize of war within the territorial jurisdiction of Her Majesty in violation of the neutrality of this realm, or captured by any ship, which may have been built, equipped, commissioned or despatched, or the force of which may have been augmented, contrary to the provisions of this Act, are brought within the limits of Her Majesty's dominions by the captor, or any agent of the captor, or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorized in that behalf by the Government of the foreign state to which such owner belongs, to make application to the Court of Admiralty for seizure and detention of such prize, and the court shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner, and subject to the same right of appeal, as in case of any order made in the exercise of the ordinary jurisdiction of such court; and, in the meantime, and until a final order has been made on such application, the court shall have power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandize, and (if the same be of perishable nature, or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such court in the exercise of its ordinary jurisdiction.

GENERAL PROVISION.

License by Her Majesty—how granted.

15. For the purposes of this Act, a license by Her Majesty shall be under the sign manual of Her Majesty, or be signified by Order in Council or by proclamation of Her Majesty.

LEGAL PROCEDURE.

Jurisdiction in respect of offences by persons against Act.

16. Any offence against this Act shall, for all purposes of and incidental to the trial and punishment of any person guilty of any such offence, be deemed to have been committed either in the place in which the offence was wholly or partly committed, or in any place within Her Majesty's dominions in which the person who committed such offence may be.

Venue in respect of offences by persons. 24 & 25 Vict., c. 97.

17. Any offence against this Act may be described in any indictment or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed,

Foreign Enlistment.

mitted, or it may be averred generally to have been committed within Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, or place in which the trial is held.

18. The following authorities, that is to say, in the United Kingdom any judge of a superior court, in any other place within the jurisdiction of any British court of justice, such court, or, if there are more courts than one, the court having the highest criminal jurisdiction in that place, may, by warrant or instrument in the nature of a warrant in this section included in the term "warrant," direct that any offender charged with an offence against this Act shall be removed to some other place in Her Majesty's dominions for trial in cases where it appears to the authority granting the warrant that the removal of such offender would be conducive to the interests of justice, and any prisoner so removed shall be triable at the place to which he is removed, in the same manner as if his offence had been committed at such place.

Power to remove offenders for trial.

Any warrant for the purposes of this section may be addressed to the master of any ship or to any other person or persons, and the person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to any place or places named in such warrant, and to deliver him, when arrived at such place or places, into the custody of any authority designated by such warrant.

Every prisoner shall, during the time of his removal under any such warrant as aforesaid, be deemed to be in the legal custody of the person or persons empowered to remove him.

19. All proceedings for the condemnation and forfeiture of a ship, or ship and equipment, or arms and munitions of war, in pursuance of this Act, shall require the sanction of the Secretary of State or such chief executive authority as is in this Act mentioned, and shall be had in the Court of Admiralty, and not in any other court; and the Court of Admiralty shall, in addition to any power given to the court by this Act, have in respect of any ship or other matter brought before it in pursuance of this Act, all powers which it has in the case of a ship or matter brought before it in the exercise of its ordinary jurisdiction.

Jurisdiction in respect of forfeiture of ships for offences against Act.

20. Where any offence against this Act has been committed by any person by reason whereof a ship, or ship and equipment, or arms and munitions of war, has or have become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be thought fit, against the offender in any court having jurisdiction of the offence, and against the ship, or ship and equipment, or arms and munitions of war, for the forfeiture in the Court of Admiralty;

Regulations as to proceedings against the offender and against the ship.

Foreign Enlistment.

Admiralty; but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture, because proceedings are taken against the offender.

Officers
authorized to
seize offending
ships.

21. The following officers, that is to say,

- (1.) Any officer of customs in the United Kingdom, subject nevertheless to any special or general instructions from the Commissioners of Customs, or any officer of the Board of Trade subject nevertheless to any special or general instructions from the Board of Trade;
 - (2.) Any officer of customs or public officer in any British possession, subject nevertheless to any special or general instructions from the governor of such possession;
 - (3.) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer;
 - (4.) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer;
- may seize or detain any ship liable to be seized or detained in pursuance of this Act, and such officers are in this Act referred to as the "local authority," but nothing in this Act contained shall derogate from the power of the Court of Admiralty to direct any ship to be seized or detained by any officer by whom such court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

Powers of
officers author-
ized to seize
ships.

22. Any officer authorized to seize or detain any ship in respect of any offence against this Act may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of Her Majesty's army or navy or marines, or any excise officers or officers of customs, or any harbor master or dock master, or any officers having authority by law to make seizures of ships; and may put on board any ship so seized or detained any one or more of such officers to take charge of the same, and to enforce the provisions of this Act; and any officer seizing or detaining any ship under this Act may use force, if necessary, for the purpose of enforcing seizure or detention; and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, such officer so seizing or detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, Her heirs and successors, as against all persons so killed, maimed or hurt.

Foreign Enlistment.

23. If the Secretary of State or the chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within Her Majesty's Dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, such Secretary of State or chief executive authority shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner hereinafter mentioned.

Special power of Secretary of State or chief executive authority to detain ship.

The owner of the ship so detained, or his agent, may apply to the Court of Admiralty for its release, and the court shall as soon as possible put the matter of such seizure and detention in course of trial between the applicant and the Crown.

If the applicant establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Act, the ship shall be released and restored.

If the applicant fail to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Act, then the ship shall be detained till released by order of the Secretary of State or chief executive authority.

The court may in cases where no proceedings are pending for its condemnation release any ship detained under this section on the owner giving security to the satisfaction of the court that the ship shall not be employed contrary to this Act, notwithstanding that the applicant may have failed to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or intended to be despatched contrary to this Act. The Secretary of State or the chief executive authority may likewise release any ship detained under this section on the owner giving security to the satisfaction of such Secretary of State or chief executive authority that the ship shall not be employed contrary to this Act, or may release the ship without such security if the Secretary of State or chief executive authority think fit so to release the same.

If the court be of opinion that there was not reasonable and probable cause for the detention, and if no such cause appear in the course of the proceedings, the court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect to the detention, the amount thereof to be assessed by the court, and any amount so assessed shall be payable by the Commissioners of the Treasury out of any moneys legally

Foreign Enlistment.

legally applicable for that purpose. The Court of Admiralty shall also have power to make a like order for the indemnity of the owner, on the application of such owner to the court, in a summary way, in cases where the ship is released by the order of the Secretary of State or the chief executive authority, before any application is made by the owner or his agent to the court for such release.

Nothing in this section contained shall affect any proceedings instituted or to be instituted for the condemnation of any ship detained under this section, where such ship is liable to forfeiture, subject to this provision, that if such ship is restored in pursuance of this section all proceedings for such condemnation shall be stayed; and where the court declares that the owner is to be indemnified by the payment of costs and damages for the detainer, all costs, charges, and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect of the detention of the ship.

Nothing in this section contained shall apply to any foreign non-commissioned ship despatched from any part of Her Majesty's dominions after having come within them under stress of weather or in the course of a peaceful voyage, and upon which ship no fitting out or equipping of a warlike character has taken place in this country.

Special power
of local author-
ity to detain
ship.

24. Where it is represented to any local authority, as defined by this Act, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the Secretary of State or chief executive authority.

Upon the receipt of such communication the Secretary of State or chief executive authority may order the ship to be released if he thinks there is no cause for detaining her, but if satisfied that there is reasonable and probable cause for believing that such ship was built, commissioned, or equipped or intended to be despatched in contravention of this Act, he shall issue his warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant being issued further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the Secretary of State, without any communication from the local authority.

Foreign Enlistment.

Where the Secretary of State or chief executive authority orders the ship to be released on the receipt of a communication from the local authority without issuing his warrant, the owner of the ship shall be indemnified by the payment of costs and damages in respect of the detention, upon application to the Court of Admiralty in a summary way in like manner as he is entitled to be indemnified where the Secretary of State having issued his warrant under this Act releases the ship before any application is made by the owner or his agent to the court for such release.

25. The Secretary of State or the chief executive authority may, by warrant, empower any person to enter any dockyard or other place within her Majesty's dominions and enquire as to the destination of any ship which may appear to him to be intended to be employed in the naval or military service of any foreign state at war with a friendly state, and to search such ship.

Power of Secretary of State or executive authority to grant search warrant.

26. Any powers or jurisdiction by this Act given to the Secretary of State may be exercised by him throughout the Dominions of Her Majesty, and such powers and jurisdiction may also be exercised by any of the following officers, in this Act referred to as the chief executive authority, within their respective jurisdictions; that is to say:

Exercise of powers of Secretary of State or chief executive authority.

- (1.) In Ireland by the Lord Lieutenant or other the chief Governor or Governors of Ireland for the time being, or the chief Secretary to the Lord Lieutenant:
- (2.) In Jersey by the Lieutenant Governor:
- (3.) In Guernsey, Alderney, and Sark, and the dependent Islands by the Lieutenant Governor:
- (4.) In the Isle of Man by the Lieutenant Governor:
- (5.) In any British possession by the Governor.

A copy of any warrant issued by a Secretary of State or by any officer authorised in pursuance of this Act to issue such warrant in Ireland, the Channel Islands, or the Isle of Man, shall be laid before Parliament.

27. An appeal may be had from any decision of a Court of Admiralty under this Act to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the Court as a Court of Admiralty.

Appeal from Court of Admiralty.

28. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of officers.

Indemnity to officers.

Foreign Enlistment.

detention of a ship by the Court of Admiralty no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this Act.

Indemnity to Secretary of State or chief executive authority.

29. The Secretary of State shall not, nor shall the chief executive authority, be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this Act, or be examinable as a witness, except at his own request, in any court of justice in respect of the circumstances which led to the issue of the warrant.

INTERPRETATION CLAUSE.

Interpretation of terms.

30. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them ; that is to say,—

“Foreign State.”

“Foreign state” includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of Government in or over any foreign country, colony, province, or part of any province or people :

“Military Service.”

“Military service” shall include military telegraphy and any other employment whatever, in or in connexion with any military operation :

“Naval Service.”

“Naval service” shall, as respects a person, include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship, when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, store ship, privateer, or ship under letters of marque ; and, as respects a ship, include any user of a ship as a transport, store ship, privateer or ship under letters of marque :

“United Kingdom.”

“United Kingdom” includes the Isle of Man, the Channel Islands, and other adjacent islands :

“British possession.”

“British possession” means any territory, colony, or place, being part of Her Majesty’s Dominions, and not part of the United Kingdom, as defined by this Act :

“The Secretary of State.”

“The Secretary of State” shall mean any one of Her Majesty’s principal Secretaries of State :

Foreign Enlistment.

- “The Governor” shall, as respects India, mean the Governor “Governor.”
General or the Governor of any Presidency, and where a British possession consists of several constituent colonies, mean the Governor General of the whole possession, or the Governor of any of the constituent colonies, and as respects any other British possession it shall mean the officer for the time being administering the government of such possession; also any person acting for or in the capacity of a Governor shall be included under the term “Governor”:
- “Court of Admiralty” shall mean the High Court of Admiralty “Court of Admiralty.”
of England or Ireland, the Court of Session of Scotland, or any Vice-Admiralty Court within Her Majesty’s Dominions:
- “Ship” shall include any description of boat, vessel, floating “Ship.”
battery, or floating craft; also any description of boat, vessel, or other craft or battery, made to move either on the surface of or under water, or sometimes on the surface of and sometimes under water:
- “Building” in relation to a ship shall include the doing any “Building.”
act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly:
- “Equipping” in relation to a ship shall include the furnishing “Equipping.”
a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or ship for the purpose of fitting or adapting her for the sea or for naval service; and all words relating to equipping shall be construed accordingly:
- “Ship and equipment” shall include a ship and everything in “Ship and
or belonging to a ship: equipment.”
- “Master” shall include any person having the charge or com- “Master.”
mand of a ship.

REPEAL OF ACTS AND SAVING CLAUSES.

31. From and after the commencement of this Act, an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, chapter sixty-nine, intituled “An Act to prevent the enlisting or engagement of His Majesty’s subjects to serve in foreign service, and the fitting out or equipping, in His Majesty’s dominions, vessels for warlike purposes, without His Majesty’s license,” shall be repealed: Provided that such repeal shall not affect any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation, nor the institution of any investigation

Repeal of
foreign en-
listment Act,
59 G. 3, c. 69

Foreign Enlistment.

tion or legal proceeding, or any other remedy for enforcing any such penalty, forfeiture, or punishment as aforesaid.

Saving as to
commissioned
foreign ships.

32. Nothing in this Act contained shall subject to forfeiture any commissioned ship of any foreign state, or give to any British court over or in respect of any ship entitled to recognition, as a commissioned ship of any foreign state any jurisdiction which it would not have had if this Act had not passed.

Penalties not
to extend to
persons enter-
ing into mili-
tary service in
Asia--59 G. 3,
c. 69, s. 12.

33. Nothing in this Act contained shall extend or be construed to extend to subject to any penalty any person who enters into the military service of any prince, state, or potentate in Asia, with such leave or license as is for the time being required by law in the case of subjects of Her Majesty entering into the military service of princes, states, or potentates in Asia.



33 and 34 VICTORIA.

CHAP. CII.

An Act to amend the Law relating to the taking of A D 1870.
Oaths of Allegiance on Naturalization.

[10th August, 1870.]

WHEREAS it is expedient to amend the law relating to the ^{33 and 34 Vict.,} taking of oaths of allegiance under "*The Naturalization Act, 1870*:" Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The power of making regulations vested in one of Her Majesty's principal Secretaries of State by "*The Naturalization Act, 1870*," shall extend to prescribing as follows:—

Regulations as
to Oaths of
Allegiance.

(1.) The persons by whom the oaths of allegiance may be administered under that Act :

(2.) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested :

(3.) The registration of such oaths :

(4.) The persons by whom certified copies of such oaths may be given :

(5.) The transmission to the United Kingdom, for the purpose of registration or safe keeping or of being produced as evidence, of any oaths taken in pursuance of the said Act out of the United Kingdom, or of any copies of such oaths, also of copies of entries of such oaths contained in any register kept out of the United Kingdom in pursuance of this Act:

(6.) The proof in any legal proceeding of such oaths :

Oaths of Allegiance on Naturalization.

- (7.) With the consent of the Treasury, the imposition and application of fees in respect of the administration or registration of any such oath.

The two last paragraphs in the eleventh section of the Naturalization Act, 1870, shall apply to regulations made under this Act.

Penalty on making false declaration.

2. Any person wilfully and corruptly making or subscribing any declaration under "*The Naturalization Act, 1870*," knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour, and be liable to imprisonment with or without hard labor, for any term not exceeding twelve months.

Construction and short title of Act.

3. This Act shall be termed the "*Naturalization Oath Act, 1870*," and shall be construed as one with "*The Naturalization Act, 1870*," and may be cited together with that Act as the "*Naturalization Acts, 1870*."
-



34 and 35 VICTORIA.

CHAP. XXVIII.

An Act respecting the establishment of Provinces in the Dominion of Canada.

[29th June, 1871.]

WHEREAS doubts have been entertained respecting the powers of the Parliament of Canada to establish Provinces in Territories admitted, or which may hereafter be admitted into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and it is expedient to remove such doubts, and to vest such powers in the said Parliament :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited for all purposes as "The British Short title. "North America Act, 1871."

2. The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province, and for the passing of laws for the peace, order, and good government of such Province, and for its representation in the said Parliament. Parliament of Canada may establish new Provinces and provide for the constitution, &c., thereof.

3. The Parliament of Canada may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby. Alteration of limits of Provinces.

Canada.

Parliament of Canada may legislate for any territory not included in a Province.

4. The Parliament of Canada may from time to time make provision for the administration, peace, order, and good government of any territory not for the time being included in any Province.

Confirmation of Acts of Parliament of Canada, 32 & 33 Vict., (Canadian) cap. 3, 33 Vict., (Canadian) cap. 3.

5. The following Acts passed by the said Parliament of Canada, and intituled respectively: "An Act for the temporary government of Rupert's Land and the North Western Territory when united with Canada," and "An Act to amend and continue the Act thirty-two and thirty-three Victoria, chapter three, and to establish and provide for the government of the Province of Manitoba," shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent, in the Queen's name, of the Governor General of the said Dominion of Canada.

Limitation of powers of Parliament of Canada to legislate for an established Province.

6. Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last mentioned Act of the said Parliament, in so far as it relates to the Province of Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province.



34 and 35 VICTORIA.

CHAP. CX.

An Act to amend the Merchant Shipping Acts. A. D., 1871.
[21st August, 1871.]

WHEREAS it is expedient to amend the Merchant Shipping Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Merchant Shipping Act, 1871. Short title.
2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1871. Act to be construed with Merchant Shipping Acts.
3. This Act shall come into operation on the first day of January, one thousand eight hundred and seventy-two. Commencement of Act.

Registry (Part II. of Merchant Shipping Act, 1854.)

4. Every British ship shall, before registry, be permanently and conspicuously marked, to the satisfaction of the Commissioners of Customs, as follows; that is to say: Particulars to be marked on ship before registry.

Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground in white or yellow letters, of a length not less than four inches, and of proportionate breadth.

Her official number and the number denoting her registered tonnage shall be marked on her main beam.

A scale of feet shall be marked on her stem and on her stern post, in Roman capital letters or in figures, six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby.

The Board of Trade may, however, exempt any class of ships from the requirements of this section or any of them.

Merchant Shipping Acts Amendment.

If the said scale of feet is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

The marks required by this section shall be permanently continued, and no alteration shall be made therein, excepting the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Acts, 1854 to 1871. Any owner or master of a ship who neglects to keep his ship marked as aforesaid, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds; and any principal officer of Customs may detain a ship which is insufficiently and inaccurately marked until the insufficiency or inaccuracy has been remedied; provided that no fishing vessel duly registered, lettered, and numbered in pursuance of the "Sea Fisheries Act, 1868," shall be required to have her name and port of registry marked under this section.

Ship's draught
of water to be
recorded.

5. The Board of Trade may, in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such particulars as the Board of Trade direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and on her stern post, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea; and such person shall thereupon keep such record, and shall from time to time forward the same, or a copy thereof, to the Board of Trade; and such record, or any copy thereof, if produced by or out of the custody of the Board of Trade, shall be admissible in evidence of the draught of water of the ship at the time specified in the record.

The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water in the official log-book (if any), and shall produce such record to any principal officer of Customs whenever required by him so to do, or in default of such production shall incur a penalty not exceeding twenty pounds.

Rules to be
observed in
naming of
ships.

6. With respect to the names of British ships, the following rules shall be observed:

(1.) A ship shall not be described by any name other than that by which she is for the time being registered:

(2.) No change shall be made in the name of a ship without the previous permission of the Board of Trade signified in writing under their seal, or under the hand of one of their secretaries or assistant secretaries. Upon such permission being granted, the ship's

Merchant Shipping Acts Amendment.

ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern :

(3.) If in any case it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without such permission as aforesaid, they shall direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly :

(4.) Where a ship having once been registered has ceased to be so registered, no person, unless ignorant of such previous registry, (proof whereof shall lie on him,) shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Board of Trade granted as aforesaid.

Every person who acts or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do, anything required by this section, shall for each offence incur a penalty not exceeding one hundred pounds, and any principal officer of customs may detain the ship until the provisions of this section are complied with.

Application for a change of name shall be made in writing to the Board of Trade. If the Board are of opinion that the application is made on reasonable grounds they may entertain the same, and shall thereupon require notice thereof to be published in such form and manner as they think fit.

Masters and Seamen (Part III. of Merchant Shipping Act, 1854.)

7. Whenever in any proceeding against any seaman or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged by one-fourth of the seamen belonging to such ship, or, if the number of such seamen exceed twenty, by not less than five such seamen, that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in such ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of such allegation, and shall for that purpose receive the evidence of the person or person making the same, and shall have power to summon any other witnesses whose evidence they may think it desirable to hear; the court shall thereupon, if satisfied that the allegation is groundless, proceed to adjudicate, but if not so satisfied shall cause such ship to be surveyed: Survey of ships alleged by seamen to be unseaworthy.

Merchant Shipping Acts Amendment.

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification.

For the purposes of this section, the court shall require any of the surveyors appointed by the Board of Trade, under the Merchant Shipping Act, 1854, or any person appointed for the purpose by the Board of Trade, or, if such surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board of Trade, under the Merchant Shipping Act, 1854.

The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea, or, as the case may be, that the accommodation is sufficient, the costs of the survey shall be paid by the person or persons upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages due or to become due to such person or persons, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, or, as the case may be, that the accommodation is insufficient, the cost of the survey shall be paid to the Board of Trade by the master or owner.

Power for
naval courts to
direct survey
of ships.

8. Any naval court may, if they think fit, direct a survey of any ship which is the subject of an investigation held before them, and such survey shall be made in the same way, and the surveyor who

Merchant Shipping Acts Amendment.

who makes the same shall have the same powers, as if the survey had been directed by a competent court in the course of proceedings against a seaman or apprentice for desertion or a kindred offence.

Safety (Part IV. of Merchant Shipping Act, 1854).

9. In every case of collision between two vessels it shall be the duty of the master of each vessel to give to the master of the other vessel the name of his own vessel, and of her port of registry, or of the port or place to which she belongs, and also the names of the ports or places from which and to which she is bound.

In cases of collision master to give name, &c. of vessel.

Any failure to give such information, except under circumstances which render it impossible or unnecessary to do so (proof of which shall lie on the master failing to give it), shall involve the same consequences as failure to render assistance to the other vessel, or to the master, crew, or passengers thereof.

In this section the term "vessel" includes any vessel used in navigation, however propelled.

10. If complaint is made to the Board of Trade that any British ship is, by reason of the defective condition of her hull or equipments, unfit to proceed to sea, the Board may cause such ship to be surveyed by one of the surveyors appointed by them, and if such surveyor report that the hull or equipments of such ship is or are in such a state that she could not proceed to sea without serious danger to human life, the Board may declare such ship to be unseaworthy, and thereupon any principal officer of Customs may detain such ship.

Power to Board of Trade to declare ship unseaworthy.

Every such complaint shall be in writing, and shall state the name and address of the complainant, and a copy of the complaint, including the name and address of the complainant, shall before or during such survey be given by the Board of Trade to the master or to an owner of the ship.

If, upon such survey, such ship is found to be seaworthy, the expenses of the survey shall be paid to the Board of Trade by the person making the complaint, without prejudice to any right of suit or action against him by any person aggrieved by the complaint.

If, upon such survey, such ship is found to be unseaworthy, the expenses of the survey shall be paid to the Board of Trade by the owner of the ship.

Any shipowner who is dissatisfied with the decision of a surveyor under

Merchant Shipping Acts Amendment.

under this section may appeal to any of the courts mentioned in this section having jurisdiction in the place where such ship was surveyed, and such court may, if they think fit, appoint one or more competent persons to survey such ship anew, and any surveyor so appointed shall have the powers of a surveyor appointed by the Board of Trade. Upon any such appeal the court may make such order as to the detention or discharge of the ship, as to the payment of any costs and damages which may have been occasioned by her detention, and as to the payment of the expenses of the original survey and of the survey anew, as to the court seems just.

The courts to which appeal may be made shall be—

In England, any court having jurisdiction under the County Court Admiralty Jurisdiction Act, 1868 :

In Ireland, any court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867 :

In Scotland, the court of the sheriff of the county.

Sending unseaworthy ship to sea, a misdemeanor.

11. Every person who, having authority as owner or otherwise to send a ship to sea, sends her to sea in an unseaworthy state so as to endanger the life of any person belonging to or on board the same, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to make and keep the ship seaworthy, and was ignorant of such unseaworthiness, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and unavoidable, and for this purpose he may give evidence in the same manner as any other witness. A misdemeanor under this section shall not be punishable on summary conviction.

Repeal of certain sections of 17 and 18 Vict., c. 104, and 18 and 19 Vict., c. 91.

12. On and after the first day of January one thousand eight hundred and seventy-two, the twenty-fifth and thirty-fourth sections of the Merchant Shipping Act, 1854, and the thirteenth section of the Merchant Shipping Act Amendment Act, 1855, shall be repealed.



35 and 36 VICTORIA.

CHAP. XXXIX.

An Act for amending the Law in certain cases in relation to Naturalization. A. D. 1872.

[25th July, 1872.]

WHEREAS by a Convention between Her Majesty and the United States of America, supplementary to the Convention of the thirteenth day of May, one thousand eight hundred and seventy, respecting naturalization, and signed at Washington on the twenty-third day of February one thousand eight hundred and seventy-one, and a copy of which is contained in the schedule to this Act, provision is made in relation to the renunciation by the citizens and subjects therein mentioned of naturalization or nationality in the presence of the officers therein mentioned :

And whereas doubts are entertained whether such provisions are altogether in accordance with the Naturalization Act, 1870 : And whereas other doubts have arisen with respect to the effect of "The Naturalization Act, 1870," on the rights of women married before the passing of that Act; and it is expedient to remove such doubts :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Naturalization Act, 1872, and this Act and "The Naturalization Act, 1870," may be cited together as "The Naturalization Acts, 1870 and 1872." Short title.

2. Any renunciation of naturalization or of nationality made in manner provided by the said supplementary Convention by the persons and under the circumstances in the said Convention in that behalf mentioned shall be valid to all intents, and shall be deemed to be authorized by the said Naturalization Act, 1870. This section shall be deemed to take effect from the date at which the said supplementary Convention took effect. Confirmation of renunciation of nationality under the Convention.

Naturalization.

Saving
clause as to
property of
married
women.

3. Nothing contained in "*The Naturalization Act 1870*," shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the passing of that Act, or affect such estate or interest to her prejudice.

SCHEDULE.

CONVENTION between Her Majesty and the United States of America, supplementary to the Convention of May 13, 1870, respecting Naturalization.

Signed at Washington, 23d February, 1871.

[Ratifications exchanged at Washington, May 4, 1871.]

WHEREAS by the second article of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America for regulating the citizenship of subjects and citizens of the contracting parties who have emigrated or may emigrate from the dominions of the one to those of the other party, signed at London, on the 13th of May, 1870, it was stipulated that the manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the governments of the respective countries; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America, for the purpose of effecting such agreement, have resolved to conclude a supplemental Convention, and have named as their plenipotentiaries, that is to say; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and the President of the United States of America, Hamilton Fish, Secretary of State; who have agreed as follows:

ARTICLE I.

Any person being originally a citizen of the United States who had, previously to May 13, 1870, been naturalized as a British subject may at any time before August 10, 1872, and any British subject, who, at the date first aforesaid, had been naturalized as a citizen within the United States, may at any time before May 12, 1872, publicly declare his renunciation of such naturalization by sub-

Naturalization.

scribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Such renunciation by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court; if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the department of State.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a justice of the peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

ARTICLE II.

The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

ARTICLE III.

The present Convention shall be ratified by Her Britannic Majesty, and by the President of the United States by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon as may be convenient.

Naturalization.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy-one.

(L.S.) EDWD. THORNTON.
(L.S.) HAMILTON FISH.

ANNEX (A.)

I, *A.B.*, of (*insert abode*), being originally a citizen of the United States of America (*or a British subject*), and having become naturalized within the dominions of Her Britannic Majesty as a British subject (*or as a citizen within the United States of America*), do hereby renounce my naturalization as a British subject (*or citizen of the United States*); and declare that it is my desire to resume my nationality as a citizen of the United States (*or British subject*.)

(Signed,) *A.B.*

Made and subscribed before me in (*insert country or other subdivision, and state, province, colony, legation or consulate*.) this day of 187

(Signed,) *E.F.*,
Justice of the Peace (or other title.)

(L.S.) EDWD. THORNTON.
(L.S.) HAMILTON FISH.

ORDERS IN COUNCIL.

RUPERT'S LAND AND THE NORTH-WESTERN TERRITORY.

At the Court at *Windsor*, the 23rd day of *June*, 1870.

PRESENT,

The QUEEN'S Most Excellent Majesty.
Lord President.
Lord Privy Seal.
Lord Chamberlain.
Mr. Gladstone.

WHEREAS by the "*British North America Act, 1867*," it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-Western Territory, or either of them, into the Union on such terms and conditions in each case as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland:

And whereas by an Address from the Houses of the Parliament of Canada, of which Address a copy is contained in the Schedule to this Order annexed, marked **A**, Her Majesty was prayed, by and with the advice of Her Most Honorable Privy Council, to unite Rupert's Land and the North Western Territory with the Dominion of Canada, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government upon the terms and conditions therein stated:

And whereas by the "*Rupert's Land Act, 1868*," it was (amongst other things) enacted that it should be competent for the Governor and Company of Adventurers of England trading into Hudson's Bay (hereinafter called the Company) to surrender to Her Majesty, and for Her Majesty, by any Instrument under Her Sign Manual and Signet to accept a surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers, and authorities whatsoever, granted or purported to be granted by certain Letters Patent therein recited to the said Company within Rupert's Land, upon such terms and conditions as should be agreed upon by and between Her Majesty and the said Company; provided, however, that such surrender should not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land should be admitted into the said Dominion

Rupert's Land and the North-Western Territory.

minion of Canada should have been approved of by Her Majesty and embodied in an Address to Her Majesty from both the Houses of the Parliament of Canada, in pursuance of the 146th Section of the "*British North America Act, 1867*:"

And it was by the same Act further enacted that it should be competent to Her Majesty, by Order or Orders in Council, on Addresses from the Houses of the Parliament of Canada, to declare that Rupert's Land should, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada:

And whereas a second Address from both the Houses of the Parliament of Canada has been received by Her Majesty praying that Her Majesty will be pleased, under the provisions of the hereinbefore recited Acts, to unite Rupert's Land on the terms and conditions expressed in certain Resolutions therein referred to and approved of by Her Majesty, of which said Resolutions and Address copies are contained in the Schedule to this Order annexed, marked B, and also to unite the North-Western Territory with the Dominion of Canada, as prayed for by and on the terms and conditions contained in the hereinbefore first recited Address, and also approved of by Her Majesty:

And whereas a draft surrender has been submitted to the Governor-General of Canada containing stipulations to the following effect, viz. :—

1. The sum of 300,000*l.* (being the sum hereinafter mentioned) shall be paid by the Canadian Government into the Bank of England to the credit of the Company within six calendar months after acceptance of the surrender aforesaid, with interest on the said sum at the rate of 5 per cent. per annum, computed from the date of such acceptance until the time of such payment.

2. The size of the blocks which the Company are to select adjoining each of their forts in the Red River limits, shall be as follows:—

	Acres.
Upper Fort Garry and town of Winnipeg, including the inclosed park around shop and ground at the entrance of the town,.....	500
Lower Fort Garry (including the farm the Company now have under cultivation).....	500
White Horse Plain,.....	500

3. The deduction to be made as hereinafter mentioned from the price of the materials of the Electric Telegraph, in respect of deterioration thereof, is to be certified within three calendar months from such acceptance as aforesaid by the agents of the Company in charge of the depots where the materials are stored. And the said price is to be paid by the Canadian Government into the Bank of England to the credit of the Company within six calendar months of such acceptance, with interest at the rate of 5 per cent per annum on the amount of such price, computed from the date of such acceptance until the time of payment:—

And whereas the said draft was on the fifth day of July, one thousand eight hundred and sixty-nine, approved by the said Governor-General in accordance with

Rupert's Land and the North-Western Territory.

with a Report from the Committee of the Queen's Privy Council for Canada; but it was not expedient that the said stipulations, not being contained in the aforesaid second Address, should be included in the surrender by the said Company to Her Majesty of their rights aforesaid or in this Order in Council:

And whereas the said Company did by deed under the seal of the said Company, and bearing date the nineteenth day of November, one thousand eight hundred and sixty-nine, of which deed a copy is contained in the Schedule to this Order annexed, marked C., surrender to Her Majesty all the rights of government, and other rights, privileges, liberties, franchises, powers and authorities granted, or purported to be granted to the said Company by the said Letters Patent herein and hereinbefore referred to, and also all similar rights which may have been exercised or assumed by the said Company in any parts of British North America not forming part of Rupert's Land, or of Canada or of British Columbia, and all the lands and territories (except and subject as in the terms and conditions therein mentioned) granted or purported to be granted to the said Company by the said Letters Patent:

And whereas such surrender has been duly accepted by Her Majesty, by an instrument under her Sign Manual and Signet, bearing date at Windsor the twenty-second day of June, one thousand eight hundred and seventy:

It is hereby Ordered and declared by Her Majesty, by and with the advice of the Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Acts of Parliament, that from and after the fifteenth day of July, one thousand eight hundred and seventy, the said North-Western Territory shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the first hereinbefore recited Address, and that the Parliament of Canada shall from the day aforesaid have full power and authority to legislate for the future welfare and good government of the said Territory. And it is further ordered that, without prejudice to any obligations arising from the aforesaid approved Report, Rupert's Land shall from and after the said date be admitted into and become part of the Dominion of Canada upon the following terms and conditions, being the terms and conditions still remaining to be performed of those embodied in the said second address of the Parliament of Canada, and approved of by Her Majesty as aforesaid:—

1. Canada is to pay to the Company 300,000*l.* when Rupert's Land is transferred to the Dominion of Canada.

2. The Company are to retain the posts they actually occupy in the North-Western Territory, and may, within twelve months of the surrender, select a block of land adjoining each of its posts within any part of British North America not comprised in Canada and British Columbia, in conformity, except as regards the Red River Territory, with a list made out by the Company and communicated to the Canadian Ministers, being the list in the Schedule of the aforesaid Deed of Surrender. The actual survey is to be proceeded with, with all convenient speed.

3. The size of each block is not to exceed [10] acres round Upper Fort Garry, [300] acres round Lower Fort Garry; in the rest of the Red River Territory

Rupert's Land and the North-Western Territory.

tory a number of acres to be settled at once between the Governor in Council and the Company, but so that the aggregate extent of the blocks is not to exceed 50,000 acres.

4. So far as the configuration of the country admits, the blocks shall front the river or road by which means of access are provided, and shall be approximately in the shape of parallelograms, of which the frontage shall not be more than half the depth.

5. The Company may, for fifty years after the surrender, claim in any township or district within the Fertile Belt, in which land is set out for settlement, grants of land not exceeding one twentieth part of the land so set out. The blocks so granted to be determined by lot, and the Company to pay a rateable share of the survey expenses, not exceeding 8 cents Canadian an acre. The Company may defer the exercise of their right of claiming the proportion of each township for not more than ten years after it is set out; but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

6. For the purpose of the last Article, the Fertile Belt is to be bounded as follows:—On the south by the United States' boundary; on the west by the Rocky Mountains; on the north by the northern branch of the Saskatchewan; on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.

7. If any Township shall be formed abutting on the north bank of the northern branch of the Saskatchewan River, the Company may take their one-twentieth of any such township, which for the purpose of this Article shall not extend more than five miles inland from the river, giving to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

8. In laying out any public roads, canals, &c., through any block of land reserved to the Company, the Canadian Government may take, without compensation, such land as is necessary for the purpose, not exceeding one twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any river or lake, they shall pay to the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants.

9. It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

10. All titles to land up to the eighth day of March, one thousand eight hundred and sixty-nine, conferred by the Company are to be confirmed.

11. The Company is to be at liberty to carry on its trade without hindrance in its corporate capacity, and no exceptional tax is to be placed on the Company's land, trade or servants, nor any import duties on goods introduced by them previous to the surrender.

Rupert's Land and the North-Western Territory

12. Canada is to take over the materials of the electric telegraph at cost price —such price including transport, but not including interest for money, and subject to a deduction for ascertained deterioration.

13. The Company's claim to land under agreements of Messrs. Vankoughnet and Hopkins is to be withdrawn.

14. Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government ; and the Company shall be relieved of all responsibility in respect of them.

15. The Governor in Council is authorized and empowered to arrange any details that may be necessary to carry out the above terms and conditions.

And the Right Honorable Earl Granville, one of Her Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

SCHEDULES.

SCHEDULE (A).

ADDRESS to HER MAJESTY the QUEEN from the Senate and House of Commons of the Dominion of Canada.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Senate and Commons of the Dominion of Canada, in Parliament assembled, humbly approach your Majesty for the purpose of representing :—

That it would promote the prosperity of the Canadian people, and conduce to the advantage of the whole Empire, if the Dominion of Canada, constituted under the provisions of the "*British North America Act, 1867*," were extended westward to the shores of the Pacific Ocean.

That the colonization of the fertile lands of the Saskatchewan, the Assiniboine, and the Red River districts ; the development of the mineral wealth which abounds in the region of the North-west ; and the extension of commercial intercourse through the British possessions in America from the Atlantic to the Pacific, are alike dependent on the establishment of a stable government for the maintenance of law and order in the North-Western Territories.

That the welfare of a sparse and widely scattered population of British subjects of European origin, already inhabiting these remote and unorganized territories, would be materially enhanced by the formation therein of political institutions bearing analogy, as far as circumstances will admit, to those which exist in the several Provinces of this Dominion.

That

Rupert's Land and the North-Western Territory.

That the 146th section of the "*British North America Act, 1867*," provides for the admission of Rupert's Land and the North-western Territory, or either of them, into union with Canada, upon the terms and conditions to be expressed in addresses from the Houses of Parliament of this Dominion to your Majesty, and which shall be approved of by your Majesty in Council.

That we do therefore most humbly pray that your Majesty will be graciously pleased, by and with the advice of your Most Honorable Privy Council, to unite Rupert's Land and the North-western Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good Government; and we most humbly beg to express to your Majesty that we are willing to assume the duties and obligations of government and legislation as regards these territories.

That in the event of your Majesty's Government agreeing to transfer to Canada the jurisdiction and control over the said region, the Government and Parliament of Canada will be ready to provide that the legal rights of any corporation, company or individual within the same shall be respected, and placed under the protection of Courts of competent jurisdiction.

And furthermore that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines.

All which we humbly pray your Majesty to take into your Majesty's most gracious and favorable consideration.

The Senate, Tuesday, December 17th, 1867.

(Signed), JOSEPH CAUCHON, Speaker.

House of Commons, Monday, December 16th, 1867.

(Signed), JAMES COCKBURN, Speaker.

SCHEDULE (B).

1. *Resolutions.*

May 28th, 1869.

Resolved,—That the Senate and Commons of the Dominion of Canada, during the first session of the first Parliament of Canada, adopted an Address to Her Majesty, praying that Her Majesty would be graciously pleased, by and with the advice of Her Most Honorable Privy Council, under the provisions of 146th section of "*The British North America Act, 1867*;" and on the terms specified in that Address, to unite Rupert's Land and the North-west Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government, and assuring Her Majesty of the willingness of the Parliament of Canada to assume the duties and obligations of government and legislation as regards those territories.

Resolved,—That the Joint Address of the Senate and Commons of Canada was duly laid at the foot of the throne, and that Her Majesty, by despatch from the Right

Rupert's Land and the North-Western Territory.

Right Honorable the Secretary of State for the Colonies, to the Governor General of Canada, under date of 23rd of April, 1868, signified Her willingness to comply with the prayer of the said Address; but She was advised that the requisite powers of government and legislation could not, consistently with the existing charter of the Hudson's Bay Company, be transferred to Canada without an Act of Parliament, which Act was subsequently passed by the Imperial Parliament, and received Her Majesty's Assent on the 31st July, 1868.

Resolved,—That by despatch dated 8th August, 1868, from the Honorable Secretary of State for the Colonies, the Governor-General was informed, that in pursuance of the powers conferred by the Act for the surrender of the Hudson Bay Territories to Her Majesty, he proposed to enter into negotiations with the Company as to the terms of such surrender, whereupon, under authority of an order of the Governor-General in Council of the 1st October, 1868, the Honorable Sir George Et. Cartier, Baronet, and the Honorable William MacDougall, C.B., were appointed a Delegation to England, to arrange the terms for the acquisition by Canada of Rupert's Land, and by another Order in Council of the same date, were authorized to arrange for the admission of the North-west Territory into union with Canada, either with or without Rupert's Land, as it might be found practicable and expedient.

Resolved,—That the Delegates proceeded on their mission to England and entered into negotiations with his Grace the Duke of Buckingham and Chandos, the Secretary of State for the Colonies, and afterwards with the Right Honorable Earl Granville, his successor in office, for the acquisition by Canada of the territorial and other rights claimed by the Hudson's Bay Company in Rupert's Land, and in any other part of British North America, not comprised in Rupert's Land, Canada, or British Columbia. That terms of agreement were conditionally assented to by the Delegates on behalf of the Dominion, and on their return to Canada were submitted with a Report dated 8th May, 1869, which was approved by His Excellency the Governor in Council, on the 14th day of the same month.

Resolved,—That the Senate will be prepared to concur in accepting the transfer of the territorial and other rights of the Hudson's Bay Company in Rupert's Land, and in any other part of British North America, not comprised in Rupert's Land, Canada or British Columbia, on the terms conditionally agreed to on behalf of the Government of Canada, by the Hon. Sir George Et. Cartier, Baronet, and the Hon. William MacDougall, C.B., and on behalf of the Hudson's Bay Company, by Sir Stafford H. Northcote, Governor of that Company, and approved by His Excellency in Council as aforesaid, which terms are set forth in a letter from Sir Frederic Rogers, Under-Secretary of State for the Colonies, of the 9th March, 1869, communicated to the Delegates by direction of Earl Granville, and in two subsequent Memorandums dated respectively 22nd and 29th March, 1869, containing a modification of such terms, and are in the words and figures following:

“Terms, as stated in the Letter from Sir Frederic Rogers, of March, 1869

“1. The Hudson's Bay Company to surrender to Her Majesty all the rights of Government, property, &c., in Rupert's Land which are specified in 31 & 32
Vict.,

Rupert's Land and the North-Western Territory.

Vict., cap. 105, sec. 4; and also all similar rights in any other part of British North America, not comprised in Rupert's Land, Canada or British Columbia.

"2. Canada is to pay to the Company 300,000*l.*, when Rupert's Land is transferred to the Dominion of Canada.

"3. The Company may, within twelve months of the surrender, select a block of land adjoining each of its stations, within the limits specified in Article 1.

"4. The size of the blocks not to exceed _____ acres in the Red River Territory, and the aggregate extent of the blocks is not to exceed 50,000 acres.

"5. So far as the configuration of the country admits, the blocks are to be in the shape of parallelograms, of which the length is not more than double the breadth.

"6. The Hudson's Bay Company may, for fifty years after the surrender, claim in any township or district within the Fertile Belt in which land is set out for settlement, select grants of land, not exceeding one-twentieth of the land so set out. The blocks so granted to be determined by lot, and the Hudson's Bay Company to pay a rateable share of the survey expenses, not exceeding an acre.

"7. For the purpose of the present agreement, the Fertile Belt is to be bounded as follows:—On the south by the United States' boundary: on the west by the Rocky Mountains; on the north by the northern branch of the Saskatchewan; on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.

"8. All titles to land up to the 8th March, 1869, conferred by the Company, are to be confirmed.

"9. The Company is to be at liberty to carry on its trade without hindrance, in its corporate capacity and no exceptional tax is to be placed on the Company's land, trade or servants, nor any import duty on goods introduced by them previous to the surrender.

"10. Canada is to take over the materials of the electric telegraph at cost price, such price including transport but not including interest for money, and subject to a deduction for ascertained deteriorations.

"11. The Company's claim to land under agreement of Messrs Vankoughnet and Hopkins to be withdrawn.

"12. The details of this arrangement, including the filling up the blanks in Articles 4 and 6, to be settled at once by mutual agreement."

"MEMORANDUM.

"*Details of Agreement between the Delegates of the Government of the Dominion, and the Directors of the Hudson's Bay Company.*

"1. It is understood that, in surrendering to Her Majesty, all the rights, &c.,
of

Rupert's Land and the North-Western Territory.

of the Company in any part of British North America not comprised in Rupert's Land, Canada or British Columbia, the Company are to retain the posts they actually occupy in the North West Territory.

"2. It is understood that it will be a sufficient act of selection under Article III., that the Company should, within twelve months, name the number of acres which they will require adjoining each post. The actual survey to be proceeded with, with all convenient speed.

"3. It is understood that in the Red River Settlement, the size of the blocks to be retained round Upper Fort Garry shall not exceed (10) acres; and that round Lower Fort Garry shall not exceed (300) acres.

"4. It is understood that a list of the stations round which the Company will require blocks of land, with the size of the blocks they will require, shall be made out forthwith, and communicated to the Canadian Ministers.

"5. It is understood that Article V. shall be construed to mean that the blocks shall front the river or road, by which means of access are provided, and shall be approximately in the form of parallelograms, of which the frontage shall not be more than half the depth.

"6. It is understood that the Company may defer the exercise of their right of claiming their proportion of each township for not more than ten years after it is set out; but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

"7. It is understood that the Blank in Article 6 shall be filled up with 8 cents (Canadian).

"8. It is understood that any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government, in communication with the Imperial Government, and that the Company shall be relieved of all responsibility in respect of them.

(Signed.)

" STAFFORD H. NORTHCOTE.

" G. E. CARTIER.

" W. McDUGALL.

" March 22, 1869.

*"Memorandum of a further Agreement between Sir Geo. Et. Cartier and
"Sir Stafford Northcote.*

" Inasmuch as the northern branch of the Saskatchewan River is the northern boundary of the Fertile Belt, and therefore any land on the northern bank is not within the territory of which the Company are to have one-twentieth part, it is understood that, in forming the townships abutting on the northern bank, the Company shall be at liberty to take their one-twentieth of any such townships, giving up to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

" It

Rupert's Land and the North-Western Territory.

“It is understood that the townships on the northern bank shall not for the above purpose extend more than five miles inland from the river.

“It is understood that, in laying out any public roads, canals, &c. through any block of land reserved to the Company, the Canadian Government may take, without compensation, such land as is necessary for the purpose, not exceeding one-twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any river or lake, they shall pay the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants.

“It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

(Signed.)

“GEO. ET. CARTIER.

“STAFFORD NORTHCOTE.

“London, March 29, 1869.”

Resolved,—That this House learns with satisfaction, by letter from the Under-Secretary of State for the Colonies, of 9th March last, that, in fulfilment of the expectations held out in Mr. Cardwell's despatch of 17th June, 1865, Her Majesty's Government will be prepared to propose to Parliament that the Imperial guarantee be given to a loan of 300,000*l.*, the amount which is proposed to be paid over by Canada on the transfer of the Company's rights.

Resolved,—That the Senate will be ready to concur with the House of Commons in an Address to Her Majesty, that she will be graciously pleased, by and with the advice of Her Most Honorable Privy Council, under the 146th clause of “*The British North America Act, 1867*,” and the provisions of the Imperial Act, 31 & 32 Vict., cap. 105, to unite Rupert's Land on the terms and conditions expressed in the foregoing Resolutions, and also to unite the North-Western Territory with the Dominion of Canada, as prayed for by, and on the terms and conditions contained in the joint Address of the Senate and the House of Commons of Canada, adopted during the first session of the first Parliament of Canada, and hereinbefore referred to.

Resolved,—That upon the transference of the territories in question to the Canadian Government, it will be the duty of the Government to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer.

Resolved,—That the Governor in Council be authorized and empowered to arrange any details that may be necessary to carry out the terms and conditions of the above agreement.

Rupert's Land and the North-Western Territory.

2. Address.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Senate and Commons of the Dominion of Canada in Parliament assembled, humbly approach your Majesty for the purpose of representing:—

That, during the first session of the first Parliament of this Dominion, we adopted an Address to your Majesty, praying that your Majesty would be graciously pleased, by and with the advice of your Majesty's Most Honorable Privy Council under the provisions of the 146th Section of "*The British North America Act, 1867,*" and on the terms specified in that Address, to unite Rupert's Land and the North-West Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government, and assuring your Majesty of the willingness of the Parliament of Canada to assume the duties and obligations of Government and legislation as regards those territories.

That our joint Address was duly laid at the foot of the Throne, and that your Majesty, by despatch from the Right Honorable the Secretary of State for the Colonies to the Governor General of Canada, under date of the 23rd April, 1868, signified your Majesty's willingness to comply with the prayer of the said Address, but that your Majesty was advised that the requisite powers of government and legislation could not, consistently with the existing charter of the Hudson's Bay Company, be transferred to Canada without an Act of Parliament, which Act was subsequently passed by the Imperial Parliament, and received your Majesty's assent on the 31st July, 1868.

That by a despatch dated 8th August, 1868, from the Honorable the Secretary of State for the Colonies, the Governor General was informed that in pursuance of the powers conferred by the Act for the surrender of the Hudson's Bay territories to your Majesty he proposed to enter into negotiations with the company as to the terms of such surrender, whereupon, under authority of an Order of the Governor-General in Council of the 1st October 1868, the Honorable Sir George Et. Cartier, Baronet, and the Honorable William MacDougall, C.B, were appointed a delegation to England to arrange the terms for the acquisition by Canada of Rupert's Land, and by another Order in Council of the same date, were authorized to arrange for the admission of the North West Territory into union with Canada either with or without Rupert's Land, as might be found practicable and expedient.

That the delegates proceeded on their mission to England, and entered into negotiations with his Grace the Duke of Buckingham and Chandos, then Secretary of State for the Colonies, and afterwards with the Right Honorable Earl Granville, his successor in office, for the acquisition by Canada of the territorial and other rights claimed by the Hudson's Bay Company in Rupert's Land, and in any other part of British North America not comprised in Rupert's Land, Canada
or

Rupert's Land and the North-Western Territory.

or British Columbia, on the terms conditionally agreed to on behalf of the Government of Canada by the Honorable Sir, George Et. Cartier, Baronet, and the Honorable William MacDougall, C. B., and on behalf of the Hudson's Bay Company by Sir Stafford H. Northcote, Governor of that Company, and approved by His Excellency in Council as aforesaid, which terms are set forth in a letter from Sir Frederic Rogers, Under-Secretary of State for the Colonies, of the 9th March, 1869, communicated to the delegates by direction of Earl Granville, and in two subsequent Memorandums dated respectively 22nd and 29th March, 1869, containing a modification of such terms, and are in the words and figures following :

"Terms, as stated in the Letter from Sir Frederic Rogers of 9th March, 1869.

"1. The Hudson's Bay Company to surrender to Her Majesty all the rights of Government, property, &c., in Rupert's Land, which are specified in 31 and 32 Vict. cap. 105, sec. 4, and also all similar rights in any other part of British North America not comprised in Rupert's Land, Canada or British Columbia.

"2. Canada is to pay to the Company 300,000*l.*, when Rupert's Land is transferred to the Dominion of Canada.

"3. The Company may, within twelve months of the surrender, select a block of land adjoining each of its stations within the limits specified in Article 1.

"4. The size of the blocks is not to exceed _____ acres in the Red River Territory, nor 3,000 acres beyond that territory, and the aggregate extent of the blocks is not to exceed 50,000 acres.

"5. So far as the configuration of the country admits, the blocks are to be in the shape of parallelograms, of which the length is not more than double the breadth.

"6. The Hudson's Bay Company may for fifty years after the surrender claim in any township or district within the Fertile Belt in which land is set out for settlement, grants of land not exceeding one-twentieth part of the land so set out. The blocks so granted to be determined by lot, and the Hudson's Bay Company to pay a rateable share of the survey expenses not exceeding an acre.

"7. For the purpose of the present agreement, the Fertile Belt is to be bounded as follows: on the south by the United States Boundary, on the west by the Rocky Mountains, on the north by the northern branch of the Saskatchewan, on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.

"8. All titles to land up to the 8th March, 1869, conferred by the company are to be confirmed.

"9. The company is to be at liberty to carry on its trade without hindrance in its corporate capacity, and no exceptional tax is to be placed on the Company's land, trade, or servants, nor any import duty on goods introduced by them previous to the surrender.

Rupert's Land and the North-Western Territory.

"10. Canada is to take over the materials of the electric telegraph at cost price, such price including transport, but not including interest for money, and subject to a deduction for ascertained deteriorations.

"11. The company's claim to land under agreement of Messrs. Vankoughnet and Hopkins to be withdrawn.

"12. The details of this arrangement, including the filling up the blanks in Articles 4 and 6 to be settled at once by mutual agreement."

"MEMORANDUM.

'Details of Agreement between the Delegates of the Government of the Dominion and the Directors of the Hudson's Bay Company.

"It is understood that in surrendering to Her Majesty all the rights, &c., of the company in any part of British North America not comprised in Rupert's Land, Canada or British Columbia, the Company are to retain the posts they actually occupy in the North-West Territory.

"It is understood that it will be a sufficient act of selection under Article III. that the Company should within twelve months name the number of acres which they will require adjoining each post. The actual survey to be proceeded with, with all convenient speed.

"3. It is understood that in the Red River Settlement the size of the blocks to be retained round Upper Fort Garry shall not exceed (ten) acres, and that round Lower Fort Garry shall not exceed (three hundred) acres.

"4. It is understood that a list of the stations round which the Company will require blocks of land, with the size of the blocks they will require, shall be made out forthwith, and communicated to the Canadian ministers.

"5. It is understood that Article V. shall be construed to mean that the blocks shall front the river or road, by which means of access are provided, and shall be approximately in the form of parallelograms, of which the frontage shall not be more than half the depth.

"6. It is understood that the company may defer the exercise of their right of claiming their proportion of each township for not more than ten years after it is set out, but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

"7. It is understood that the blank in Article VI. shall be filled with 8 cents (Canadian).

"8. It is understood that any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government

Rupert's Land and the North-Western Territory.

ment in communication with the Imperial Government, and that the Company shall be relieved of all responsibility in respect of them.

(Signed,)

“ STAEFORD H. NORTHCOTE.

“ G. E. CARTIER.

“ W. MCDUGALL.

“ March 22, 1869.”

“ Memorandum of a further Agreement between Sir Geo. Et. Cartier and Sir Stafford Northcote.

“ Inasmuch as the northern branch of Saskatchewan River is the northern boundary of the Fertile Belt, and therefore, any land on the northern bank is not within the territory of which the Company are to have one-twentieth part, it is understood that, in forming the townships abutting on the northern bank, the Company shall be at liberty to take their one-twentieth of any such townships, giving up to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

“ It is understood that the townships on the northern bank shall not for the above purpose extend more than five miles inland from the river.

“ It is understood that, in laying out any public roads, canals, &c., through any block of land reserved to the company, the Canadian Government may take without compensation such land as is necessary for the purpose not exceeding one twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any river or lake, they shall pay the Company the fair value of the same and shall make compensation for any injury done to the Company or their servants.

“ It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

(Signed,)

“ GEO. ET. CARTIER.

“ STAFFORD H. NORTHCOTE.

“ London. March 29, 1869.”

That we learn with satisfaction by letter from the Under-Secretary of State for the Colonies, of the 9th March last, that, in fulfilment of the expectations held out in Mr. Cardwell's despatch of the 17th of June, 1865, your Majesty's Government will be prepared to propose to Parliament that the Imperial guarantee be given to a loan of 300,000*l.* the amount which is proposed to be paid over by Canada on the transfer of the Company's rights.

That upon the transference of the territories in question to the Canadian Government it will be our duty to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer, and we authorize and empower the Governor in Council to arrange any details that may be necessary to carry out the terms and conditions of the above agreement.

We

Rupert's Land and the North-Western Territory!

We therefore most humbly pray that your Majesty will be graciously pleased, by and with the advice of your Most Honorable Privy Council, under the 146th clause of "*The British North America Act, 1867.*" and the provisions of the Imperial Act 31 and 32 Vict. cap. 105, to unite Rupert's Land on the terms and conditions expressed in the foregoing resolutions and also to unite the North-Western Territory with the Dominion of Canada as prayed for by and on the terms and conditions contained in our joint Address adopted during the first session of the first Parliament of this Dominion, and hereinbefore referred to.

The Senate, Monday, May 31, 1869.

(Signed,) JOSEPH CAUCHON, Speaker.

House of Commons, Ottawa, May 29, 1869.

(Signed,) JAMES COCKBURN, Speaker.

SCHEDULE (C).

The Governor and Company of Adventurers of England trading into Hudson's Bay to HER MAJESTY QUEEN VICTORIA.

DEED OF SURRENDER.

To all whom these presents shall come unto, or concern, the Governor and Company of Adventurers of England, trading into Hudson's Bay, send greeting.

WHEREAS the said Governor and Company were established and incorporated by their said name of "The Governor and Company of Adventurers of England, trading into Hudson's Bay," by Letters Patent granted by His late Majesty King Charles the Second in the twenty-second year of his reign, whereby His said Majesty granted unto the said company and their successors the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds in whatsoever latitude they should be, that lay within the entrance of the straits commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid, that were not already actually possessed by, or granted to, any of His Majesty's subjects, or possessed by the subjects of any other Christian Prince or State, and that the said land should be from thenceforth reckoned and reputed as one of His Majesty's Plantations or Colonies in America, called Rupert's Land; and whereby His said Majesty made and constituted the said Governor and Company and their successors the absolute lords and proprietors of the same territory, limits and places aforesaid, and of all other the premises saving the faith, allegiance and sovereign dominion due to His said Majesty, his heirs and successors for the same; and granted to the said Governor and Company and their successors, such rights of Government and other rights, privileges and liberties, franchises, powers and authorities in Rupert's Land as therein expressed. And whereas ever since the date of the said Letters Patent, the said Governor and Company have exercised and enjoyed the sole right thereby granted of such trade and commerce as therein mentioned,

and

Rupert's Land and the North-Western Territory.

and have exercised and enjoyed other rights, privileges, liberties, franchises, powers, and authorities thereby granted; and the said Governor and Company may have exercised or assumed rights of Government in other parts of British North America not forming part of Rupert's Land, or of Canada, or of British Columbia. And whereas by "*The British North America Act, 1867*," it is (amongst other things) enacted that it shall be lawful for Her present Majesty Queen Victoria, by and with the advice and consent of Her Majesty's most Honorable Privy Council, on address from the Houses of Parliament of Canada, to admit Rupert's Land and the North Western Territory or either of them into the Union of the Dominion of Canada on such terms and conditions as are in the Address expressed, and as Her Majesty thinks fit to approve, subject to the provisions of the said Act. And whereas, by the "*Rupert's Land Act, 1868*," it is enacted (amongst other things) that for the purposes of that Act the term "Rupert's Land" shall include the whole of the lands and territories held or claimed to be held by the said Governor and Company, and that it shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty, by any instrument under Her Sign Manual and Signet to accept a surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers and authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, upon such terms and conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company; provided, however, that such surrender shall not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty from the Houses of the Parliament of Canada, in pursuance of the 146th Section of "*The British North America Act, 1867*," and that upon the acceptance by Her Majesty of such surrender, all rights of Government and proprietary rights, and all other privileges, liberties, franchises, powers and authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished, provided that nothing in the said Act contained shall prevent the said Governor and Company from continuing to carry on in Rupert's Land or elsewhere trade and commerce. And whereas Her said Majesty Queen Victoria and the said Governor and Company have agreed to terms and conditions upon which the said Governor and Company shall surrender to Her said Majesty, pursuant to the provisions in that behalf in the "*Rupert's Land Act, 1868*" contained, all the rights of Government and other rights, privileges, liberties, franchises, powers and authorities, and all the lands and territories (except and subject as in the said terms and conditions expressed or mentioned) granted or purported to be granted by the said Letters Patent, and also all similar rights which have been exercised or assumed by the said Governor and Company in any parts of British North America not forming part of Rupert's Land, or of Canada, or of British Columbia, in order and to the intent that, after such surrender has been effected and accepted under the provisions of the last-mentioned Act, the said Rupert's Land may be admitted into the Union of the Dominion of Canada, pursuant to the hereinbefore mentioned Acts or one of them. And whereas the said terms and conditions on which it has been agreed that the said surrender is to be made by the said Governor and Company (who are in the following articles designated as the Company) to Her said Majesty are as follows (that is to say):—

Rupert's Land and the North-Western Territory.

1. The Canadian Government shall pay to the Company the sum of 300,000*l.* sterling when Rupert's Land is transferred to the Dominion of Canada.

2. The Company to retain all the posts or stations now actually possessed and occupied by them or their officers or agents whether in Rupert's Land or any other part of British North America, and may within twelve months after the acceptance of the said surrender select a block of land adjoining each of their posts or stations, within any part of British North America, not comprised in Canada and British Columbia in conformity, except as regards the Red River Territory, with a list made out by the Company and communicated to the Canadian Ministers, being the list in the annexed schedule. The actual survey is to be proceeded with, with all convenient speed.

3. The size of each block is not to exceed in the Red River Territory an amount to be agreed upon between the Company and the Governor of Canada in Council.

4. So far as the configuration of the country admits, the blocks shall front the river or road by which means of access are provided, and shall be approximately in the shape of parallelograms, and of which the frontage shall not be more than half the depth.

5. The company may, at any time within fifty years after such acceptance of the said surrender, claim in any township or district within the fertile belt in which land is set out for settlements, grants of land not exceeding one-twentieth part of the land so set out; the blocks so granted to be determined by lot, and the Company to pay a rateable share of the survey expenses, not exceeding 8 cents Canadian an acre. The Company may defer the exercise of their right of claiming their proportion of each township or district for not more than ten years after it is set out, but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

6. For the purpose of the last article the fertile belt is to be bounded as follows:—On the south by the United States' boundary; on the west by the Rocky Mountains; on the north by the Northern Branch of the Saskatchewan River; on the east by Lake Winnipeg, the Lake of the Woods and the waters connecting them.

7. If any township shall be formed abutting on the north bank of the northern branch of the Saskatchewan River, the Company may take their one-twentieth of any such township, which, for the purpose of this article, shall not extend more than five miles inland from the river, giving to the Canadian Dominion an equal quantity of the portion of land coming to them of townships established on the southern bank of the said river.

8. In laying out any public roads, canals or other public works, through any block of land reserved to the Company, the Canadian Government may take without compensation such land as is necessary for the purpose, not exceeding one-twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, which has been built upon

Rupert's Land and the North-Western Territory.

upon, or which is necessary for giving the Company's servants access to any river or lake, or as a frontage to any river or lake, the said Government shall pay to the Company the fair value of the same, and shall make compensation for any injury done to the Company or their servants.

9. It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause, shall be appropriated for public purposes.

10. All titles to land up to the eighth day of March, one thousand eight hundred and sixty-nine, conferred by the Company, are to be confirmed.

11. The Company is to be at liberty to carry on its trade without hindrance in its corporate capacity; and no exceptional tax is to be placed on the Company's land, trade or servants, nor any import duty on goods introduced by the said Company previously to such acceptance of the said surrender.

12. Canada is to take over the materials of the electric telegraph at cost price; such price including transport, but not including interest for money, and subject to a deduction for ascertained deterioration.

13. The Company's claim to land under an agreement of Messrs. Vankoughnet and Hopkins is to be withdrawn.

14. Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the Company shall be relieved of all responsibility in respect of them,

And whereas the surrender hereinafter contained is intended to be made in pursuance of the agreement, and upon the terms and conditions hereinbefore stated.

Now know ye, and these presents witness, that, in pursuance of the powers and provisions of the "*Rupert's Land Act, 1868*," and on the terms and conditions aforesaid, and also on condition of this surrender being accepted pursuant to the provisions of that Act, the said Governor and Company do hereby surrender to the Queen's Most Gracious Majesty; all the rights of Government, and other rights, privileges, liberties, franchises, powers and authorities, granted or purported to be granted to the said Governor and Company by the said recited Letters Patent of His late Majesty King Charles the Second; and also all similar rights which may have been exercised or assumed by the said Governor and Company in any parts of British North America, not forming part of Rupert's Land or of Canada, or of British Columbia, and all the lands and territories within Rupert's Land (except and subject as in the said terms and conditions mentioned) granted or purported to be granted to the said Governor and Company by the said Letters Patent. In witness whereof, the Governor and Company of Adventurers of England trading into Hudson's Bay, have hereunto caused their Common Seal to be affixed, the nineteenth day of November, one thousand eight hundred and sixty-nine.

The

Rupert's Land and the North-Western Territory.

THE SCHEDULE ABOVE REFERRED TO.

Northern Department, RUPERT'S LAND.

District.	Post.	Acres of Land.	
English River.....	Isle à la Crosse.....	50	
	Rapid River.....	5	
	Portage La Loche...	20	say 10 acres each end of portage.
	Green Lake.....	100	
	Cold Lake.....	10	
	Deer's Lake.....	5	
Saskatchewan.....	Edmonton House...	3,000	190 acres in English River (Dist.)
	Rocky Mountain House.....	500	
	Fort Victoria.....	3,000	
	St. Paul.....	3,000	
	Fort Pitt.....	3,000	
	Battle River.....	3,000	
	Carlton House.....	3,000	
	Fort Albert.....	3,000	
	Whitefish Lake.....	500	
	Lac La Biche.....	1,000	
	Fort Assiniboine...	50	
	Lesser Slave Lake...	500	
	Lac St. Anne.....	500	
	Lac La Nun.....	500	
	St. Albert.....	1,000	
	Pigeon Lake.....	100	
Old White Mud Fort	50		
Cumberland... ..	Cumberland House..	100	25,700 acres in Saskatchewan District
	Fort La Cocue.....	3,000	
	Pelican Lake.....	50	
	Moose Woods.....	1,000	
	The Pas.....	25	
	Moose Lake.....	50	
	Grande Rapid Portage	100	
Swan River.....	Fort Pelly.....	3,000	4,325 acres in Cumberland District.
	Fort Ellice ..	3,000	
	Q'Appelle Lakes...	2,500	
	Touchwood Hills...	500	
	Shoal River.....	50	
	Manitobah ..	50	
	Fairford.....	100	
Red River.....	Upper Fort Garry and Town of Winnipeg.....		9,200 acres in Swan River District.
	Lower Fort Garry (including the farm the Company now have under cultivation).....		
	White Horse Plain		
Manitobah Lake....	Oak Point... ..	50	} (Such number of acres as may be agreed upon between the Company and the Governor of Canada in Council.
	Portage La Prairie..	1,000	
		1,050	

Rupert's Land and the North-Western Territory.

District.	Post.	Acres of Land.
Lake La Pluie.....	Fort Alexander....	500
	Fort Frances.....	500
	Eagle's Nest.....	20
	Big Island.....	20
	Lac du Bonnet.....	20
	Rat Portage.....	50
	Shoal Lake.....	20
	Lake of the Woods.	50
	Whitefish Lake.....	20
	English River.....	20
	Hungry Hall.....	20
	Trout Lake.....	20
	Clear Water Lake..	20
	Sandy Point.....	20
		1,300 acres in Lac La Pluie District
York.....	York Factory.....	100
	Churchill.....	10
	Severn.....	10
	Trout Lake.....	10
	Oxford.....	100
	Jackson's Bay.....	10
	God's Lake.....	10
Island Lake.....	10	
		260
Norway House.....	Norway House.....	100
	Berens' River.....	25
	Grand Rapid.....	10
	Nelson's River.....	10
		145
Total in Northern Department....		42,170 acres.

Southern Department, RUPERT'S LAND.

Albany.....	Albany Factory....	100
	Martin's Falls.....	10
	Osnaburg.....	25
	Lac Seul.....	500
		635
East Main.....	Little Whale River..	50
	Great Whale River..	50
	Fort George.....	25
		125
Moose.....	Moose Factory.....	100
	Hannah Bay.....	10
	Abitibi.....	10
	New Brunswick.....	25
		145
Rupert's River....	Rupert's House....	50
	Mistassing.....	10
	Temiskamag.....	10
	Woswonaby.....	10
	Mechiskun.....	10
	Pike Lake.....	10
	Nitchequon.....	10
	Kamapiscan.....	10
		120
Kinogumissee.....	Matawagamique....	50
	Kuckatoosh.....	10
		60
Total in Southern Department....		1,085 acres.

Rupert's Land and the North-Western Territory.

District.	Post.	Acres of Land.
-----------	-------	----------------

Montreal Department, RUPERT'S LAND.

Superior.....	Long Lake.....	10	
Temiscamisque	Kakababegino	10	
			20
Labrador.....	Fort Nascofie	75	
	Outposts, ditto	25	
	Fort Chimo (Ungava)	100	
	South River, outposts	30	
	George's River	50	
	Whale River	50	
	North's River	25	
	False River.....	25	
			380
Total in Montreal Department....			400 acres.

Northern Department, NORTH WEST TERRITORY.

Athabasca.....	Fort Chippewyan...	10	
	Fort Vermilion	500	
	Fort Dunvegan	50	
	Fort St. John's.....	20	
	Forks of Athabasca		
	River.....	10	
	Battle River.....	5	
	Fond du Lac.....	5	
	Salt River.....	5	
			605 acres in Athabasca District.
McKenzie's River...	Fort Simpson.....	100	
	Fort Liard.....	300	
	Fort Nelson	200	
	The Rapids.....	100	
	Hay River.....	20	
	Fort Resolution	20	
	Fort Rae.....	10	
	Fond du Lac.....	10	
	Fort Norman.....	10	
	Fort Good Hope.....	10	
	Peel's River.....	10	
	Lapierre's House....	10	
	Fort Halkett	100	
			900 acres in McKenzie's R. District.
Total in North West Territory....			1,505 acres.

RECAPITULATION.

Northern Department, Rupert's Land.....	Acres.
Southern ditto, ditto	42,170
Montreal ditto, ditto	1,085
Northern Department, North West Territory	400
	1,505
	<u>45,160</u>

ORDER IN COUNCIL

RESPECTING

THE PROVINCE OF BRITISH COLUMBIA.

AT the Court at *Windsor*, the 16th day of *May*, 1871.

PRESENT.

The QUEEN'S MOST Excellent Majesty.

His Royal Highness Prince ARTHUR.

Lord Privy Seal
Earl Cowper.
Earl of Kimberley.

Lord Chamberlain.
Mr. Secretary Cardwell.
Mr. Ayrton.

WHEREAS by the "*British North America Act, 1867*," provision was made for the Union of the Provinces of Canada, Nova Scotia and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on Addresses from the Houses of the Parliament of Canada, and of the Legislature of the Colony of British Columbia, to admit that Colony into the said Union, on such terms and conditions as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act; And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

And whereas by Addresses from the Houses of the Parliament of Canada, and from the Legislative Council of British Columbia respectively, of which Addresses copies are contained in the Schedule to this Order annexed, Her Majesty was prayed, by and with the advice of Her Most Honorable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit British Columbia into the Dominion of Canada, on the terms and conditions set forth in the said Addresses.

And whereas Her Majesty has thought fit to approve of the said terms and conditions, it is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, that from and after the twentieth day of July, one thousand eight hundred and seventy-one, the said Colony of British Columbia shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited Addresses. And, in accordance with the terms of the said Addresses relating to the Electoral Districts in British Columbia, for which the first election of members to serve in the House of Commons of the said Dominion shall take place, it is hereby further ordered and declared that such electoral districts shall be as follows:—

The Province of British Columbia.

“New Westminster District” and the “Coast District,” as defined in a public notice issued from the Lands and Works Office in the said Colony, on the 15th day of December, one thousand eight hundred and sixty-nine, by the desire of the Governor and purporting to be in accordance with the provisions of the thirty-ninth clause of the “Mineral Ordinance, 1869,” shall constitute one district, to be designated “New Westminster District” and return one Member.

“Cariboo District” and Lillooet District,” as specified in the said public notice, shall constitute one district, to be designated “Cariboo District,” and return one Member.

“Yale District” and “Kootenay District,” as specified in the said public notice, shall constitute one District, to be designated “Yale District,” and return one Member.

Those portions of Vancouver Island, known as “Victoria District,” “Esquimalt District,” and “Metchosin District,” as defined in the official maps of those districts which are in the Land Office, Victoria, and are designated respectively, “Victoria District Official Map, 1858,” “Esquimalt District Official Map, 1858,” and “Metchosin District Official Map, A.D. 1858,” shall constitute one District, to be designated “Victoria District,” and return two Members.

All the remainder of Vancouver Island, and all such islands adjacent thereto as were formerly dependencies of the late Colony of Vancouver Island shall constitute one district, to be designated “Vancouver Island District,” and return one Member.

And the Right Honorable Earl of Kimberley, one of Her Majesty’s Principal Secretaries of State, is to give the necessary directions therein accordingly.

ARTHUR HELPS.

SCHEDULE.

Address of the Senate of Canada.

To the Queen’s Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty’s most dutiful and loyal subjects, the Senate of Canada in Parliament assembled, humbly approach Your Majesty for the purpose of representing:—

That by a despatch from the Governor of British Columbia, dated, 23rd January, 1871, with other papers laid before this House, by message from His Excellency the Governor-General, of the 27th February last, this House learns that

The Province of British Columbia.

that the Legislative Council of that colony, in council assembled, adopted, in January last, an Address representing to Your Majesty that British Columbia was prepared to enter into Union with the Dominion of Canada, upon the terms and conditions mentioned in the said Address, which is as follows:

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of British Columbia, in council assembled, humbly approach Your Majesty for the purpose of representing:—

That, during the last session of the late Legislative Council, the subject of the admission of the Colony of British Columbia into the Union or Dominion of Canada was taken into consideration, and a resolution on the subject was agreed to, embodying the terms upon which it was proposed that this colony should enter the Union;

That after the close of the session, Delegates were sent by the Government of this Colony to Canada to confer with the Government of the Dominion with respect to the admission of British Columbia into the Union upon the terms proposed;

That after considerable discussion by the Delegates with the Members of the Government of the Dominion of Canada, the terms and conditions hereinafter specified were adopted by a Committee of the Privy Council of Canada, and were by them reported to the Governor-General for his approval;

That such terms were communicated to the Government of this Colony by the Governor-General of Canada, in a despatch dated July 7th, 1870, and are as follows:—

1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be entitled to receive, by half-yearly payments, in advance from the General Government, interest at the rate of five per cent. per annum on the difference between the actual amount of its indebtedness at the date of the Union, and the indebtedness per head of the population of Nova Scotia and New Brunswick (27.77 dollars), the population of British Columbia being taken at 60,000.

3. The following sums shall be paid by Canada to British Columbia for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance, such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shown by each subsequent decennial census, until the population amounts to 400,000, at which rate such grant shall thereafter remain, it being understood that the first census be taken in the year 1881.

The Province of British Columbia.

4. The Dominion will provide an efficient mail service, fortnightly, by steam communication between Victoria and San Francisco, and twice a week between Victoria and Olympia; the vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following services:

A. Salary of the Lieutenant-Governor;

B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts;

C. The charges in respect to the Department of Customs;

D. The Postal and Telegraphic Services;

E. Protection and encouragement of Fisheries;

F. Provision for the Militia;

G. Lighthouses, Buoys and Beacons, Shipwrecked Crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria;

H. The Geological Survey;

I. The Penitentiary;

And such further charges as may be incident to and connected with the services which by the "*British North America Act, 1867*" appertain to the General Government, and as are or may be allowed to the other Provinces.

6. Suitable pensions, such as shall be approved of by Her Majesty's Government shall be provided by the Government of the Dominion for those of Her Majesty's servants in the Colony whose position and emoluments derived therefrom would be affected by political changes on the admission of British Columbia into the Dominion of Canada.

7. It is agreed that the existing Customs tariff and Excise duties shall continue in force in British Columbia until the railway from the Pacific Coast and the system of railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the Tariff and Excise Laws of Canada. When Customs and Excise duties are, at the time of the union of British Columbia with Canada, leviable on any goods, wares or merchandizes in British Columbia, or in the other Provinces of the Dominion, those goods, wares and merchandizes may, from and after the Union, be imported into British Columbia from the Provinces now composing the Dominion, or into either of those Provinces from British Columbia, on proof of payment of the Customs or Excise duties leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs or Excise duties as are leviable thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the Tariff and Excise duties of British Columbia with those of the Dominion.

The Province of British Columbia.

8. British Columbia shall be entitled to be represented in the Senate by three members, and by six members in the House of Commons. The representation to be increased under the provisions of "*British North America Act, 1867.*"

9. The influence of the Dominion Government will be used to secure the continued maintenance of the naval station at Esquimalt.

10. The provisions of the "*British North America Act, 1867,*" shall (except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to and only effect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Minute) be applicable to British Columbia in the same way and to the like extent as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia had been one of the Provinces originally united by the said Act.

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, east of the Rocky Mountains, towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further, to secure the completion of such railway within ten years from the date of the Union.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said railway, a similar extent of public lands along the line of railway throughout its entire length in British Columbia, (not to exceed however, twenty (20) miles on each side of said line,) as may be appropriated for the same purpose by the Dominion Government from the public lands of the North-West territories and the Province of Manitoba: Provided that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands; and provided further, that until the commencement, within two years, as aforesaid, from the date of the Union, of the construction of the said railway, the Government of British Columbia shall not sell or alienate any further portions of the public lands of British Columbia in any other way than under right of pre-emption requiring actual residence of the pre-emptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said railway, the Dominion Government agree to pay to British Columbia from the date of the Union, the sum of 100,000 dollars per annum, in half-yearly payments in advance.

12. The Dominion Government shall guarantee the interest for ten years from the date of the completion of the works, at the rate of five per centum per annum, on such sum, not exceeding £100,000 sterling, as may be required for the construction of a first class graving dock at Esquimalt.

13. The charge of the Indians, and the trusteeship and management of the
lands

The Province of British Columbia.

lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

14. The Constitution of the Executive Authority and of the Legislature of British Columbia shall, subject to the provisions of the "*British North America Act, 1867*," continue as existing at the time of the Union until altered under the authority of the said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of responsible government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia, under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature by providing that a majority of its Members shall be elective.

The Union shall take effect according to the foregoing terms and conditions on such day as Her Majesty by and with the advice of Her Most Honorable Privy Council may appoint (on addresses from the Legislature of the Colony of British Columbia and of the Houses of Parliament of Canada in the terms of the 146th section of the "*British North America Act, 1867*,") and British Columbia may in its address specify the electoral districts for which the first election of Members to serve in the House of Commons shall take place.

That such terms have proved generally acceptable to the people of this Colony.

That this Council is, therefore, willing to enter into Union with the Dominion of Canada upon such terms, and humbly submit that, under the circumstances, it is expedient that the admission of this Colony into such Union, as aforesaid, should be effected at as early a date as may be found practicable under the provisions of the 146th section of the "*British North America Act, 1867*."

We, therefore, humbly pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the provisions of the 146th section of "*British North America Act, 1867*," to admit British Columbia into the Union or Dominion of Canada, on the basis of the terms and conditions offered to this Colony by the Government of the Dominion of Canada, hereinbefore set forth; and inasmuch as by the said terms British Columbia is empowered in its address to specify the electoral districts for
which

The Province of British Columbia.

which the first election of members to serve in the House of Commons shall take place, we humbly pray that such electoral districts may be declared, under the Order in Council, to be as follows :

That "New Westminster District," and the "Coast District," as defined in a public notice issued from the Lands and Works Office on the 15th day of December, 1869, by the desire of the Governor, and purporting to be in accordance with the provisions of the 39th clause of the "Mineral Ordinance, 1869," shall constitute one district, to be designated "New Westminster District," and return one member.

That "Cariboo District," and "Lillooet District," as specified in the said public notice, shall constitute one district, to be designated "Cariboo District," and return one Member.

That "Yale District," and "Kootenay District," as specified in the said public notice, shall constitute one district, to be designated "Yale District," and return one Member.

That those portions of Vancouver Island know as "Victoria District," "Esquimalt District," and "Metchosin District," as defined in the official maps of those districts in the Land Office, Victoria, and which maps are designated respectively, "Victoria District Official Map, 1858," "Esquimalt District Official Map, 1858," and "Metchosin District Official Map, 1858," shall constitute one district, to be designated "Victoria District," and return two Members.

And, that all the remainder of Vancouver Island, and all such islands adjacent thereto as were formerly dependencies of the late colony of Vancouver Island shall constitute one district, to be designated "Vancouver Island District," and return one Member.

We further humbly represent, that the proposed terms and conditions of Union of British Columbia with Canada, as stated in the said Address, are in conformity with those preliminarily agreed upon between delegates from British Columbia and the Members of the Government of the Dominion of Canada, and embodied in a Report of a Committee of the Privy Council, approved by His Excellency the Governor General in Council, on the 1st July, 1870, which approved Report is as follows :

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 1st of July, 1870.

The Committee of the Privy Council have had under consideration a Despatch, dated the 7th May, 1870, from the Governor of British Columbia, together with certain Resolutions submitted by the Government of that colony to the Legislative Council thereof—both hereunto annexed—on the subject of the proposed Union of British Columbia with the Dominion of Canada; and after several interviews between them and the Honorable Messrs. Trutch, Helmcken, and Carrall, the Delegates from British Columbia, and full discussion with them of the various questions connected with that important subject, the Committee now respectfully submit for Your Excellency's approval, the following terms and conditions

The Province of British Columbia.

conditions to form the basis of a political union between British Columbia and the Dominion of Canada.

1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be entitled to receive by half-yearly payments in advance from the General Government, interest at the rate of 5 per cent. per annum, on the difference between the actual amount of its indebtedness at the date of the Union and the indebtedness per head of the population of Nova Scotia and New Brunswick (27.77 dollars), the population of British Columbia being taken at 60,000.

3. The following sums shall be paid by Canada to British Columbia, for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance, such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shown by each subsequent decennial census, until the population amounts to 400,000, at which rate such grant shall thereafter remain, it being understood that the first census shall be taken in the year 1881.

4. The Dominion will provide an efficient mail service fortnightly by steam communication between Victoria and San Francisco, and twice a week between Victoria and Olympia, the vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following services :—

A. Salary of the Lieutenant-Governor.

B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts.

C. The charges in respect to the Department of Customs.

D. The Postal and Telegraphic Services.

E. Protection and encouragement of Fisheries.

F. Provision for Militia.

G. Lighthouses, Buoys and Beacons, Shipwrecked crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria.

H. The Geological Survey.

I. The Penitentiary.

And such further charges as may be incident to and connected with the services which

The Province of British Columbia.

which by "*The British North America Act, 1867,*" appertain to the general Government, and as are or may be allowed to the other Provinces.

6. Suitable pensions, such as shall be approved of by Her Majesty's Government, shall be provided by the Government of the Dominion for those of Her Majesty's servants in the colony whose position and emoluments derived therefrom would be affected by political changes on the admission of British Columbia into the Dominion of Canada.

7. It is agreed that the existing customs tariff, and excise duties, shall continue in force in British Columbia, until the railway from the Pacific Coast and the system of railways in Canada are connected, unless the Legislature of British Columbia shall sooner decide to accept the tariff and excise laws of Canada. When customs and excise duties are, at the time of the Union of British Columbia with Canada, leviable on any goods, wares or merchandizes in British Columbia or in the other Provinces of the Dominion, these goods, wares and merchandizes, may, from and after the Union, be imported from British Columbia into the Provinces now composing the Dominion, or into either of those Provinces from British Columbia, on proof of payment of the customs or excise duties leviable thereon in the Province of exportation, and on payment of such further amount (if any) of customs or excise duties as are leviable thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the tariff and excise duties of British Columbia with those of the Dominion.

8. British Columbia shall be entitled to be represented in the Senate by three Members, and by six Members in the House of Commons. The representation to be increased under the provisions of "*The British North America Act, 1867.*"

9. The influence of the Dominion Government will be used to secure the continued maintenance of the Naval Station at Esquimalt.

10. The provisions of "*The British North America Act, 1867,*" shall, (except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to, and only effect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this minute) be applicable to British Columbia, in the same way and to the like extent as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia had been one of the Provinces originally united by the said Act.

11. The Government of the Dominion undertake to secure the commencement, simultaneously within two years from the date of the Union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected East of the Rocky Mountains towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further to secure the completion of such railway within ten years from the date of the Union.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government

The Province of British Columbia.

ernment may deem advisable in furtherance of the construction of the said railway, a similar extent of public lands along the line of railway throughout its entire length in British Columbia, not to exceed, however, twenty (20) miles on each side of said line, as may be appropriated for the same purpose by the Dominion Government from the public lands in the North-West Territories and the Province of Manitoba. Provided that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government, shall be made good to the Dominion from contiguous lands, and provided further, that until the commencement, within two years as aforesaid from the date of the Union, of the construction of the said railway, the Government of British Columbia shall not sell or alienate any further portion of the public lands of British Columbia, in any other way than under right of pre-emption, requiring actual residence of the pre-emptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said railway, the Dominion Government agree to pay to British Columbia, from the date of the Union, the sum of 100,000 dollars per annum, in half-yearly payments in advance.

12. The Dominion Government shall guarantee the interest for ten years from the date of the completion of the works at the rate of five per centum per annum on such sum, not exceeding £100,000 sterling, as may be required for the construction of a first-class graving dock at Esquimalt.

13. The charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government, shall be continued by the Dominion Government after the Union. To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government, and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

14. The constitution of the Executive authority and of the Legislature of British Columbia, shall, subject to the provisions of "*The British North America Act, 1867*," continue as existing at the time of the Union until altered under the authority of the said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of responsible government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature by providing that a majority of its members shall be elective.

The Union shall take effect, according to the foregoing terms and conditions on such day as Her Majesty, by and with the advice of her most Honorable Privy Council may appoint (on addresses from the Legislature of the colony of British
Columbia

The Province of British Columbia.

Columbia, and of the Houses of the Parliament of Canada in the terms of the 146th section of "*The British North America Act, 1867*), and British Columbia may in its address specify the electoral districts for which the first election of members to serve in the House of Commons shall take place.

(Certified.)

WM. H. LEE,
Clerk Privy Council.

We further humbly represent that we concur in the terms and conditions of Union set forth in the said Address, and approved Report of the Committee of the Privy Council above mentioned; and most respectfully pray that your Majesty will be graciously pleased, by and with the advice of your Majesty's most Honorable Privy Council, under the 146th clause of "*The British North America Act, 1867*," to unite British Columbia with the Dominion of Canada, on the terms and conditions above set forth.

The Senate, Wednesday, April 5th 1871.

(Signed.)

JOSEPH CAUCHON, Speaker.

Address of the Commons of Canada.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada in Parliament assembled, humbly approach Your Majesty for the purpose of representing:—

That by a despatch from the Governor of British Columbia, dated 23rd January, 1871, with other papers laid before this House by Message from his Excellency the Governor General, of the 27th February last, this House learns that the Legislative Council of that Colony, in Council assembled, adopted in January last an Address representing to Your Majesty that British Columbia was prepared to enter into Union with the Dominion of Canada, upon the terms and conditions mentioned in the said Address, which is as follows:—

"To the Queen's Most Excellent Majesty.

"Most Gracious Sovereign,

"We, Your Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of British Columbia in Council assembled, humbly approach Your Majesty for the purpose of representing:—

"That during the last session of the late Legislative Council, the subject of the admission of the Colony of British Columbia into the Union or Dominion of Canada was taken into consideration, and a Resolution on the subject was agreed to

The Province of British Columbia.

to, embodying the terms upon which it was proposed that this colony should enter the Union ;

“That after the close of the session, Delegates were sent by the Government of this Colony to Canada, to confer with the Government of the Dominion with respect to the admission of British Columbia into the Union upon the terms proposed ;

“That after considerable discussion by the Delegates with the Members of the Government of the Dominion of Canada, the terms and conditions hereinafter specified were adopted by a Committee of the Privy Council of Canada, and were by them reported to the Governor General for his approval ;

“That such terms were communicated to the Government of this Colony by the Governor-General of Canada, in a despatch, dated 7th July, 1870, and are as follows :

“1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

“2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be entitled to receive, by half-yearly payments, in advance from the General Government, interest at the rate of five per cent. per annum on the difference between the actual amount of its indebtedness at the date of the Union, and the indebtedness per head of the population of Nova Scotia and New Brunswick, (27.77 dollars,) the population of British Columbia being taken at 60,000.

“3. The following sums shall be paid by Canada to British Columbia, for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant equal to 80 cents per head of the said population, of 60,000, both half-yearly in advance, such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shown by each subsequent decennial census, until the population amounts to 400,000, at which rate such grant shall thereafter remain, it being understood that the first census be taken in the year 1881.

“4. The Dominion will provide an efficient mail service, fortnightly, by steam communication, between Victoria and San Francisco, and twice a week between Victoria and Olympia ; the vessels to be adapted for the conveyance of freight and passengers.

“5. Canada will assume and defray the charges for the following services :—

“A. Salary of the Lieutenant-Governor ;

“B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts ;

“C. The charges in respect to the Department of Customs ;

“D.

The Province of British Columbia.

- “D. The Postal and Telegraphic Services ;
- “E. Protection and encouragement to Fisheries :
- “F. Provision for the Militia ;
- “G. Lighthouses, Buoys and Beacons, Shipwrecked Crews, Quarantine, and Marine Hospitals, including a Marine Hospital at Victoria ;
- “H. The Geological Survey ;
- “I. The Penitentiary ;

And such further charges as may be incident to and connected with the services which by the “*British North America Act, 1867*” appertain to the general Government, and as are or may be allowed to the other Provinces.

“6. Suitable Pensions, such as shall be approved of by Her Majesty’s Government shall be provided by the Government of the Dominion for those of Her Majesty’s servants in the Colony whose position and emoluments derived therefrom would be affected by political changes on the admission of British Columbia into the Dominion of Canada.

“7. It is agreed that the existing Customs Tariff and Excise Duties shall continue in force in British Columbia until the railway from the Pacific Coast and the system of Railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the Tariff and Excise Laws of Canada. When Customs and Excise Duties are, at the time of the Union of British Columbia with Canada, leviable on any goods, wares or merchandizes in British Columbia or in the other Provinces of the Dominion, these goods, wares and merchandizes may, from and after the Union, be imported into British Columbia from the Provinces now composing the Dominion, or into either of those Provinces from British Columbia, on proof of payment of the Customs or Excise duties leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs or Excise duties as are leviable thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the Tariff and Excise duties of British Columbia with those of the Dominion.

“8. British Columbia shall be entitled to be represented in the Senate by three members, and by six members in the House of Commons. The representation to be increased under the provisions of “*The British North America Act, 1867.*”

“9. The influence of the Dominion Government will be used to secure the continued maintenance of the naval station at Esquimalt.

“10. The provisions of “*The British North America Act, 1867,*” shall (except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to and only affect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Minute) be applicable to British Columbia in the same way and to

The Province of British Columbia.

to the like extent as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia had been one of the Provinces originally united by the said Act.

"11. The Government of the Dominion undertake to secure the commencement simultaneously within two years from the date of Union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, east of the Rocky Mountains towards the Pacific, to connect the sea board of British Columbia with the railway system of Canada; and further to secure the completion of such railway within ten years from the date of the Union.

"And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said railway, a similar extent of public lands along the line of railway throughout its entire length in British Columbia, (not to exceed, however, twenty (20) miles on each side of said line,) as may be appropriated for the same purpose by the Dominion Government from the public lands of the North-west Territories and Province of Manitoba: Provided that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands; and provided further, that until the commencement, within two years, as aforesaid, from the date of the Union, of the construction of the said railway, the Government of British Columbia shall not sell or alienate any further portions of the public lands of British Columbia in any other way than under right of pre-emption, requiring actual residence of the pre-emptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said railway, the Dominion Government agree to pay to British Columbia from the date of the Union, the sum of 100,000 dollars per annum, in half-yearly payments in advance.

"12. The Dominion Government shall guarantee the interest for ten years from the date of the completion of the works, at the rate of five per centum per annum, on such sum not exceeding £100,000 sterling, as may be required for the construction of a first class graving dock at Esquimalt.

"13. The charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

"To carry out such policy, tracts of land of such extent as it has hitherto been the practise of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

"14. The constitution of the Executive authority and of the Legislature of
British

The Province of British Columbia.

British Columbia shall, subject to the provisions of "*The British North America Act, 1867*," continue as existing at the time of the Union until altered under the authority of the said Act,—it being at the same time understood that the Government of the Dominion will readily consent to the introduction of responsible government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia, under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature by providing that a majority of its members shall be elective.

"The Union shall take effect according to the foregoing terms and conditions on such day as Her Majesty, by and with the advice of Her Most Honorable Privy Council, may appoint (on addresses from Legislature of the Colony of British Columbia, and of the Houses of Parliament of Canada, in the terms of the 146th section of "*The British North America Act, 1867*,") and British Columbia may in its address specify the electoral districts for which the first election of members to serve in the House of Commons shall take place.

"That such terms have proved generally acceptable to the people of this colony.

"That this Council is, therefore, willing to enter into Union with the Dominion of Canada upon such terms, and humbly submit that, under the circumstances, it is expedient that the admission of this Colony into such Union as aforesaid, should be effected at as early a date as may be found practicable under the provisions of the 146th section of "*The British North America Act, 1867*."

"We, therefore, humbly pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the provisions of the 146th section of "*The British North America Act, 1867*," to admit British Columbia into the Union or Dominion of Canada on the basis of the terms and conditions offered to this colony by the Government of the Dominion of Canada, hereinbefore set forth; and inasmuch as by the said terms British Columbia is empowered in its address to specify the electoral districts for which the first election of Members to serve in the House of Commons shall take place, we humbly pray that such electoral districts may be declared under the Order in Council to be as follows:

"That 'New Westminster District' and the 'Coast District,' as defined in a public notice issued from the Lands and Works Office on the 15th day of December, 1869, by the desire of the Governor, and purporting to be in accordance with the provisions of the 39th clause of the '*Mineral Ordinance, 1869*,' shall constitute one district, to be designated 'New Westminster District,' and return one member.

"That 'Cariboo District' and 'Lillooet District,' as specified in the said public notice, shall constitute one district, to be designated 'Cariboo District,' and return one member.

"That 'Yale District' and 'Kootenay District,' as specified in the said public notice, shall constitute one district, to be designated 'Yale District,' and return one member.

"That

The Province of British Columbia.

"That those portions of Vancouver Island known as 'Victoria District,' 'Esquimalt District' and 'Metchosin District,' as defined in the official maps of those districts in the Land Office, Victoria, and which maps are designated respectively, 'Victoria District Official Map, 1858,' 'Esquimalt District Official Map, 1858,' and 'Metchosin District Official Map, A.D. 1858,' shall constitute one district to be designated 'Victoria District,' and return two members.

"And, that all the remainder of Vancouver Island, and all such islands adjacent thereto as were formerly dependencies of the late Colony of Vancouver Island, shall constitute one district to be designated 'Vancouver Island District,' and return one member.

We further humbly represent that the proposed terms and conditions of Union of British Columbia with Canada, as stated in the said address are in conformity with those preliminarily agreed upon between delegates from British Columbia and the members of the Government of the Dominion of Canada, and embodied in a report of a Committee of the Privy Council, approved by His Excellency the Governor General in Council, on the 1st July, 1870, which approved report is as follows:—

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 1st July, 1870.

The Committee of the Privy Council have had under consideration a despatch, dated the 7th May, 1870, from the Governor of British Columbia, together with certain resolutions submitted by the Government of that colony to the Legislative Council thereof—both hereunto annexed—on the subject of the proposed Union of British Columbia with the Dominion of Canada; and after several interviews between them and the Honorable Messrs. Trutch, Helmcken, and Carrall, the delegates from British Columbia, and full discussion with them of the various questions connected with that important subject, the Committee now respectfully submit for your Excellency's approval the following terms and conditions to form the basis of a political Union between British Columbia and the Dominion of Canada.

1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be entitled to receive by half-yearly payments, in advance, from the General Government, interest at the rate of 5 per cent. per annum, on the difference between the actual amount of its indebtedness at the date of the Union, and the indebtedness per head of the population of Nova Scotia and New Brunswick (27-77 dollars) the population of British Columbia being taken at 60,000.

3. The following sums shall be paid by Canada to British Columbia for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance, such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shown by each subsequent

The Province of British Columbia.

subsequent decennial census, until the population amounts to 400,000, at which rate such grant shall thereafter remain—it being understood that the first census shall be taken in the year 1881.

4. The Dominion will provide an efficient mail service fortnightly by steam communication between Victoria and San Francisco, and twice a week between Victoria and Olympia, the vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following services :—

- A. Salary of the Lieutenant Governor.
- B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts.
- C. The charges in respect to the Department of Customs.
- D. The Postal and Telegraphic Services.
- E. Protection and encouragement of Fisheries.
- F. Provision for Militia.
- G. Lighthouses, buoys and beacons, shipwrecked crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria.
- H. The Geological Survey.
- I. The Penitentiary.

And such further charges as may be incident to and connected with the services which, by "*The British North America Act, 1867*," appertain to the General Government, and as are or may be allowed to the other Provinces.

6. Suitable pensions, such as shall be approved of by Her Majesty's Government, shall be provided by the Government of the Dominion for those of Her Majesty's servants in the Colony whose position and emoluments derived therefrom would be effected by political changes on the admission of British Columbia into the Dominion of Canada.

7. It is agreed that the existing customs tariff, and excise duties, shall continue in force in British Columbia until the railway from the Pacific Coast and the system of railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the tariff and excise laws of Canada. When customs and excise duties are at the time of the Union of British Columbia with Canada leviable on any goods, wares or merchandizes in British Columbia or in the other Provinces of the Dominion, these goods, wares and merchandizes may, from and after the Union, be imported into British Columbia from the Provinces now composing the Dominion, or into either of those Provinces from British Columbia, on proof of payment of the Customs or Excise duties leviable thereon in the Province of exportation, and on payment on such further amount (if any) of customs

The Province of British Columbia.

customs or excise duties as are leviable thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the tariff and excise duties of British Columbia with those of the Dominion.

8. British Columbia shall be entitled to be represented in the Senate by three members and by six members in the House of Commons. The representation to be increased under the provisions of "*The British North America Act, 1867.*"

9. The influence of the Dominion Government will be used to secure the continued maintenance of the Naval Station at Esquimalt.

10. The provisions of "*The British North America Act, 1867,*" shall [except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to, and only effect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Minute] be applicable to British Columbia, in the same way and to the like extent as they would apply to the other Provinces of the Dominion, and as if the Colony of British Columbia had been one of the Provinces originally united by the said Act.

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years after the date of the Union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected east of the Rocky Mountains towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada, and further to secure the completion of such railway within ten years from the date of the Union.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said railway a similar extent of public lands along the line of railway, throughout its entire length in British Columbia, (not to exceed, however, twenty (20) miles on each side of said line,) as may be appropriated for the same purpose by the Dominion Government from the public lands in the North West Territories and the Province of Manitoba: Provided that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government, shall be made good to the Dominion from contiguous lands, and provided further, that until the commencement, within two years as aforesaid from the date of the Union, of the construction of the said railway, the Government of British Columbia shall not sell or alienate any further portion of the public lands of British Columbia in any other way than under right of pre-emption, requiring actual residence of the pre-emptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said railway, the Dominion Government agree to pay to British Columbia, from the date of the Union, the sum of \$100,000 per annum, in half-yearly payments in advance.

12. The Dominion Government shall guarantee the interest, for ten years from the date of the completion of the works at the rate of five per centum per annum

The Province of British Columbia.

annum on such sum, not exceeding £100,000, sterling, as may be required for the construction of a first-class graving dock at Esquimalt.

13. The charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government, shall be continued by the Dominion Government after the Union. To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government, in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

14. The constitution of the Executive authority and of the Legislature of British Columbia, shall, subject to the provisions of "*The British North America Act, 1867*," continue as existing at the time of the Union until altered under the authority of the said Act,—it being at the same time understood that the Government of the Dominion will readily consent to the introduction of responsible government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia, under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature by providing that a majority of its members shall be elective.

The Union shall take effect, according to the foregoing terms and conditions, on such day as Her Majesty, by and with the advice of Her Most Honorable Privy Council, may appoint (on addresses from the Legislature of the Colony of British Columbia, and of the Houses of the Parliament of Canada, in the terms of the 146th section of "*The British North America Act, 1867*,") and British Columbia may in its address specify the electoral districts for which the first election of members to serve in the House of Commons shall take place.

(Certified,)

WM. H. LEE,
Clerk Privy Council.

We further humbly represent, that we concur in the terms and conditions of Union set forth in the said Address, and approved Report of the Committee of the Privy Council above mentioned; and most respectfully pray that your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the 146th clause of "*The British North America Act, 1867*," to unite British Columbia with the Dominion of Canada, on the terms and conditions above set forth.'

JAMES COCKBURN, *Speaker.*

House of Commons,
Saturday, 1st April, 1871.

Address

The Province of British Columbia.

Address of the Legislative Council of British Columbia.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of British Columbia in Council assembled, humbly approach your Majesty for the purpose of representing:—

That, during the last session of the late Legislative Council, the subject of the admission of the Colony of British Columbia into the Union or Dominion of Canada was taken into consideration, and a resolution on the subject was agreed to, embodying the terms upon which it was proposed that this colony should enter the Union;

That, after the close of the session, Delegates were sent by the Government of this colony to Canada, to confer with the Government of the Dominion with respect to the admission of British Columbia into the Union, upon the terms proposed;

That, after considerable discussion by the Delegates with the Members of the Government of the Dominion of Canada the terms and conditions hereinafter specified were adopted by a Committee of the Privy Council of Canada, and were by them reported to the Governor General for his approval;

That such terms were communicated to the Government of this colony by the Governor General of Canada, in a despatch dated July 7th, 1870, and are as follows:—

1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be intitled to receive, by half-yearly payments in advance from the General Government, interest at the rate of 5 percent per annum on the difference between the actual amount of its indebtedness at the date of the Union, and the indebtedness per head of the population of Nova Scotia and New Brunswick (27.77 dollars) the population of British Columbia being taken at 60,000.

3. The following sums shall be paid by Canada to British Columbia, for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance, such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shown by each subsequent decennial census, until the population amounts to 400,000 at which rate such grant shall thereafter remain,—it being understood that the first census shall be taken in the year 1881.

4. The Dominion will provide an efficient mail service, fortnightly, by steam communication

The Province of British Columbia.

communication between Victoria and San Francisco, and twice a week between Victoria and Olympia: the vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following services:—

- A. Salary of the Lieutenant-Governor;
- B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts;
- C. The charges in respect to the Department of Customs;
- D. The Postal and Telegraphic services;
- E. Protection and encouragement of Fisheries;
- F. Provision for the Militia;
- G. Lighthouses, Buoys, and Beacons, Shipwrecked Crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria;
- H. The Geological Survey;
- I. The Penitentiary.

And such further charges as may be incident to and connected with the services which, by the "*British North America Act, 1867*," appertain to the General Government, and as are or may be allowed to the other Provinces.

6. Suitable pensions, such as shall be approved of by Her Majesty's Government, shall be provided by the Government of the Dominion for those of Her Majesty's servants in the colony whose position and emoluments derived therefrom would be affected by political changes on the admission of British Columbia into the Dominion of Canada.

7. It is agreed that the existing customs tariff and excise duties shall continue in force in British Columbia until the railway from the Pacific Coast, and the system of railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the tariff and Excise laws of Canada. When Customs and Excise duties are, at the time of the Union of British Columbia with Canada, leviable on any goods, wares or merchandizes in British Columbia, or in the other Provinces of the Dominion, those goods, wares and merchandizes may, from and after the Union, be imported into British Columbia from the Provinces now composing the Dominion, or into either of those Provinces from British Columbia, on proof of payment of the Customs or Excise duties leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs or Excise duties as are leviable thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the tariff and excise duties of British Columbia with those of the Dominion.

The Province of British Columbia.

8. British Columbia shall be entitled to be represented in the Senate by three Members and by six Members in the House of Commons. The representation to be increased under the provisions of the "*British North America Act, 1867.*"

9. The influence of the Dominion Government will be used to secure the continued maintenance of the Naval Station at Esquimalt.

10. The provisions of the "*British North America Act, 1867,*" shall (except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to and only affect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Minute) be applicable to British Columbia, in the same way and to the like extent as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia had been one the Provinces originally united by the said Act.

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, east of the Rocky Mountains, towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and, further, to secure the completion of such railway within ten years from the date of the Union.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said railway, a similar extent of public lands, along the line of railway throughout its entire length in British Columbia, (not to exceed however twenty (20) miles on each side of the said line,) as may be appropriated for the same purpose by the Dominion Government from the public lands in the North-West Territory and the Province of Manitoba: Provided that the quantity of land which may be held under pre-emption right, or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands; and provided further, that until the commencement, within two years as aforesaid from the date of the Union, of the construction of the said railway, the Government of British Columbia shall not sell or alienate any further portions of the public lands of British Columbia in any other way than under right of pre-emption, requiring actual residence of the pre-emptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said railway, the Dominion Government agree to pay to British Columbia, from the date of the Union, the sum of 100,000 dollars per annum, in half-yearly payments in advance.

12. The Dominion Government shall guarantee the interest for ten years from the date of the completion of the works, at the rate of 5 per centum per annum, on such sum, not exceeding 100,000*l.* sterling, as may be required for the construction of a first class graving dock at Esquimalt.

The Province of British Columbia.

13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

14. The Constitution of the Executive Authority and of the Legislature of British Columbia shall, subject to the provisions of the "*British North America Act, 1867*," continue as existing at the time of the Union until altered under the authority of the said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of responsible Government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature by providing that a majority of its members shall be elective.

The Union shall take effect according to the foregoing terms and conditions on such day as Her Majesty by and with the advice of Her Most Honorable Privy Council may appoint (on addresses from the Legislature of the Colony of British Columbia and of the Houses of Parliament of Canada, in the terms of the 146th section of the "*British North America Act, 1867*"); and British Columbia may in its address specify the Electoral Districts for which the first election of members to serve in the House of Commons shall take place.

That such terms have proved generally acceptable to the people of this colony;

That this Council is therefore willing to enter into Union with the Dominion of Canada upon such terms, and humbly submit that under the circumstances it is expedient that the admission of this colony into such Union, as aforesaid, should be effected at as early a date as may be found practicable under the provisions of the 146th section of the "*British North America Act, 1867*."

We, therefore, humbly pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the provisions of the 146th section of the "*British North America Act, 1867*," to admit British Columbia into the Union or Dominion of Canada on the basis of the terms and conditions offered to this colony by the Government of the Dominion of Canada, hereinbefore set forth. And, inasmuch as by the said terms British Columbia is empowered in its address to specify the electoral districts

The Province of British Columbia.

districts for which the first election of members to serve in the House of Commons shall take place, we humbly pray that such electoral districts may be declared under the Order in Council to be as follows:—

That "New Westminster District" and the "Coast District," as defined in a public notice issued from the Lands and Works Office on the 15th day of December, 1869, by the desire of the Governor and purporting to be in accordance with the provisions of the 39th clause of the "Mineral Ordinance, 1869," shall constitute one district, to be designated "New Westminster District," and return one member;

That "Cariboo District" and "Lillooet District," as specified in the said public notice, shall constitute one district, to be designated "Cariboo District," and return one member;

That "Yale District" and "Kootenay District," as specified in the said public notice, shall constitute one district, to be designated "Yale District," and return one member;

That those portions of Vancouver Island known as "Victoria District," "Esquimalt District," and "Metchosin District," as defined in the official maps of those districts in the Land Office, Victoria, and which maps are designated respectively "Victoria District Official Map, 1858," "Esquimalt District Official Map, 1858," and "Metchosin District Official Map, A. D. 1858," shall constitute one district, to be designated "Victoria District," and return two members.

And that all the remainder of Vancouver Island, and all such islands adjacent thereto, as were formerly dependencies of the late Colony of Vancouver Island, shall constitute one district, to be designated "Vancouver Island District," and return one member.

(Signed),

PHILIP J. HANKIN,
Speaker.

TREATY OF WASHINGTON.

TREATY BETWEEN HER MAJESTY AND THE UNITED STATES OF AMERICA.
Signed at Washington, May 8, 1871.

(Ratified: and ratifications exchanged June 17, 1871.)

HER Britannic Majesty and the United States of America, being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective Plenipotentiaries, that is to say:

Her Britannic Majesty on her part has appointed as Her High Commissioners and Plenipotentiaries, the Right Honourable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a Peer of the United Kingdom, Lord President of Her Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, &c., &c.; the Right Honourable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honourable Privy Council, a Member of Parliament, a Companion of the Most Honourable Order of the Bath, &c., &c.; Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney-General of Her Majesty's Dominion of Canada; and Mountague Bernard, Esq., Chichele Professor of International Law in the University of Oxford;

And the President of the United States has appointed on the part of the United States as Commissioners in a Joint High Commission and Plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an Associate Justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon;

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

ARTICLE I.

Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generally known as the "Alabama" claims:

And whereas Her Britannic Majesty has authorized Her High Commissioners and Plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels:

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which
are

Treaty between Her Majesty and the United States of America.

are not admitted by Her Britannic Majesty's Government, the High Contracting Parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generally known as the "Alabama" claims, shall be referred to a Tribunal of Arbitration to be composed of five Arbitrators to be appointed in the following manner, that is to say: one shall be named by Her Britannic Majesty; one shall be named by the President of the United States; His Majesty the King of Italy shall be requested to name one; the President of the Swiss Confederation shall be requested to name one; and His Majesty the Emperor of Brazil shall be requested to name one.

In the case of the death, absence, or incapacity to serve of any or either of the said Arbitrators, or in the event of either of the said Arbitrators omitting or declining or ceasing to act as such, Her Britannic Majesty, or the President of the United States, or His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, as the case may be, may forthwith name another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And in the event of the refusal or omission for two months after the receipt of the request from either of the High Contracting Parties of His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, to name an Arbitrator either to fill the original appointment or in the place of one who may have died, be absent or incapacitated, or who may omit, decline, or from any cause cease to act as such Arbitrator, His Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act as such Arbitrator or Arbitrators.

ARTICLE II.

The Arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of Her Britannic Majesty and the United States respectively. All questions considered by the Tribunal, including the final award, shall be decided by a majority of all the Arbitrators.

Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent to represent it generally in all matters connected with the arbitration.

ARTICLE III.

The written or printed case of each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other Party as soon as may be after the organization of the Tribunal, but within a period not exceeding six months from the date of the exchange of the ratifications of this Treaty.

ARTICLE IV.

Within four months after the delivery on both sides of the written or printed case.

Treaty between Her Majesty and the United States of America.

case, either Party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a counter case and additional documents, correspondence and evidence, in reply to the case, documents, correspondence and evidence, so presented by the other Party.

The Arbitrators may, however, extend the time for delivering such counter case, documents, correspondence and evidence, when, in their judgment, it becomes necessary, in consequence of the distance of the place from which the evidence to be presented is to be procured.

If in the case submitted to the Arbitrators either Party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof; and either Party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrators may require.

ARTICLE V.

It shall be the duty of the Agent of each Party, within two months after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other Party a written or printed argument showing the points and referring to the evidence upon which his Government relies; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument or oral argument by counsel upon it; but in such case the other Party shall be entitled to reply either orally or in writing, as the case may be

ARTICLE VI.

In deciding the matters submitted to the Arbitrators they shall be governed by the following three rules, which are agreed upon by the High Contracting Parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case:—

RULES.

A neutral Government is bound—

First:—To use due diligence to prevent the fitting out, arming or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruize or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruize or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly:—Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly:—

Treaty between Her Majesty and the United States of America.

Thirdly :—To exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic Majesty has commanded her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I. arose; but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that, in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules.

And the High Contracting Parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime Powers and to invite them to accede to them.

ARTICLE VII.

The decision of the Tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The said Tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfil any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the Tribunal find that Great Britain has failed to fulfil any duty or duties as aforesaid, it may if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Government of the United States at Washington within twelve months after the date of the award.

The award shall be in duplicate, one copy whereof shall be delivered to the Agent of Great Britain for his Government, and the other copy shall be delivered to the Agent of the United States for his Government.

ARTICLE VIII.

Each Government shall pay its own Agent and provide for the proper remuneration of the Counsel employed by it, and of the Arbitrator appointed by it, and for the expense of preparing and submitting its case to the Tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE IX.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

ARTICLE

Treaty between Her Majesty and the United States of America.

ARTICLE X.

In case the Tribunal finds that Great Britain has failed to fulfil any duty or duties as aforesaid, and does not award a sum in gross, the High Contracting Parties agree that a Board of Assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure as to each vessel, according to the extent of such liability as decided by the Arbitrators.

The Board of Assessors shall be constituted as follows : One member thereof shall be named by Her Britannic Majesty, one member thereof shall be named by the President of the United States, and one member thereof shall be named by the Representative at Washington of His Majesty the King of Italy ; and in case of a vacancy happening from any cause, it shall be filled in the same manner in which the original appointment was made.

As soon as possible after such nominations the Board of Assessors shall be organized in Washington with power to hold their sittings there, or in New York, or in Boston. The members thereof shall severally subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, all matters submitted to them, and shall forthwith proceed, under such rules and regulations as they may prescribe, to the investigation of the claims which shall be presented to them by the Government of the United States, and shall examine and decide upon them in such order and manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the Governments of Great Britain and of the United States respectively. They shall be bound to hear on each separate claim, if required, one person on behalf of each Government as Counsel or Agent. A majority of the Assessors in each case shall be sufficient for a decision.

The decision of the Assessors shall be given upon each claim in writing, and shall be signed by them respectively, and dated.

Every claim shall be presented to the Assessors within six months from the day of their first meeting ; but they may, for good cause shown, extend the time for the presentation of any claim to a further period not exceeding three months.

The Assessors shall report to each Government, at or before the expiration of one year from the date of their first meeting, the amount of claims decided by them up to the date of such report ; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting ; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Representative of Her Britannic Majesty at Washington, and one copy thereof to the Secretary of State of the United States.

Treaty between Her Majesty and the United States of America.

All sums of money which may be awarded under this Article shall be payable at Washington, in coin, within twelve months after the delivery of each report.

The Board of Assessors may employ such clerks as they shall think necessary.

The expenses of the Board of Assessors shall be borne equally by the two Governments, and paid from time to time, as may be found expedient, on the production of accounts certified by the Board. The remuneration of the Assessors shall also be paid by the two Governments in equal moieties in a similar manner.

ARTICLE XI.

The High Contracting parties engage to consider the result of the proceedings of the Tribunal of Arbitration and of the Board of Assessors, should such Board be appointed, as a full, perfect, and final settlement of all the claims hereinbefore referred to; and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the Tribunal or Board, shall, from and after the conclusion of the proceedings of the Tribunal or Board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ARTICLE XII.

The High Contracting Parties agree that all claims on the part of Corporations, Companies or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive, not being claims growing out of the acts of the vessels referred to in Article I of this Treaty; and all claims, with the like exception, on the part of Corporations, Companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article XIV of this Treaty, shall be referred to three Commissioners, to be appointed in the following manner, that is to say:—One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date of the exchange of the ratifications of this Treaty, then the third Commissioner shall be named by the Representative at Washington of His Majesty the King of Spain. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named, shall meet at Washington at the earliest convenient period after they have been respectively named; and shall, before proceeding

Treaty between Her Majesty and the United States of America.

ceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, all such claims as shall be laid before them on the part of the Governments of Her Britannic Majesty, and of the United States, respectively; and such declaration shall be entered on the record of their proceedings.

ARTICLE XIII.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and consider all written document or statements which may be presented to them by or on behalf of their respective Governments in support or, in answer to, any claim; and to hear, if required, one person on each side, on behalf of each Government, as Counsel or Agent for such Government, on each and every separate claim. A majority of the Commissioners shall be sufficient for an award in each case. The award shall be given upon each claim in writing, and shall be signed by the Commissioners assenting to it. It shall be competent for each Government to name one person to attend the Commissioners as its Agent to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The High Contracting Parties hereby engage to consider the decision of the Commissioners as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

ARTICLE XIV.

Every claim shall be presented to the Commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners; and then, and in any such case, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the Commissioners to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this Treaty.

ARTICLE XV.

All sums of money which may be awarded by the Commissioners on account of any claim shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article XVI of this Treaty.

Treaty between Her Majesty and the United States of America.

ARTICLE XVI.

The Commissioners shall keep an accurate record, and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary, and any other necessary officer or officers, to assist them in the transaction of the business which may come before them.

Each Government shall pay its own Commissioner and Agent or Counsel. All other expenses shall be defrayed by the two Governments in equal moieties.

The whole expenses of the Commission, including contingent expenses, shall be defrayed by a rateable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of 5 per cent. on the sums so awarded.

ARTICLE XVII.

The High Contracting Parties engage to consider the result of the proceedings of this Commission as a full, perfect and final settlement of all such claims as are mentioned in Article XII of this Treaty upon either Government; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ARTICLE XVIII.

It is agreed by the High Contracting Parties that, in addition to the liberty secured to the United States' fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks, of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years

Treaty between Her Majesty and the United States of America.

years mentioned in article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers are hereby reserved exclusively for fishermen of the United States.

ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the first Article of the Treaty between Great Britain and the United States, concluded at Washington on the 5th of June, 1854, upon the coasts of the United States and Her Britannic Majesty's dominions, as places reserved from the common right of fishing under that Treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding Articles. In case any question should arise between the Governments of Her Britannic Majesty and of the United States as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said first Article of the Treaty of the 5th of June, 1854.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, fish oil and fish of all kinds, (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the United States or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this Treaty are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States; it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in articles XIX and XXI of this Treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the
Government

Treaty between Her Majesty and the United States of America.

Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

ARTICLE XXIII.

The Commissioners referred to in the preceding Article shall be appointed in the following manner, that is to say: One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this Article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its agent, to represent it generally in all matters connected with the Commission.

ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this Treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either party shall offer oral testimony, the other Party shall have the right of cross-examination under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof; and either Party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested

Treaty between Her Majesty and the United States of America.

requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this Treaty.

ARTICLE XXV.

The Commissioners shall keep an accurate record and correct Minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two Governments in equal moieties.

ARTICLE XXVI.

The navigation of the River St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to and into the sea, shall for ever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the Rivers Yukon, Porcupine, and Stikine, ascending and descending from, to and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the High Contracting Parties, on terms of equality with the inhabitants of the United States.

ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this Treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of
the

Treaty between Her Majesty and the United States of America.

the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.

ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, goods, wares, or merchandize arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's Possessions in North America, may be entered at the proper Custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandize may be conveyed in transit, without the payment of duties, from such Possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that for the like period, goods, wares, or merchandize arriving at any of the ports of Her Britannic Majesty's Possessions in North America and destined for the United States may be entered at the proper Custom-house and conveyed in transit without the payment of duties, through the said Possessions, under such rules and regulations, and conditions for the protection of the revenue, as the Governments of the said Possessions may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandize may be conveyed in transit, without payment of duties, from the United States through the said Possessions to other places in the United States, or for export from ports in the said Possessions.

ARTICLE XXX.

It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandize from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided, that a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States' vessels, without payment of duty, goods, wares, or merchandize from one port or place within the Possessions of Her Britannic Majesty in North America, to another port or place within the said Possessions: Provided, that a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

Treaty between Her Majesty and the United States of America.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandize carried under this Article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other Colonies not to impose any export duties on goods, wares, or merchandize carried under this Article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this Article in favour of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favour of the subjects of Her Britannic Majesty under this Article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

ARTICLE XXXI.

The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick. And in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this Treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this Treaty for such period as such export or other duty may be levied.

ARTICLE XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing Articles into effect, then this Article shall be of no effect; but the omission to make provision by law to give it effect, by either of the Legislative Bodies aforesaid, shall not in any way impair any other Articles of this Treaty.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV inclusive, and Article XXX of this Treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said Articles shall remain in force for the period of ten years from the date at which they may come into operation, and further, until the expiration of two years after either of the High Contracting Parties shall have

Treaty between Her Majesty and the United States of America.

have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

ARTICLE XXXIV.

Whereas it was stipulated by Article I of the Treaty concluded at Washington on the 15th of June, 1846, between Her Britannic Majesty and the United States, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along the said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca Straits, to the Pacific Ocean;" and whereas the Commissioners appointed by the two High Contracting Parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of Her Britannic Majesty and of the Government of the United States shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned Article of the said Treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the Treaty of June 15, 1846.

ARTICLE XXXV.

The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form His Majesty may choose to adopt; it shall be delivered to the Representatives or other Public Agents of Great Britain and of the United States respectively, who may be actually at Berlin, and shall be considered as operative from the day of the date of the delivery thereof.

ARTICLE XXXVI.

The written or printed case of each of the two Parties, accompanied by the evidence offered in support of the same, shall be laid before His Majesty the Emperor of Germany within six months from the date of the exchange of the ratifications of this Treaty, and a copy of such case and evidence shall be communicated by each Party to the other, through their respective Representatives at Berlin.

The High Contracting Parties may include in the evidence to be considered by the Arbitrator, such documents, official correspondence, and other official

Treaty between Her Majesty and the United States of America.

official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases.

After the written or printed case shall have been 'communicated by each Party to the other, each Party shall have the power of drawing up and laying before the Arbitrator a second and definitive statement, if it think fit to do so, in reply to the case of the other Party so communicated, which definitive statement shall be so laid before the Arbitrator, and also be mutually communicated in the same manner as aforesaid, by each party to the other, within six months from the date of laying the first statement of the case before the Arbitrator.

ARTICLE XXXVII.

If, in the case submitted to the Arbitrator, either Party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other, through the Arbitrator, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrator may require. And if the Arbitrator should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either Party, and he shall be at liberty to hear one counsel or agent for each Party, in relation to any matter, and at such time, and in such manner, as he may think fit.

ARTICLE XXXVIII.

The Representatives or other public Agents of Great Britain and of the United States at Berlin respectively, shall be considered as the Agents of their respective Governments to conduct their cases before the Arbitrator, who shall be requested to address all his communications, and give all his notices, to such Representatives or other public Agents, who shall represent their respective Governments generally in all matters connected with the arbitration.

ARTICLE XXXIX.

It shall be competent to the Arbitrator to proceed in the said Arbitration, and all matters relating thereto, as and when he shall see fit, either in person, or by a person or persons named by him for that purpose, either in the presence or absence of either or both Agents, and either orally or by written discussion, or otherwise.

ARTICLE XL.

The Arbitrator may, if he think fit, appoint a Secretary or Clerk, for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This, and all other expenses of and connected with the said arbitration, shall be provided for as hereinafter stipulated.

ARTICLE XLI.

The Arbitrator shall be requested to deliver, together with his award, an
account

Treaty between Her Majesty and the United States of America.

account of all the costs and expenses which he may have been put to, in relation to this matter, which shall forthwith be repaid by the two Governments in equal moieties.

ARTICLE XLII.

The Arbitrator shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said Agents.

ARTICLE XLIII.

The present Treaty shall be duly ratified by Her Britannic Majesty, and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged either at London or at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the eighth day of May, in the year of Our Lord one thousand eight hundred and seventy-one.

(L.S.)	DE GREY AND RIPON.
(L.S.)	STAFFORD H. NORTHCOTE.
(L.S.)	EDWD. THORNTON.
(L.S.)	JOHN A. MACDONALD.
(L.S.)	MOUNTAGUE BERNARD.
(L.S.)	HAMILTON FISH.
(L.S.)	ROBT. C. SCHENCK.
(L.S.)	SAMUEL NELSON.
(L.S.)	EBENEZER ROCKWOOD HOAR.
(L.S.)	GEO. H. WILLIAMS.

I N D E X .

	PAGE.
British Columbia—Order in Council respecting.....	lxxxiv.
Canada—Erection of Provinces.....	li.
Extradition.....	xx.
Foreign Enlistment.....	xxxv.
Merchant Shipping—Act.....	iii.
do. do. do.	liii.
Naturalization.....	ix.
do.	xlix.
do.	lix.
Neutrality.....	xxxv.
North-west Territory—Proclamation.....	lxiii.
Rupert's Land, &c. do.	lxiii.
Shipping Merchant, (see above).....
Treaty of Washington.....	cviii.

STATUTES
OF
CANADA

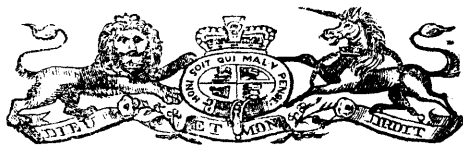
PASSED IN THE SESSION HELD IN THE

THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE FIFTH SESSION OF THE FIRST PARLIAMENT OF CANADA,

*Begun and holden at Ottawa, on the Eleventh day of April, 1872, and closed by
prorogation on the Fourteenth day of June in the same year.*



HIS EXCELLENCY

THE RIGHT HONOURABLE JOHN, BARON LISGAR,

GOVERNOR GENERAL.

OTTAWA :

PRINTED BY BROWN CHAMBERLIN,

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini 1872.



ANNO TRICESIMO-QUINTO

VICTORIÆ REGINÆ.

CAP. I.

An Act to amend the Act respecting the Statutes of Canada,

[Assented to 14th June, 1872.]

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

1. All the original Acts, passed by the Legislatures of the late Provinces of Upper or Lower Canada, or of the late Province of Canada, transferred to and deposited of record in the office of the Clerk of the Senate, and also all original Acts of the Parliament of Canada heretofore assented to, or hereafter to be assented to by the Governor General, and all Bills reserved for the signification of the Queen's pleasure, and assented to or disallowed by the Queen in Council, shall be and continue to remain of record in the custody of the Clerk of the Senate of Canada, and such Clerk, as Custodian thereof, shall be known and designated as "The Clerk of the Parliaments:" And every thing now required by the Act intituled: "*An Act respecting the Statutes of Canada*," or by any other Act of the Parliament of Canada, to be done by the Clerk of the Senate, as Custodian of the said Acts or any of them, shall be done by the Clerk of the Parliaments. Clerk of the Parliaments to have the custody of original Acts of Parliament and of certain late Legislatures, and of reserved Bills.

2. The Clerk of the Parliaments shall have a Seal of Office, and shall affix the same to certified copies of all Acts intended for the Governor General or the Registrar General of Canada or required to be produced before Courts of Justice, either within or beyond the limits of the Dominion of Canada, and in any other case, when the said Clerk may deem it expedient. Clerk of the Parliaments to have and use a Seal of Office.

3. All copies of the Acts above referred to, so certified by the Clerk of the Parliaments, shall be held to be duplicate originals, and also to be evidence, as if printed under the authority of Parliament by the Queen's Printer, of such acts and of their contents. Certified copies of Acts to be held to be duplicate originals.

Bound copy
of Statutes
of Canada and
copies of
reserved bills
duly certified,
to be delivered
to the Govern-
or and Bound
Copy to
Registrar
General.

4. As soon as practicable after the prorogation of every session of Parliament, the Clerk of the Parliaments shall obtain from the Queen's Printer a sufficient number of bound copies of the Statutes of Canada passed during such Session of Parliament, and shall deliver to the Governor General one copy duly certified, for transmission to one of Her Majesty's Principal Secretaries of State, as required by the British North America Act, 1867, together with certified copies of all Bills reserved for the signification of the Queen's pleasure, and one like copy of the said Acts in the English and French languages to the Registrar General of Canada.

Certified
copies of Acts
to be furnished
on application

5. The Clerk of the Parliaments shall also furnish certified copies of any of the Acts above mentioned to any public officer or party applying for the same; and upon all such copies the said Clerk of the Parliaments shall, before delivering the same to such officer or party, receive from such party a fee at the rate of ten cents for every hundred words in the certified copy and certificate; and all sums so received by him shall form part of the contingent fund of the Senate.

Copies for
public service.

6. All certified copies required for the public service shall be obtained from the Clerk of the Parliaments through the Secretary of State of Canada.

Certificate to
be inserted at
the foot of
every copy of
Act required
to be certified.

7. The Clerk of the Parliaments shall insert at the foot of every such copy so required to be certified, a written certificate, duly signed and authenticated by him, to the effect that it is a true copy of the Act passed by the Parliament of Canada, or by the Legislature of the late Province of Canada, or of the late Province of Upper Canada or Lower Canada (*as the case may be*) in the session thereof held in the _____ year of H. M. Reign, and assented to in Her Majesty's name, by the Governor General, or (*as the case may be,*) on the _____ day of _____, or reserved for the signification of Her Majesty's pleasure thereon, and assented to by Her Majesty in Council, on the _____ day of _____.

CAP. II.

An Act relating to the Treaty of Washington, 1871.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS by article thirty-three of the Treaty between Her Majesty and the United States of America, signed at the City of Washington on the eighth day of May, 1871, it is provided that articles eighteen to twenty-five inclusive, relating

relating to the fisheries, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States on the other, and that such assent having been given, the said articles shall remain in force for the term of years mentioned in the said article thirty-three; and whereas it is expedient that the laws required to carry the said treaty into effect as respects Canada, should be passed by the Parliament of the Dominion: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, chapter sixty-one, intituled "*An Act respecting Fishing by Foreign Vessels,*" and the Act of the said Parliament passed in the thirty-third year of Her Majesty's reign, chapter fifteen, intituled: "*An Act to amend the Act respecting fishing by Foreign Vessels,*"—and the Act of the said Parliament passed in the thirty-fourth year of Her Majesty's Reign, chapter twenty-three, intituled: "*An Act further to Amend the Act respecting fishing by Foreign Vessels,*"—and the ninety-fourth chapter of the Revised Statutes of Nova Scotia, (third series) intituled: "*Of Coast and Deep Sea Fisheries,*"—and the Act of the legislature of Nova Scotia, passed in the twenty-ninth year of Her Majesty's Reign, chapter thirty-five, amending the same,—and the Act of the legislature of New Brunswick, passed in the sixteenth year of Her Majesty's Reign, chapter sixty-nine, intituled "*An Act relating to the coast fisheries, and for the preventing of illicit trade.*" so far as the said Acts of the Legislatures of Nova Scotia and New Brunswick, respectively, apply to any case to which the said Acts of the Parliament of Canada apply, shall be and are hereby suspended as respects vessels and inhabitants of the United States of America engaged in taking fish of every or any kind except shell-fish, on the seacoasts and shores, and in the bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, as shall also all Acts, laws or regulations (if any) over which the Parliament of Canada has control, which would in any wise prevent or impede the full effect of the said Article eighteen.

Certain Acts suspended as regards United States' vessels and citizens engaged in taking fish (except shell-fish) on coasts of Quebec, Nova Scotia, and New Brunswick.

2. Fish oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the United States, shall be admitted into Canada free of duty.

Fish and fish oil from United States fisheries to be free.

3. Goods, wares, and merchandize arriving at any of the ports of Canada, and destined for the United States of America, may be entered at the proper custom house, and conveyed in transit, without the payment of duties, through Canada, under such rules, regulations, and conditions for the protection of the Revenue, as the Governor in Council may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares and merchandize

Transit of goods through Canada in bond.

merchandise may be conveyed in transit, without payment of duties, from the United States through Canada, to other places in the United States, or for export from ports in Canada.

Carriage of goods in United States' vessels from one part of Canada to another, conditionally.

4. Citizens of the United States may carry in United States' vessels, without payment of duty, goods, wares and merchandise from one port or place in Canada to another port or place in Canada, provided that a portion of such transportation is made through the territory of the United States by land carriage, and in bond, under such rules and regulations as may be agreed upon between the Government of Her Majesty, and the Government of the United States.

When this Act shall come into force.

5. The foregoing sections of this Act shall come into force upon from and after a day to be appointed for that purpose by a Proclamation based upon an order of the Governor in Council, and shall remain in force during the term of years mentioned in Article thirty three of the said Treaty.

CAP. III.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively, the 30th June, 1872, and the 30th June, 1873, and for other purposes relating to the Public Service.

[Assented to 14th June, 1872.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honorable John, Baron Lisgar, Governor General of the Dominion of Canada, and the Estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of the Dominion not otherwise provided for, for the financial years ending respectively, the thirtieth day of June, one thousand eight hundred and seventy two, and the thirtieth day of June, one thousand eight hundred and seventy three, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that :—

\$688,999 37 granted for 1871-2, and for purposes in Schedule A,

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole six hundred and eighty-eight thousand nine hundred and ninety-nine dollars and thirty-seven cents, towards defraying the several charges

charges and expenses of the public service of the Dominion, from the first day of July, in the year of our Lord one thousand eight hundred and seventy-one, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-two, not otherwise provided for, and set forth in Schedule A to this Act, and also for the other purposes in the said Schedule mentioned, and relating as well to the public service of the financial year aforesaid, as to that ending on the thirtieth day of June, in the year of our Lord, one thousand eight hundred and seventy-three.

out of the Con.
Rev. Fund of
Canada.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole twenty million seven hundred and twenty-nine thousand and sixty dollars and eighty-five cents, towards defraying the several charges and expenses of the Dominion, from the first day of July, in the year of our Lord one thousand eight hundred and seventy-two, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-three, not otherwise provided for, and set forth in the Schedule B to this Act, and for other purposes in the said Schedule mentioned.

\$20,729,060 85
granted for
1872-3, and
purposes in
Schedule B,
out of the
Con. Rev.
Fund of
Canada.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada, during the first fifteen days of the then next Session of Parliament.

Accounts to be
laid before
Parliament.

SCHEDULE A.

SUMS granted to Her Majesty by this Act, wholly or partly, for the Financial Year ending 30th June, 1872, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
LEGISLATION.		
LIBRARY.		
	\$ cts.	ots.
To pay for certain works published in Canada, and purchased for distribution to Foreign Libraries.....		1,000 00
GEOLOGICAL SURVEY AND OBSERVATORIES.		
To pay costs and charges incurred in the preliminary Geological Exploration made last Summer in British Columbia.....	5,485 67	
To pay for collecting and Distributing Weather Reports by Telegraph, Salaries of Meteorological Observers, Compiling and Publishing Weather Bulletins, Stationery, &c. &c.	3,000 00	8,485 67
IMMIGRATION.		
To pay expenses further required for Agencies. Travelling Agencies, &c., &c., and for obtaining and disseminating information and meeting other requirements of the Immigration Service, and for reimbursing to Charitable Societies sums paid for Capitation Tax.....		25,000 00
MARINE HOSPITALS.		
To pay expenses further required for Marine Hospitals, Sick and Disabled and Distressed Seamen.....	7,000 00	
To reimburse the Quebec Board of Trade for expenses incurred by that Body in efforts made to save the lives of Crews shipwrecked in the Lower St. Lawrence at the close of the season.....	769 51	7,769 51
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Capital.)</i>		
PACIFIC RAILWAY SURVEY.		
Amount further required for the Survey, the unexpended balance to be carried forward.....		250,000 00
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Income.)</i>		
Emigration Buildings, Montreal and Point Levis.....	8,000 00	
" " Manitoba (unexpended balance to be carried forward).....	9,000 00	
Heating Public Building, Ottawa.....	6,000 00	
Nova Scotia Buildings (balance payable).....	17,615 00	
" " Alteration and Improvements.....	15,000 00	
		55,615 00
<i>Carried forward</i>		347,870 18

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		347,870 18
DOMINION STEAMERS.		
To pay for repairs required by the Dominion Steamers		6,000 00
MILITIA AND DEFENCE.		
MANITOBA.		
Annual Drill and Camp Purposes	4,000 00	
BRITISH COLUMBIA.		
Clothing	10,000 00	
Military Stores	16,000 00	
	26,000 00	30,000 00
LIGHTHOUSES AND COAST SERVICE.		
To meet additional and unexpected expenditure arising out of increased prices of material and labour, in the Lighthouse Service of the year		15,000 00
FISHERIES.		
To provide for Coppering and other necessary repairs to "La Canadienne"	3,000 00	
To cover Expenditure required in the Fisheries Service, Nova Scotia	2,000 00	
		5,000 00
INDIANS.		
To provide for the following payments made at the time of the signing of Treaty No. 1, North West Territories.		
Expenses	4,076 72	
Payments made when Treaty was signed (1,890 persons)	5 670 00	
Annuities for 1871-72 advanced to 2,454 persons	7,362 00	
Payments to be made to Indians absent at the time the Treaty was concluded	2,214 00	
		19,322 72
To provide for the following payments made at the time of the signing of Treaty No. 2, North West Territories.		
Expenses	1,494 43	
Payments made when Treaty was signed (517 persons)	1,551 00	
Annuities for 1871-72 advanced	1,551 00	
Payments to be made to Indians absent at the time the Treaty was concluded	620 40	
		5,216 83
To provide for the following supplies furnished in connection with the two Treaties		
Militia Department, for Pork	3,150 00	
Hudson's Bay Company supplies	3,224 44	
Sundries	669 50	
		7,143 94
To pay the salaries, travelling expenses, &c., of the Commissioner, Agent and Interpreter	4,151 30	
		35,834 79
<i>Carried forward</i>		439,704 97

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		439,704 97.
MISCELLANEOUS.		
COMPENSATION FOR LOSSES ARISING OUT OF THE INSURRECTION IN RUPERT'S LAND.		
To pay the Parents of the late Thomas Scott.....	2,000 00	
To pay the amount further required to liquidate the awards given by the Hon. the Recorder of Manitoba in the claims presented before him.....	48,000 00	
	50,000 00	
MANITOBA EXPEDITIONARY FORCE.		
Pay and maintenance of 216 officers and men, from 15th March to 30th June, 1872, including contingencies.....		35,000 00
SURVEYS IN MANITOBA.		
To meet the expenses of the above service, in anticipation of the Vote for 1872-3.....		70,000 00
		155,000 00
COLLECTION OF REVENUES.		
POST OFFICE.		
To meet the sum required to complete the services for Nova Scotia and New Brunswick, in consequence of the salaries in the City Post Offices being paid this year from the Appropriation instead of from Revenue as heretofore.....		25,030 00
PUBLIC WORKS.		
<i>Nova Scotia Railway.</i>		
To pay the family of the Jos. Guynan, a Brakesman killed on the Railway in December, 1869.....	380 00	
To pay the family of the late Alfred Trider, a Fireman, killed on the 26th August last.....	500 00	
To pay for repairs rendered necessary by a storm on the 12th October last.....	10,000 00	
To pay working expenses in connection with Night Coal Trains.....	18,000 00	
	28,880 00	
<i>European and North American Railway.</i>		
To pay for New Rails.....	8,000 00	
To meet further sums required for working expenses.....	32,000 00	
	40,000 00	
		68,880 00
<i>Carried forward</i>		688,584 97

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts.	\$ cts. 688,584 97
UNPROVIDED ITEMS.		
(Vide <i>Public Accounts</i> , 1870-71, <i>Expenditure Statements</i> , 357.)		
CIVIL GOVERNMENT.		
Dominion Offices, Nova Scotia, Excess of Expenditure over Appropriation	195 43	
PENITENTIARIES.		
Directors of Penitentiaries, Excess of Expenditure over Appropriation .	218 97	414 40
		688,999 37

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1873, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
CHARGES OF MANAGEMENT.		
Office of Assistant Receiver General, Toronto	6,000 00	
Montreal	5,000 00	
Auditor and Assistant Receiver General, Halifax, N. S.	10,500 00	
St. John, N.B.	7,500 00	
Fort Garry	4,000 00	
Victoria, B. C.	5,000 00	
Country Savings Banks, New Brunswick and Nova Scotia .	6,000 00	
Inspector	600 00	
	44,600 00	
Seigniorial Tenure Commission and Contingencies	6,000 00	
		50,600 00
CIVIL GOVERNMENT.		
Governor General's Secretary's Office	4,932 50	
The Department of the Privy Council	11,350 00	
Justice	8,650 00	
Militia and Defence	29,410 00	
Secretary of State	26,567 50	
for the Provinces	16,390 00	
Receiver General	16,550 00	
The Finance Department	40,980 00	
The Customs Department	23,830 00	
The Inland Revenue Department	18,050 00	
The Department of Public Works	40,600 00	
The Post Office Department	61,650 00	
The Department of Agriculture	27,280 00	
The Department of Marine and Fisheries	17,530 00	
The Treasury Board Office	3,100 00	
The Finance Offices, Nova Scotia and New Brunswick	2,000 00	
The Marine and Fisheries Offices, Nova Scotia and New Brunswick ...	8,500 00	
The Dominion Lands' Office, Manitoba	4,200 00	
Departmental Contingencies	150,000 00	
Stationery Office, for Stationery	15,000 00	
To meet the possible amount for increases under the Civil Service Act, or for possible new appointments required by an extension of the staff, or other change	10,000 00	
		536,870 00
ADMINISTRATION OF JUSTICE.		
Miscellaneous	10,000 00	
To provide for the Administration of Justice for Manitoba and the North West Territory, and British Columbia	20,000 00	
		30,000 00
POLICE.		
Police of the Dominion	25,000 00	
Water Police, Montreal	10,500 00	
to cover an increase of wages	1,000 00	
River Police, Quebec	10,500 00	
		47,000 00
<i>Carried forward</i>		664,170 00

SCHEDULE

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		664,170 00
LEGISLATION.		
SENATE.		
Salaries and Contingent Expenses of the Senate	41,118 00	
HOUSE OF COMMONS.		
Salaries and Contingencies, per Clerk's Estimate	70,315 00	
" " Sergeant-at-Arms' Estimate	33,693 75	
MISCELLANEOUS.		
Grant to Parliamentary Library	6,000 00	
Printing, Binding and Distributing the Laws	10,000 00	
Printing, Printing Paper and Bookbinding	35,000 00	
Contingencies of the Clerk of the Crown in Chancery	1,000 00	
Miscellaneous Printing	2,000 00	
		199,126 75
GEOLOGICAL SURVEY AND OBSERVATORIES.		
OBSERVATORIES.		
Observatory, Quebec	2,400 00	
" Toronto	4,800 00	
" Kingston	500 00	
" Montreal	500 00	
" Halifax	1,500 00	
" New Brunswick	1,000 00	
Rebuilding Observatory, Quebec	5,000 00	
Grant for Meteorological Observatories, including Instruments	10,000 00	
For increase to Geological Survey	15,000 00	
		40,700 00
ARTS, AGRICULTURE AND STATISTICS.		
Salaries and Contingent Expenses of Statistical Office, Halifax	3,950 00	
Salaries of 316 Deputy Registrars, Province of Nova Scotia, and allowance for getting Marriage Returns	1,880 00	
To meet the possible amount required in the fiscal year for the Census, <i>i.e.</i> , the unexpended balance of the year 1871-72, which is to be carried forward, and which is estimated at	190,000 00	
To meet Expenses in connection with the care of the Archives	4,000 00	
		199,830 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés	17,712 00	
" Travelling Agents	12,000 00	
Medical Inspection of the Port of Quebec	2,600 00	
Quarantine, Grosse Isle	12,700 00	
" St. John, N. B.	3,900 00	
" Halifax (Revote \$,1000)	4,460 00	
To meet expenses of further precautionary measures for the Public Health	20,000 00	
<i>Carried forward</i>	73,372 00	1,103,826 75

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	73,372 00	1,103,826 75
IMMIGRATION AND QUARANTINE.—Continued.		
Contingencies of Canadian and other regular Agencies.....	14,000 00	
Travelling expenses of Travelling Agents.....	14,000 00	
Grants in aid of the Provinces towards encouraging Immigration.....	70,000 00	
Grant in aid of the British and Colonial Emigration Fund.....	5,051 39	
Grant in aid of the Workingmens' Emigration Society and National League.....	1,369 00	
Towards assisting Immigration and meeting Immigration Expenses.....	150,000 00	327,792 39
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec.....	21,000 00	
Marine Hospitals, New Brunswick and Nova Scotia, Hospital at St. Catherines, and Maintenance, &c., of Shipwrecked and Sick and Distressed Seamen at the several Ports of the Dominion.....	27,000 00	48,000 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly.....	400 00	
L. Gagné, Messenger.....	72 00	
John Bright „.....	80 03	
Mrs. Antrobus.....	800 00	
NEW MILITIA PENSIONS.		
Mrs. Caroline McEachern and four children.....	292 00	
Jane Lakey.....	146 00	
Rhoda Smith.....	110 00	
Janet Alderson.....	110 00	
Margaret McKenzie.....	80 00	
Mary Ann Richey and two children.....	336 00	
Mary Morrison.....	80 00	
Louise Prud'homme and two children.....	110 00	
Virginie Charron and four children.....	150 00	
Paul M. Robins.....	146 00	
Charles T. Bell.....	73 00	
Alex. Oliphant.....	109 50	
Charles Lugsden.....	91 25	
John White.....	109 50	
Thomas Charters.....	91 25	
Charles T. Robertson.....	110 00	
Percy G. Routh.....	400 00	
Richard S. King.....	400 00	
George A. McKenzie.....	73 00	
Edward Hilder.....	146 00	
Fergus Scholfield.....	73 00	
John Bradley.....	109 50	
Richard Penticost.....	91 25	
James Bryan.....	109 50	
Jacob Stubbs.....	73 00	
Mary Connor.....	110 00	
Mary Hodgins and three children.....	191 00	
John Martin.....	110 00	
A. W. Stevenson.....	110 00	
Mrs. J. Thorburn.....	150 00	
Mrs. P. T. Worthington and children.....	378 00	
Mrs. J. H. Elliott and children.....	130 00	
Mrs. George Prentice and children.....	400 00	
Ellen Kirkpatrick and three children.....	266 00	
Ensign Fahey.....	200 00	
<i>Carried forward</i>	7,016 75	1,794,619 14

SCHEDULE B.—Continued.

SERVICE.	Amount,	Total.
<i>Brought forward</i>	\$ cts. 7,016 75	\$ cts. 1,479,619 14
PENSIONS.—Continued.		
COMPENSATION TO PENSIONERS.		
In lieu of Land	9,000 00	16,016 75
PUBLIC WORKS AND BUILDINGS.		
(Chargeable to Capital.)		
DOMINION RAILWAYS.		
Intercolonial Railway	5,400,000 00	
Branch line from Dorchester Station to Dorchester Island.....	25,000 00	
To aid in the construction of a Branch Railway from the Acadian Iron Mines, Londonderry, N.S., to the Intercolonial Railway	14,000 00	
<i>Nova Scotia Railway.</i>		
Extension Railway Terminus at Halifax, including Railway Wharf, at Richmond Deep Water Terminus (Revote, \$150,000)	250,000 00	
<i>European and North American Railway.</i>		
Increased accommodation at St. John and Point du Chêne (Revote)	150,000 00	
Deep Water Wharf at St. John.....	84,000 00	
	234,000 00	
<i>Canadian Pacific Railway.</i>		
Towards Survey	250,000 00	
CANALS.		
For works of construction	3,490,000 00	
Improvement of River St. Lawrence between Quebec and Montreal (one-half total cost to be paid by the Montreal Harbour Commissioners)	200,000 00	
Towards the enlargement of Carillon and Châte à Blondeau Canals with Dam and Slides for passage of Lumber	200,000 00	
PUBLIC BUILDINGS	361,500 00	
Total chargeable to Capital		10,424,500 00
PUBLIC WORKS AND BUILDINGS.		
(Chargeable to Income.)		
RAILWAYS.		
<i>Nova Scotia Railway.</i>		
Rolling Stock for Coal Traffic.....	67,000 00	
Sidings, Water Supply, Engines, Sheds, Ballast, &c.....	43,600 00	
	110,600 00	
<i>Carried forward</i> ,.....	110,600 00	11,920,135 89

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	110,600 00	11,920,135 89
PUBLIC WORKS AND BUILDINGS.—Continued.		
RAILWAYS.—Continued.		
<i>European and North American Railway.</i>		
Sidings	6,000 00	
Storehouses	4,500 00	
Rolling Stock	49,750 00	
New Rails	22,000 00	
New Pier, Sackville Railway Bridge.....	17,000 00	
	99,250 00	
CANALS.		
<i>Lachine Canal.</i>		
Culvert, River St. Pierre (Revote)	13,000 00	
Weir and Raceway for regulating water St. Gabriel Lock	30,000 00	
	43,000 00	
<i>Welland Canal.</i>		
Waste Weir, Dunnville.....	19,000 00	
Deepening Harbour, Port Dalhousie.....	25,000 00	
Port Colborne.....	37,000 00	
Superintendence and Contingencies.....	8,000 00	
Back Ditches	4,000 00	
In aid of Temporary Supply of Water.....	70,000 00	
	163,000 00	
<i>St. Anne's Lock.</i>		
Improving Channel	15,000 00	
<i>Rideau Canal.</i>		
Additional Supply of Water and Improvement of Canal Basin, Ottawa.....	20,000 00	
<i>Chambly Canal.</i>		
Houses, Superintendent and Lock Master	2,000 00	
MISCELLANEOUS WORKS.....		
Towards the cost of erecting Lift Pump to supply water to Mill-owners, Welland Canal	8,300 00	
Bridge over Rideau Canal at Lower Brewer's Lock.....	2,000 00	
Lock at Culbute Rapids, Ottawa River.....	25,000 00	
	35,300 00	
<i>Carried forward</i>	503,350 00	11,920,135 89

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	503,350 00	11,920,135 89
PUBLIC WORKS AND BUILDINGS.—Continued.		
IMPROVEMENT OF RIVERS.		
Removal of Rock at Cap à la Roche, St. Lawrence.....	12,000 00	
" River Richelieu, Quebec.....	5,000 00	
" known as "The Two Sisters," Fraser River, British Columbia.....	7,000 00	
Tow Path, River St. John, N.B.	1,000 00	
Improvement of Red River Navigation, Manitoba.....	5,000 00	
To defray the cost of Dredging the Bar at the Mouth of the River Thames	10,000 00	
Improvement of Rivers	10,000 00	
	50,000 00	
ROADS AND BRIDGES.		
Temiscouata, Metapédiac, and Huntingdon and Port Louis Road (Military Roads)	10,000 00	
Bridge, Portage du Fort (Revote)	8,000 00	
	18,000 00	
<i>Red River Road.</i>		
Plant and Working Expenses.....	165,000 00	
PUBLIC BUILDINGS.		
Ottawa, Post Office, Custom House, and Inland Revenue Office, towards Construction (revote)	40,000 00	
Toronto, Custom House, Savings Bank, Examining War- house, and Inland Revenue Office (revote)	114,000 00	
Toronto, Quebec and London Post Offices (revote \$30,600) ..	50,000 00	
London Custom House (revote)	20,000 00	
Kingston Immigration Station	4,000 00	
Montreal Post Office, towards Construction (revote \$40,000)	120,000 00	
Three Rivers Custom House and Inland Revenue Office...	12,000 00	
Grosse Island Quarantine Station	18,000 00	
Levis Immigration Station	4,000 00	
Montreal Immigration Station	3,000 00	
Sherbrooke Immigration Station	1,000 00	
Pictou, Nova Scotia, Custom House & Inland Revenue Office	12,000 00	
Nova Scotia Quarantine Stations.....	14,000 00	
St. John, New Brunswick, Post Office, towards construction (revote \$36,000)	50,000 00	
St. John, New Brunswick, Savings Bank Building	40,000 00	
Chatham and Newcastle, N. B., Custom House, and Inland Revenue Office	18,000 00	
New Brunswick Quarantine Stations	8,000 00	
Manitoba Custom House and Inland Revenue Office	13,000 00	
" Post Office.....	10,000 00	
" Land Office, & Assistant Receiver General's Office	13,000 00	
British Columbia, Custom House, Post Office and Inland Revenue Office.....	25,000 00	
British Columbia, Marine Hospital	20,000 00	
Penitentiary (Survey, Plans, &c.)	5,000 00	
Public Buildings generally	30,000 00	
To pay for the purchase of a site and the erection of a build- ing for an Immigration Station at London, Ontario....	4,000 00	
	648,000 00	
HARBOURS AND PIERS.		
Lakes Erie and Huron (revote \$150,000)	225,000 00	
Presqu'île, Lake Ontario (revote)	9,000 00	
Dredging	55,000 00	
House Harbour, Magdalen Islands (revote)	2,000 00	
<i>Carried forward</i>	291,000 00	
	1,384,350 00	11,920,135 89

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	291,000 00	
	\$ cts.	\$ cts.
	1,384,350 00	11,920,135 89
PUBLIC WORKS AND BUILDINGS.—Continued.		
HARBOURS AND PIERS.—Continued.		
Amherst Harbour, Magdalen Islands (revote)	2,500 00	
Riviere du Loup en haut (revote) (Local authorities furnish- ing an equal amount).....	4,000 00	
Mabou Harbour, Nova Scotia	25,000 00	
Liverpool, Nova Scotia, Harbour of Refuge (revote)	20,000 00	
Port Maitland, Shubenacadie, Nova Scotia, (revote)	3,000 00	
Macnair's Cove, Nova Scotia, Harbour (revote \$8,000)	15,000 00	
Port Hood, Cape Breton, Nova Scotia, Repairs to Pier. ...	14,000 00	
Bathurst Harbour, New Brunswick (revote)	2,000 00	
Miramichi Harbour, New Brunswick	2,000 00	
Richibucto Harbour, New Brunswick	2,500 00	
removal of wreck ..	3,000 00	
Quaco Harbour, Harbour of Refuge (revote \$11,000)	16,000 00	
Grand Manan Harbour, Public Landing	2,000 00	
Herring Cove Harbour, Harbour of Refuge, towards con- struction	15,000 00	
Improvement to Dredges and Scows, New Brunswick	4,000 00	
British Columbia, Dredge Vessel, Tug and Scows	10,000 00	
Pier for Lighthouse, and Lighthouse, Port Stanley, Lake Erie	7,000 00	
Kingston Harbor, Ontario	10,000 00	
For New Breakwater and certain works of dredging at Col- lingwood, Georgian Bay, the Northern Railway Com- pany to furnish an equal amount	35,000 00	
Breakwater, Cheverie, Nova Scotia	2,000 00	
To repair the breaches made in the Bar at Yarmouth, Nova Scotia	9,000 00	
To repair the Pier and dredging at Meteghan, N.S.	4,500 00	
Harbor Works, Ingonish South, Cape Breton, Nova Scotia Breakwater at Tancook Island, off Lunenburg County, N.S., local authorities furnishing an equal amount	2,000 00	
To repair Breakwater at Port Williams, N. S.	2,000 00	
To complete works at Margaretville, N. S.	2,000 00	
Oak Point Harbor Works, N. S.	3,000 00	
Breakwater at Wilson's Beach, Campobello, N. B., Local Authorities furnishing an equal amount	1,000 00	
Towards improvements at Richibucto, N. B.	8,000 00	
Peticodiac, N.B., Improvement of Channel to Moncton (Railway Harbor)	11,000 00	
	552,500 00	
SURVEYS AND INSPECTIONS.		
Surveys and Inspections	45,000 00	
Purchase of Instruments for Photographic purposes	3,000 00	
	48,000 00	
ARBITRATION AND AWARDS		
	10,000 00	
MISCELLANEOUS WORKS, NOT OTHERWISE PROVIDED FOR.		
	10,000 00	
RENTS, REPAIRS, HEATING, &c., &c.		
Rents, Repairs and Furniture	60,000 00	
Heating Public Buildings, Ottawa	35,000 00	
Repairs, Custom House, St. John, &c	5,000 00	
Removal of Snow, Public Buildings, Ottawa	2,000 00	
Repairs, Custom House, Montreal	5,000 00	
	107,000 00	
LIGHTHOUSES.		
Protection to Little Hope Lighthouse, Nova Scotia (revote).....	10,000 00	
<i>Carried forward</i>	2,121,850 00	11,920,135 89

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	2,121,850 00	11,920,135 89
PUBLIC WORKS AND BUILDINGS.—Continued.		
SLIDES AND BOOMS.		
St. Maurice (revote \$15,000 00)	20,000 00	
Ottawa River, Slide at Roche Capitaine Rapids	27,000 00	
Miscellaneous	15,000 00	
St. Maurice River Works (revote, \$10,000)	15,000 00	
	77,000 00	
Total chargeable to Income		2,128,850 00
OCEAN AND RIVER STEAM AND PACKET SERVICE.		
DOMINION STEAMERS.		
Maintenance of Steamers <i>Napoleon III, Lady Head, Druid, and Sir James Douglas</i>	85,500 00	
MAIL SUBSIDIES.		
Moieties payable to Allan Line between Halifax and Cork	39,541 64	
Steam Communication between Quebec and Maritime Provinces	15,000 00	
Steam Communication between Prince Edward Island and the Ports of the Dominion	3,000 00	
Packet Communication between Pictou and the Magdalen Islands	400 00	
Steam Communication between New Brunswick and Prince Edward Island	1,000 00	
Steam Communication Halifax and St. John <i>via</i> Yarmouth	10,000 00	
Communication from St. John to Ports in Basin of Minas	2,000 00	
Steam Communication on Lakes Huron and Superior	18,750 00	
Steam Service between San Francisco and Victoria, B. C.	54,000 00	
TUG SERVICE, UPPER ST. LAWRENCE.		
Between Montreal and Kingston	12,090 00	
		241,191 64
PENITENTIARIES.		
Penitentiary, Kingston, Ontario	116,959 00	
Rockwood Asylum, Ontario	51,565 42	
Penitentiary, Halifax, Nova Scotia	21,207 40	
" St. John, New Brunswick	47,131 00	
Directors of Penitentiaries	9,000 00	
To provide for the estimate of cost of testing system of gratuities payable to Convicts on discharge	3,000 00	
To meet expenses for organizing and maintaining Montreal Penitentiary	14,000 00	
		265,853 82
MILITIA.		
ORDINARY.		
Salaries of Military Branch and District Staff	33,740 00	
" Brigade Majors	30,000 00	
Allowances for Drill Instruction to be extended to 1st November, 1873, it being impossible to get in all the claims under this head before the expiration of the financial year	50,000 00	
<i>Carried forward</i>	113,740 00	14,626,051 35

SCHEDULE B.—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought forward</i>	113,740	00	14,626,031	35
MILITIA.—Continued.				
ORDINARY.—Continued.				
Military Schools, including the pay of the Superintendent and his Clerk	65,000	00		
Ammunition, including \$69,858.37, second instalment in payment of Reserve Ammunition purchased from Imperial Government.....	130,560	00		
Clothing.....	120,000	00		
Military Stores, including \$28,967.87, second instalment in payment of Reserve Stores purchased from Imperial Government, also \$20,000 for purchase of Accoutrements, and \$27,500 for 10,000 Blankets, and \$4,500 for Camp Kettles, formerly charged to Vote for Drill and Camp purposes.....	132,000	00		
Public Armouries and care of Arms, including the pay of Storekeepers and Caretakers, Storemen, and the rent, fuel and light of Public Armouries, to be extended to 1st November, 1873, it being impossible to get in all the claims under this head before the expiration of the financial year.....	60,600	00		
Drill Pay and Camp purposes, and all other incidental expenses connected with the Drill and Training of the Militia, including expense of drilling 23,000 men in Special Brigade Camps, for 16 days, \$500,000, and for drilling 10,000 additional men in Brigade Camps for 16 days, \$50,000, to be extended to 1st November, 1873, it being impossible to get in all the claims under this head before the expiration of the financial year.....	550,000	00		
Contingencies, and General Service not otherwise provided for, including assistance to Rifle Associations and Bands of efficient Corps.....	75,000	00		
Targets.....	5,000	00		
Drill Sheds and Rifle Ranges.....	12,000	00		
EXTRAORDINARY.				
Enrolment.....	50,000	00		
Barrack Accommodation.....	3,000	00		
To meet the expense of any damage to Arms.....	3,000	00		
Gunboats.....	20,000	00		
Care and Maintenance of properties transferred from the Ordnance and Imperial Government.....	12,500	00		
For Improved Fire Arms ("Snider" Rifles and "Henry Martini" Rifles) including \$26,166.58, second instalment in payment of "Snider" Rifles purchased as a Reserve from the Imperial Government.....	77,000	00		
Ordnance and equipment of Field Batteries and Garrison Batteries of Artillery, including \$19,913.12, second instalment in payment of Reserve Ordnance, &c., purchased from Imperial Government.....	40,000	00		
"A" AND "B" BATTERIES OF GARRISON ARTILLERY.				
Pay, Maintenance and Equipment of "A" and "B" Batteries of Garrison Artillery and Schools of Gunnery, at Kingston and Quebec, including salaries and allowances of the Inspector of Artillery and Warlike Stores, and Commandant of "A" Battery at Kingston, and the Commandant of "B" Battery and Inspector of Artillery, &c. for Province of Quebec.....	80,000	00	1,549,400	00
LIGHTHOUSES AND COAST SERVICE.				
Construction of Lighthouses, Fog Trumpets, &c.....	157,000	00		
<i>Carried forward</i>	157,000	00	16,175,431	35

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts. 157,000 00	\$ cts. 16,175,431 35
LIGHTHOUSES AND COAST SERVICE.—Continued.		
ONTARIO.		
Fog Bell at Toronto.....	1,000 00	
Lighthouse, Owen Sound.....	1,000 00	
New Light, Missisagua, North West end of Manitoulin Island, looking into Lake Huron.....	1,500 00	
	3,500 00	
QUEBEC.		
Salaries of Lighthouse Keepers, &c.....	30,645 00	
Maintenance of Lighthouses, &c.....	29,900 00	
	60,545 00	
BETWEEN QUEBEC AND MONTREAL.		
Salaries of Lighthouse Keepers.....	4,184 50	
Maintenance, &c., of Lighthouses.....	14,068 00	
Steamer <i>Richelieu</i>	8,104 00	
	26,356 50	
TRINITY HOUSE, QUEBEC.		
Salaries and Contingencies.....	8,021 00	
TRINITY HOUSE, MONTREAL.		
Salaries and Contingencies.....	5,569 00	
LIGHTHOUSES, ETC., ABOVE MONTREAL.		
Salaries and Allowances.....	27,176 00	
Maintenance.....	40,924 00	
	68,100 00	
NOVA SCOTIA.		
Salaries and Allowances.....	35,504 00	
Maintenance.....	51,200 00	
Sambro Island Fog Whistle.....	8,000 00	
Port Mouton Lighthouse.....	1,000 00	
West Arichat.....	1,000 00	
Shelburne Harbor Lighthouse.....	1,000 00	
Green Island.....	2,000 00	
Bras d'Or Lake.....	2,000 00	
Walton Harbor.....	1,000 00	
Yarmouth Beacon.....	3,000 00	
To complete construction of Lights now in progress at Lis- comb, Country Harbor, Cheticamp, Cranberry Island, Canso, Negro Island, Chebucto Head, Digby, and Sable Island.....	16,200 00	
	121,904 00	
<i>Carried forward</i>	450,995 50	16,175,431 35

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts. 450,995 50	\$ cts. 16,175,431 35
LIGHTHOUSES AND COAST SERVICE.—Continued.		
NEW BRUNSWICK.		
Salaries and Allowances	12,897 00	
Maintenance	17,030 00	
Buoys and Beacons	4,500 00	
To complete construction of Lights now in progress at Southern Wolves, Bliss Harbor, Cassies Point, and Shippegan Gully	2,800 00	
Fog Whistle for Machias Seal Islands	10,000 00	
	47,227 00	
BRITISH COLUMBIA.		
Salaries and Allowances	5,975 00	
Maintenance	10,587 00	
	16,562 00	
Sable and Seal Islands Humane Establishments	8,000 00	
Cape Race Light.....	300 00	
		523,084 50
FISHERIES.		
Ontario.....	7,400 00	
Quebec.....	8,000 00	
Nova Scotia	9,755 00	
New Brunswick	7,080 00	
	32,235 00	
Maintenance and repairs of Schooner <i>La Canadienne</i>	9,000 00	
Fish Breeding, Fishways and Oyster Beds	7,500 00	
Marine Police.....	65,000 00	
		113,735 00
CULLING TIMBER.		
Salaries and Contingent Expenses of the Cullers' Offices		78,225 00
STEAMBOAT INSPECTION.		
To defray expenses of Steamboat Inspection.....		13,250 00
INDIANS.		
Annual Grant to Indians, Quebec	400 00	
" " Nova Scotia	3,300 00	
" " New Brunswick	3,200 00	
To purchase Blankets for aged and infirm Indians, Ontario and Quebec, and transport of the same	1,400 00	
Annuities payable to Indians in the North West Territories under Treaty No. 1.....	6,639 00	
Annuities payable to Indians in the North West Territories under Treaty No. 2.....	1,863 00	
Supplies to be furnished under above Treaties.....	4,560 00	
Salaries, Travelling Expenses, and Contingencies of Commissioner and Agent for Indians of the North West Territories	4,000 00	
Expenses connected with the protection of the Indians in British Columbia	20,000 00	
To pay the following sums in connection with No. 2 Treaty :—		
Riding Mountain Band.....	222 00	
Lake Manitoba Band	462 00	
	684 00	
<i>Carried forward</i>	45 302 00	16,903,725 85

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	684 00	
	\$ cts. 45,302 00	\$ cts. 16,903,725 85
<i>INDIANS.—Continued.</i>		
Water Hen and Crane River Band.....	348 00	
Fairford Bands	519 00	
Indians at Berens River.....	4,023 00	
Indians of Fort Ellice and other parts.....	3,600 00	
	9,174 00	
Salary of Agent, travelling expenses, rent of office, &c.....	3,300 00	
Supplies to be furnished in connection with treaties and payments to Indians at Fort Francis	6,000 00	
		63,776 00
<i>MISCELLANEOUS.</i>		
Printing "Canada Gazette"	2,500 00	
Postage	1,200 00	
Miscellaneous Printing	5,000 00	
Unforeseen Expenses; Expenditure thereof to be under Order in Council and a detailed account thereof to be laid before Parliament, during the first fifteen days of the next Session	75,000 00	
Expenses connected with ascertaining correct time at Ottawa and firing of noon gun	400 00	
Expenses of Investigations relating to Wrecks	1,400 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy, to be apportioned by Order in Council	10,000 00	
To provide for examination and classification of Masters and Mates (Mercantile Marine)	7,000 00	
To provide one half of the British Share of the Expenditure in reference to Surveys of the Boundary Line, between Canada and the United States of America, on the 49th parallel of North Latitude (revote)	50,000 00	
To provide for purchase and maintenance of Life Boats, Life Preservers, and for rewards for saving life	6,000 00	
To pay one-half of the cost of surveying boundary line, between Ontario, and the North West Territories (revote)	15,000 00	
Surveys in Manitoba, North West Territories	250,000 00	
Pay and Maintenance of 322 officers and men for one year, including the expense of providing Barrack accommodation and contingencies, also the expense contingent on the return of the force from Manitoba... ..	150,000 00	
Towards ascertaining the longitude of Fort Garry	3,000 00	
To meet awards for claims for alleged damages arising out of the con- struction of the dam at the head of the Beauharnois Canal	5,000 00	
		581,500 00
<i>COLLECTION OF REVENUES.</i>		
<i>CUSTOMS.</i>		
<i>Salaries and Contingent Expenses of the several Ports.</i>		
In Province of Ontario	172,346 25	
" Quebec	168,147 00	
" New Brunswick	72,376 50	
" Nova Scotia	93,313 25	
" Manitoba and North West ...	8,000 00	
" British Columbia	20,000 00	
Salaries and contingent expenses of Inspectors of Ports, and Special Services	10,000 00	
	544,183 00	
Contingencies at Head Office, covering Printing, Stationery, Advertising, Telegraphing, &c., for the several ports of Entry	15,000 00	
	559,183 00	
<i>Carried forward</i>	559,183 00	17,549,001 85

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	559,183 00	17,549,001 85
COLLECTION OF REVENUES.—Continued.		
INLAND REVENUE.		
Salaries of Outside Officers and Inspectors of Excise	142,100 00	
Travelling Expenses, Rent, Fuel, Stationery, Postage, Furniture, &c.	32,500 00	
Preventive Service	4,000 00	
To provide for additions to the Outside Service of the Excise Department, as may be found necessary	6,400 00	
To pay Collectors in New Brunswick and Nova Scotia, Allowances on Duties collected by them, estimated at ..	2,700 00	
	187,700 00	
POST OFFICE.		
<i>Ontario and Quebec Mail Services:—</i>		
Grand Trunk Railway	167,000 00	
Great Western Railway	45,000 00	
Other Railways	70,000 00	
Steamboat Service	40,000 00	
Ocean Mail Service	10,000 00	
Salaries of Outside Services; Inspectors, Rly. Clerks, &c.	110,000 00	
Payments for ordinary Mail Contract Service	250,000 00	
Miscellaneous	30,000 00	
<i>Nova Scotia Mail Services</i>	125,000 00	
<i>New Brunswick Mail Services</i>	97,000 00	
<i>Manitoba Mail Services</i>	18,000 00	
<i>British Columbia Mail Services</i>	44,000 00	
Further amount required for ordinary Mail Services, British Columbia	6,000 00	
	1,012,000 00	
PUBLIC WORKS.		
<i>Maintenance and Repairs.</i>		
Ontario and Quebec	375,000 00	
Nova Scotia Railways	403,500 00	
European and North American Railway and Eastern Extension Working Expenses	279,851 00	
Intercolonial Railway	321,000 00	
Salaries and Contingencies of Canal Officers	28,750 00	
Collection of Slide and Boom Dues	14,075 00	
Telegraph Lines, British Columbia	29,000 00	
To provide for an increase of Staff and other expenses of maintenance	30,000 00	
	1,481,176 00	
MINOR REVENUES.		
Amount required in connection with Minor Revenues	10,000 00	
Total	3,250,059 00
		20,799,060 85

CAP. IV.

An Act to indemnify the Members of the Executive Government and others, for the unavoidable expenditure of Public Money, without Parliamentary grant, occasioned by the sending of an expeditionary force to Manitoba, in 1871.

[Assented to 14th June, 1872.]

WHEREAS it appears, that by reason of certain troubles in Preamble.
the Province of Manitoba, in the year 1871, it became unavoidably necessary for the Executive Government to authorize the expenditure of the sum of money hereinafter mentioned in sending an expeditionary force to the said Province, without any Parliamentary grant authorizing such expenditure; and that, under the provisions of the thirty-fifth section of the Act passed in the thirty-first year of Her Majesty's reign, chapter five, and intitled: "*An Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the Liability of Public Accountants,*" upon the report of the Minister of Militia and Defence, that a sum of one hundred thousand dollars was urgently required to meet such expenditure, and upon the report of the Minister of Finance, that no Parliamentary provision was made for such expenditure,—an Order in Council was passed, bearing date the seventeenth day of October, 1871, whereby His Excellency the Governor-General was advised to issue a Special Warrant, signed by himself, for the sum aforesaid, and such Special Warrant was accordingly so signed and issued by His Excellency for the said sum, which the Receiver-General was thereby directed to place to his credit in a special account, in conformity to the Act above cited, out of and against which all warrants, duly signed and attested by the proper officers, and certified by them to be for the said service, were directed to be paid and charged; and it appears further that out of the said sum of one hundred thousand dollars, the sum of sixty-two thousand one hundred and fifty dollars and seventy-two cents, was so paid, charged, and expended for the service aforesaid; And whereas, full detailed accounts of the sums so expended up to the thirty-first day of March now last, inclusive, have been laid before Parliament in the statement of the Auditor-General, hereinafter mentioned; And whereas, the Auditor-General, in obedience to the thirty-fifth section of the Act above cited, prepared a statement containing a copy of the said Order in Council, and of the Special Warrant, and an account of the expenditure incurred in consequence thereof, and delivered the same to the Minister of Finance, who laid them before Parliament on the third day of the present Session, as required by the Act and section aforesaid, so that all the requirements of the law in the premises have been complied with; And whereas, it is expedient under the circumstances above mentioned, to indemnify the several 31 V., c. 5, s. 35.
members

members of the Queen's Privy Council for Canada, and the officers and persons concerned in advising and giving effect to the Order in Council above mentioned: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Indemnity
clause.

1. The members of the Queen's Privy Council for Canada, the Auditor-General, and all officers and persons concerned in advising or carrying out the Order in Council referred to in the preamble to this Act, or in advancing or expending the sum of money therein mentioned, are hereby indemnified and exonerated from all liability therefor, and the said Order in Council and Expenditure shall be held to have been lawfully made.

CAP. V.

An Act to amend the Act 34 Victoria, chapter 3, respecting the Loan for paying a certain sum to the Hudson's Bay Company.

[Assented to 14th June, 1872]

Preamble.
34 Vic. c. 3.

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's Reign, intituled, "*An Act respecting the Loan authorized by the Act 32 and 33 Vic., cap. 1, for the purpose of paying a certain sum to the Hudson's Bay Company,*" and to the end that the said Act may express more clearly the intention of Parliament in passing it; Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Clause 3 of
sec. 1 amended

1. The third clause of the first section of the said Act is hereby so amended as to read as follows:—

"Any sum issued out of the consolidated fund of the United Kingdom, under the Act of the Imperial Parliament, known as *The Canada (Rupert's Land) Loan Act, 1869*, with interest thereon at the rate of five per centum per annum, shall be the next charge on the Consolidated Revenue Fund of Canada, after the sinking fund for the said loan";

Clause 5 of
sec. 1 amended

And the fifth clause of the said section is hereby so amended as to read as follows:—

"The annual sums for the sinking fund shall be remitted to the Treasury of the United Kingdom by equal half yearly payments, in such manner as the said Treasury may from time to time direct, and for the investment and accumulation thereof, under the direction of the said Treasury, in the names of four trustees nominated from time to time, two by the said Treasury, and two by the Government of Canada, and the investment and application of the said
said

sinking fund shall be made in the manner provided by *The Canada (Rupert's Land) Loan Act, 1869*, hereinbefore cited."

And the Act hereby amended, shall have effect as if the said clauses had been worded as aforesaid at the time of its being passed. Effect of amendment.

CAP. VI.

An Act respecting the Public Debt and the raising of Loans authorized by Parliament.

[Assented to 14th June, 1872.]

WHEREAS it is expedient to amend and consolidate the enactments now in force respecting the Public Debt and the raising of Loans authorized by Parliament, and so to avoid the necessity of inserting any such provisions in the annual Bills of Supply: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Whenever in any Act passed in any former session, or in the present or any future session of the Dominion Parliament, authority is given to the Governor in Council to raise, by way of loan, any sum of money for the public service, or the security of the Dominion is authorized to be given for any sum of money deposited in any Government Savings Bank, or otherwise entrusted for safe keeping to the Dominion Government, then unless there be some provision to the contrary in the Act by which such authority as aforesaid is given, such sum shall, in the discretion of the Governor in Council, be raised or such security given, in one of the following ways, or partly in one and partly in another or others thereof, that is to say: How loans, &c., authorized by Parliament may be raised.

1. By the issue and sale, or the delivery as such security, of debentures of the Dominion, which shall be in such form, for such separate sums, and at such rate of interest not exceeding six per centum per annum, and the principal and interest whereof shall be made payable at such periods and places, as the Governor in Council may deem most expedient, and subject to such regulations as he may see fit to make, and such principal and interest shall be chargeable on the Consolidated Revenue Fund. By issue of debentures.

2. By the issue and sale, or the delivery as such security, of "Canada Dominion Stock," bearing such rate of interest not exceeding six per cent. per annum as may be deemed most advisable, payable half yearly, and the principal and interest whereof shall be chargeable on the Consolidated Revenue Fund, such stock not to be redeemable until the time to be fixed by the regulations hereinafter mentioned, but at and after that time to be redeemable By issue of Dominion stock.

at

at the option of the Governor in Council on giving six months notice of such redemption, and to be subject to such regulations as to the inscription, transfer, management, and redemption thereof, as the Governor in Council may see fit to make.

Governor in Council may provide a sinking fund, general or special.

3. On authorizing the issuing of Debentures or Stock under the two next preceding sub-sections, the Governor in Council may provide for a Special Sinking Fund with respect to such issue, and may at any time provide for a General Sinking Fund for all such portions of the Debentures or Stock of the Dominion as may have been or may be hereafter issued without provision for a Sinking Fund with respect to them: Provided that the amount to be invested in any such Sinking Fund shall not exceed one half of one per cent per annum on the amount of the Debentures or Stock to which it relates

Proviso.

By grant of terminable annuities.

4. By the granting of terminable annuities chargeable on the Consolidated Revenue Fund, such annuities being granted on terms in accordance with the most approved English Tables, and based on a rate of interest not exceeding six per cent. per annum, and subject to such regulations as the Governor in Council may see fit to make.

By issue of exchequer bills or bonds.

5. By the issue and sale, from time to time, of Exchequer Bills or Exchequer Bonds, in sums of not less than four hundred dollars, and bearing such rate of interest not exceeding six per cent. per annum, and redeemable at such periods and places, and in such form, as the Governor in Council may deem most advisable, and subject to such regulations as he may see fit to make.

Governor in Council may change the form of any part of funded debt, and on what conditions.

2. The Governor in Council may, from time to time, as the interests of the public service require, change the form of any part of the then existing Funded Debt of the Dominion, including any debentures for which the Dominion is liable, by substituting one class of the securities aforesaid for another or for such debentures, provided that neither the capital of the debt, nor the annual charge for interest be thereby increased, except only in any case where five per cent. Dominion stock or debentures is or are substituted for securities bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the security bearing the higher interest and that of the five per cent. stock or debentures substituted for it; but no such substitution shall be made, unless the consent of the holder of the security for which another is substituted be obtained, or such security be previously purchased or redeemed by or on account of the Dominion, and such substitution may be made by the sale of the one class of securities and the purchase of those for which it is desired to substitute them.

May raise temporary loans in certain cases of exigence.

3. The Governor in Council may, from time to time, as the exigencies of the public service require, in the event of the Consolidated Revenue Fund being at any time insufficient to meet the charges placed thereon by law, direct the proper officer to raise, by temporary loans chargeable on the said Fund, in such manner and form

form, in such amounts, for such periods not exceeding six months, at rates of interest not exceeding seven per cent. per annum, as the Governor in Council may direct, such sums as may be necessary to enable the said Fund to meet such charges, but the sums to be so raised shall never exceed the amount of the deficiencies in the Consolidated Revenue Fund to meet the charges thereon then due or payable either as principal or interest, and shall be applied to no other purpose whatever; and an account in detail of all such temporary loans shall be laid before the House of Commons within the first fifteen days of the Session then next ensuing.

Proviso.

Accounts to Parliament.

4. The regulations made or to be made by the Governor in Council, as to the inscription, transfer, management and redemption of any Canada Dominion Stock, Debentures, or other Dominion securities above mentioned, under this or any other Act, shall, in so far as they are not inconsistent with the Act under which they are made, have the same force and effect as if embodied and enacted in an Act of the Dominion Parliament; and no officer of the Dominion Government employed in the inscription, transfer, management or redemption of any such stock or securities, or in the payment of any dividend or interest thereon, shall be bound to see to the execution of any trust expressed or implied to which such stock or securities may be subject, or shall be liable in any way to any person or party for anything by him done as such officer, in accordance with any such regulation as aforesaid.

Certain regulations made by Governor in Council to have force law.

Officers not bound to see to trusts.

5. Nothing in this Act shall be construed as altering or affecting the provisions of the Acts respecting Dominion Notes, or the debentures to be issued and held for securing the redemption of such notes, or in any way to authorize any increase of the public debt without the express authority of Parliament, except only in the manner and to the extent hereinbefore provided in case of the substitution of five per cent. Dominion stock for other securities.

Act respecting Dominion notes not affected.

Public debt not to be increased, except as provided in section 2.

6. Nothing in this Act shall be construed as altering or affecting in any way the order of priority and rank of the present charges on the Consolidated Revenue Fund, or any enactment providing for the establishment of any Sinking Fund.

Charges on Con. Rev. Fund not affected, nor any sinking fund.

7. So much of any Act as may be inconsistent with this Act, or as makes other provision than is hereby made as to any matter provided for by this Act, is hereby repealed, except only as to things lawfully done before the passing of this Act, but no other provision in any Act shall be repealed or affected by this Act.

Repeal of inconsistent enactments.

CAP. VII.

An Act to amend the Act regulating the issue of
Dominion Notes.

[Assented to 14th June, 1872.]

Preamble.

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

Act 33 Vict.
cap. 10,
amended as to
amount of
specie to be
held for
redemption of
Dominion
Notes over
\$9,000,000.

1. So much of the Act passed in the thirty-third year of Her Majesty's reign, and intituled: "*An Act to amend the Act thirty-first Vict., Cap. forty-six, and to regulate the issue of Dominion Notes,*" as makes it necessary that if any amount of Dominion Notes be issued and outstanding at any time in excess of nine millions of dollars, the Receiver General shall hold specie to the full amount of such excess, for the redemption of such Notes, is hereby repealed; and the amount of specie to be held by the Receiver General against such excess shall not be less than thirty-five per cent of the amount thereof, and the statements to be published by the Receiver General, under the eighth section of the said Act, shall show distinctly the amount so held by him in specie.

CAP. VIII.

An Act to amend the Act relating to Banks and Banking.

[Assented to 14th June, 1872.]

Preamble
34 V. c. 5.

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled: "*An Act relating to Banks and Banking,*"—Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Error in section 72, as to Bank of British North America corrected.

1. Whereas by the fifteenth section of the Act cited in the preamble, it is provided that every Bank to which the said Act applies, shall be exempt from the tax on the average amount of its notes in circulation, to which other Banks will continue liable, and from the obligation to hold any portion of its capital in Government Debentures or debentures of any kind, and the Bank of British North America is one of the Banks to which the said Act applies, and is so described in section seventy-six, and is subject to the obligations in consideration whereof the exemptions in the said fifteenth section were granted, but by a clerical error in the seventy-second section, enumerating the sections which apply

apply to the said Bank, the said fifteenth section was omitted, and it is expedient to remedy such error,—therefore, and for the removal of doubt, it is declared and enacted that the said fifteenth section shall apply to the said Bank, and shall be held to have so applied from the time when the said section came into force with respect to the Banks mentioned in the Schedule to the said Act.

2. And whereas it is provided by Acts of the Parliament of Canada, that Banks shall not be liable to incur any penalty or forfeiture for usury, and may stipulate for, take, reserve, or exact any rate of interest or discount not exceeding seven per centum per annum, and may receive and take in advance any such rate, but no higher rate of interest shall be recoverable by the Bank;—and whereas in some of the Provinces of Canada, laws may be in force, imposing penalties on parties other than Banks, for taking, or stipulating, or paying more than a certain rate of interest, and doubts may arise as to the effect of such laws in certain cases, as to parties other than the Bank, to negotiable securities discounted or otherwise acquired and held by any Bank,—therefore, it is declared and enacted, that no promissory note, bill of exchange or other negotiable security discounted, by, or indorsed or otherwise assigned to any Bank, to which any such Act of the Parliament of Canada as aforesaid applies, shall be held to be void, usurious, or tainted by usury, as regards such Bank or any maker, drawer, acceptor, indorser, or indorsee thereof, or other party thereto, or *bond fide* holder thereof, nor shall any party thereto be subject to any penalty or forfeiture, by reason of any rate of interest taken, stipulated or received by such Bank, on or with respect to such promissory note, bill of exchange, or other negotiable security, or paid or allowed by any party thereto to another in compensation for, or in consideration of the rate of interest taken, or to be taken thereon by such Bank,—but no party thereto, other than the Bank, shall be entitled to recover or liable to pay more than the lawful rate of interest in the Province where the suit is brought, nor shall the Bank be entitled to recover a higher rate than seven per cent. per annum; and no innocent holder of or party to any promissory note, bill of exchange, or other negotiable security, shall in any case be deprived of any remedy against any party thereto, or liable to any penalty or forfeiture, by reason of any usury or offence against the laws of any such Province respecting interest, committed in respect of such note, bill or negotiable security, without the complicity or consent of such innocent holder or party.

Recital: usury laws in certain Provinces.

Notes, &c., not to be deemed usurious by reason of interest taken by Banks, or allowed to one party by another in consideration of such interest; and no innocent party to be liable to penalty or loss of remedy by reason of usury by others.

3. It shall be lawful for any Bank to which the Act first herein cited applies, (including the Bank of British North America, and La Banque du Peuple) to receive deposits from any person or persons whomsoever, whatever be his, her, or their age, status or condition in life, and whether such person or persons be qualified by law to enter into ordinary contracts or not, and

Banks to which 34 V., c. 5 applies may receive deposits from minors &c., and repay them, unless lawfully

claimed by others before repayment.

and from time to time to repay any or all of the principal thereof and to pay the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance, or intervention of any person or persons, official or officials, being required, unless before such repayment the money so deposited in and repaid by the Bank, be lawfully claimed as the property of some other party, in which case it may be paid to the depositor with the consent of the claimant, or to the claimant with the consent of the depositor, any law, usage, or custom to the contrary, notwithstanding:—Provided always, that if the person making any deposit, as aforesaid, could not, under the law of the Province where the deposit is made, deposit and withdraw money in and from a Bank without this Act, then and in that case the total amount of deposits to be received from such person on deposit shall not at any time exceed the sum of five hundred dollars.

Proviso : as to amount.

Such Banks not bound to see to trusts to which such deposits may be subject.

4. No such Bank shall be bound to see to the execution of any trust whether expressed, implied, or constructive, to which any deposit made under the authority of this Act may be subject; and, except only in the case of lawful claim by some other party before repayment, the receipt of the person in whose name any such deposit stands, or, if it stand in the name of two persons, the receipt of one, and if in the names of more than two persons, the receipt of a majority of such persons, shall be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit may then be subject, and whether or not the Bank sought to be charged with such trust, (and with whom the deposit may have been made), had notice thereof; and no such Bank shall be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Provisions as to cereal grains, malt, and hogs, extended.

5. The provisions contained in sections forty-six, forty-seven and forty eight of the Act cited in the Preamble are hereby extended to cereal grains in process of being converted into malt or flour, and to malt and maltsters, and also to hogs when converted into bacon and hams.

Sect. 51, par. 2, amended as to sale of Stock pledged.

6. The provisions of the second paragraph of the fifty-first section of the said Act as to the sale of stock, bonds, debentures and securities in case of default to pay the debt for securing which they were acquired by a bank, may be departed from or varied by any agreement between the bank and the owner of such stock, bonds, debentures or securities, made at the time at which such debt was incurred, or if the time of payment of such debt has been extended then by an agreement made at the time of such extension.

Advances on vessels building.

7. Any bank advancing money in aid of the building of any ship or vessel, shall have the same right of acquiring, and holding security upon such ship or vessel while building and when completed

pleted, either by way of mortgage, hypothec, hypothecation, privilege or lien thereon, or purchase, or transfer thereof, as individuals have in the Province wherein such ship or vessel is being built, and for that purpose shall be authorized to avail itself of all such rights and means of obtaining and enforcing such security, and shall be subject to all such obligations, limitations and conditions, as are by the law of such Province conferred or imposed upon individuals making such advances.

8. In all matters relating to bills of exchange and promissory notes, the following and no other shall be observed as legal holidays, or non-juridical days that is to say:—

Holidays and non-juridical days.

1. In the Provinces of Ontario, New Brunswick and Nova Scotia,—

Sundays,
New Year's Day,
Good Friday,
Christmas Day,

The birthday (or the day fixed by Proclamation for the celebration of the Birthday) of the reigning Sovereign,

Any day appointed by Proclamation for a public holiday, or for a general fast, or a general thanksgiving throughout the Dominion; and the day next following New Year's Day and Christmas Day, when these days respectively fall on Sunday.

And in the Province of Quebec the same days shall be observed as legal holidays, with the addition of,—

The Epiphany,
The Annunciation,
The Ascension,
Corpus Christi,
St. Peter and St. Paul's Day,
All Saints Day,
Conception Day.

2. And in any one of the said Provinces of the Dominion any day appointed by Proclamation of the Lieutenant-Governor of such Province for a public holiday or for a fast or thanksgiving within the same.

3. And with regard to bills of exchange and promissory notes, whenever the last day of grace falls on a legal holiday or non-juridical day in the Province where any such bill or note is payable, then the day next following not being a legal holiday or non-juridical day in such province shall be the last day of grace as to such bill or note.

As to Bills of Exchange or notes falling due on such days.

4. All provisions of any Acts or laws or portions of Acts or laws heretofore in force in any of the said Provinces or of the Dominion inconsistent with the provisions of this section are hereby repealed.

Inconsistent enactments repealed.

9. This Act shall apply to the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick only.

Extent of Act.

CAP. IX.

An Act to amend the chapters six and seven of the Statutes of 1871, relating to Savings Banks.

[Assented to 14th June, 1872.]

Preamble.
34 Vic., c. 6.

IN Amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled: "*An Act to provide additional facilities for depositing Savings at interest, with the security of the Government, and for the issue and redemption of Dominion Notes,*"—Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 16,
amended as to
surplus of
assets over
liabilities of
St. John
Savings
Bank, N.B.

1. Whereas by the sixteenth section of the Act cited in the preamble, it is provided that any surplus or deficiency in the property and assets as compared with the liabilities of the St. John Savings Bank (New Brunswick), shall be taken into account, and a proper allowance made therefor, in the settlement of the accounts between the Dominion and the said Province, and it has been found expedient and has been agreed, that the following provision be made in lieu of that so made as aforesaid, therefore,—the surplus of the assets and property over the liabilities of the said St. John Savings Bank, on the first day of July, 1871, which has been ascertained to be thirty-nine thousand five hundred and sixty dollars and forty-four cents, shall be left in the hands of the trustees of the said Savings Bank, to be by them appropriated and paid over for such local purpose or purposes of public interest, in the city of St. John, as may be approved by the Governor in Council,—and so much of the said section or Act as may be inconsistent herewith, is hereby repealed.

Provision for
distribution
of surplus of
assets over
liabilities of
Northumber-
land and
Durham
Savings
Bank.

2. And whereas the affairs and business of the Northumberland and Durham Savings Bank have been wound up and the institution has been closed, in view of the approaching expiration of the Act under which it was constituted, passed by the Legislature of the late Province of Canada in the session thereof, held in the fourth and fifth years of Her Majesty's reign, and intituled: "*An Act to encourage the establishment of, and to regulate Savings Banks in this Province,*"—and there is no charitable institution to which the surplus of the assets of the institution over its liabilities ought to be distributed under the said Act,—Therefore the surplus of the assets of the said Savings Bank over its liabilities, on the tenth day of April, 1872, which have been ascertained to be eighty-seven thousand six hundred and sixty-nine dollars and ninety-one cents, shall be left in the hands of the Trustees of the said Savings Bank, or the majority of them, to be by them appropriated to some local purpose or purposes of public interest, subject to the approval of the Governor in Council.

3. And for the avoidance of doubt by reason of a discrepancy between the English and French versions of the eighteenth section of the Act passed in the thirty-fourth year of Her Majesty's Reign, and intituled: "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec*,"—it is hereby declared that the English version of the said section is correct, and that for the expression *capital versé*,—in the second line of the said section as printed in French by the Queen's Printer, the expression *capital souscrit* ought to have been and is hereby substituted, and the said section and Act shall have effect as if such substitution had been made at the time of the passing of said Act.

Error in
French version
of s. 18 of 34
V., c. 7,
corrected.

CAP. X.

An Act relating to Bills of Exchange and Promissory Notes.

[Assented to 14th June, 1872.]

WHEREAS doubts exist as to the time of the maturity of a Preamble.
Bill of Exchange or Promissory Note payable at a month or months after date, and it is desirable to set such doubts at rest: 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. Every Bill of Exchange or Promissory Note which is made payable at a month, or months, from and after the date thereof, becomes due and payable on the same numbered day of the month in which it is made payable, as the day on which it is dated, unless there is no such day in the month in which it is made payable, and in such case it becomes due and payable on the last day of that month, with the addition in all cases of the days of grace allowed by law.

When such
Notes shall
mature.

CAP. XI.

An Act to repeal the duties of Customs on Tea and Coffee.

[Assented to 14th June, 1872.]

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

Duties e-pealed from 1st July, 1872.

Proviso : as to tea and coffee on which duties have been paid.

1. All the duties of Customs whether, specific or *ad valorem*, now payable on Tea or Coffee imported into Canada, shall be repealed upon, from and after the first day of July in the present year, 1872 : Provided that Tea and Coffee on which such duties have been paid, may be re-bonded and re-warehoused at any time before the Twenty Ninth day of June in the said present year, under such regulations (if any), as the Governor in Council may see fit to make, and that on their being so re-bonded and re-warehoused, the specific duties paid on such Tea and Coffee shall be repaid to the owner thereof, as a drawback, by the Collector of Customs at the port where they are so re-bonded and re-warehoused, or by the Receiver General.

CAP. XII.

An Act to amend an Act of the present Session, and to enable the Governor in Council to impose a duty on Tea and Coffee imported from the United States, in the case therein mentioned.

[Assented to 14th June, 1872.]

Preamble.
35 V., c. 11.

IN amendment of the Act of the present Session, intituled, "*An Act to repeal the duties of Customs on Tea and Coffee*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Provision in case of a differential duty in United States.

1. Provided always, that if at any time any greater duty of customs should be payable in the United States of America on tea or coffee imported from Canada, than on tea or coffee imported from any other country, then the Governor in Council may impose on tea or coffee imported into Canada from the said United States, a duty of customs equal to the duty payable in the United States on tea or coffee imported from Canada : Provided that tea or coffee imported into Canada from any country other than the said United States, but passing in bond through the United States shall be free from duty.

Exception.

CAP. XIII.

An Act to re-adjust the Representation in the House of Commons.

[Assented to 14th June, 1872.]

WHEREAS, by the Census of the year one thousand eight hundred and seventy-one, and in accordance with the "British North America Act, 1867," the Province of Ontario is entitled to six additional members in the House of Commons, the Province of Nova Scotia to two additional members, and the Province of New Brunswick to one additional member, the same being severally in excess of the number of members of the House of Commons for each of the said Provinces, as provided by the British North America Act, 1867: And whereas it is expedient otherwise to re-adjust the boundaries of certain of the electoral districts; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The House of Commons shall consist of Two hundred members, of whom Eighty-eight shall be elected for Ontario, Sixty-five for Quebec, Twenty-one for Nova Scotia, Sixteen for New Brunswick, Four for Manitoba, and Six for British Columbia.

2. The Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, shall, for the purposes of the election of Members to serve in the House of Commons, continue to be divided into the Electoral Districts established by the "British North America Act, 1867," each represented as it now is, except where altered by this Act, as follows, that is to say:—

ONTARIO.

1. The County of Huron shall be divided into three Ridings, to be called respectively the North, the Centre and the South Riding, each of which shall be an Electoral District and shall return one member;

The North Riding to consist of the Townships of Howick, Ashfield, West Wawanosh, East Wawanosh, Morris and Turnberry;

The Centre Riding to consist of the Townships of Colborne, Hullet, McKillop, Tuckersmith, Grey, the Town of Goderich and the Village of Seaforth;

The South Riding to consist of the Townships of Goderich, Stanley, Hay, Stephen, Usborne and the Village of Clinton.

2. The County of Grey shall be divided into three Ridings, to be called respectively the North, the East, and the South Riding, each of which shall be an Electoral District, and shall return one member;

The

The North Riding to consist of the Townships of Holland, Sullivan, Sydenham, Derby, Sarawak, Keppel and the Town of Owen Sound ;

The East Riding to consist of the Townships of Proton, Melancthon, Osprey, Artemisia, Collingwood, Euphrasia and St. Vincent ;

The South Riding to consist of the Townships of Normanby, Egremont, Bentinck and Glenelg.

Muskoka.

3. The Townships of Morrison, Ryde, Muskoka, Draper, Oakley, Wood, Monck, Macauley, McLean, Medora, Watt, Stephenson, Brunel, Humphrey, Cardwell, Stisted, Chaffey, Christie, Monteith, McMurrich, Matchitt, Ryerson, Spence, McKellar, McDougall, Ferguson, Carling, Hagerman, Croft, Chapman, Ferrie, Mackenzie, Wilson, Brown, Blair, Mowat, Cowper, Conger, Parry Island, Parry Sound, Aumick Lake Territory, Maganetawan, and all other surveyed townships lying north of the North Riding of Victoria, and south of the Nipissing District, shall form the Electoral District of Muskoka, and shall return one member.

Toronto.

4. The City of Toronto, shall be divided into three Electoral Districts, to be called respectively West Toronto, East Toronto and Centre Toronto, each of which shall return one member :

West Toronto to consist of the wards as at present constituted of St. Andrew, St. George and St. Patrick ;

East Toronto to consist of the wards as at present constituted of St. David and St. Lawrence ;

Centre Toronto to consist of the wards as at present constituted of St. John and St. James.

Hamilton.

5. The City of Hamilton shall return two members.

Ottawa.

6. The City of Ottawa shall return two members.

Haldimand.

7. The County of Haldimand, shall consist of the Townships of Oneida, Seneca, Cayuga North, Cayuga South, Rainham and Walpole.

Monck.

8. The County of Monck, shall consist of the Townships of Canborough, and Moulton and Sherbrooke and Dunn, and the Village of Dunnville (taken from the County of Haldimand), the Townships of Caistor and Gainsborough (taken from the County of Lincoln), and the Townships of Pelham and Wainfleet (taken from the County of Welland).

Wellington.

9. The County of Wellington shall be divided into three Ridings, to be called respectively the North, Centre and South Riding, each of which shall be an Electoral District, and shall return one member ;

The North Riding to consist of the Townships of Maryborough, Minto, Arthur, Luther and Amaranth, and the Villages of Mount Forest and Arthur ;

The Centre Riding to consist of the Townships of Pilkington, Elora, Nichol, Fergus, Garrafraxa West, Garrafraxa East, Peel and the Village of Orangeville ;

The South Riding to consist of the Townships of Puslinch, Guelph, Eramosa and Erin, and the Town of Guelph.

Victoria:

10. The North Riding of the County of Victoria shall include and consist of the same Townships as it did before the passing of this

this Act, except those included by this Act in the Electoral District of Muskoka.

11. The Townships of Hagarty, Richards, Sherwood, Burns and Renfrew, Jones, shall be added to, and included in the South Riding of the County of Renfrew.

QUEBEC.

1. So much of sub-sections twenty-six and twenty-seven, of section one of chapter seventy-five of the Consolidated Statutes for Lower Canada, intituled, "*An Act respecting the division of Lower Canada into counties, and the boundaries of certain cities and towns for the purpose of Representation in the Legislature,*" as refers to the limits of the Counties of Quebec and Portneuf, is hereby amended, and the parish of Saint Felix of Cap Rouge, as erected for civil purposes by Proclamation of the Lieutenant Governor of the Province of Quebec, bearing date the Eleventh day of March, in the year of Our Lord One Thousand Eight Hundred and Seventy-two, shall form part of the County of Quebec, in so far as relates to the election of members of the House of Commons of Canada, and every part of the said Parish which, at the time of the passing of this Act was included in the County of Portneuf, shall be detached from the County of Portneuf, and shall be attached to the County of Quebec, for the electoral purposes hereinbefore set forth.

2. The City of Montreal shall be divided into three Electoral Districts to be called respectively Montreal West, Montreal Centre and Montreal East, each of which shall return one member;

Montreal West to consist of the wards as at present constituted of St. Antoine and St. Lawrence;

Montreal Centre to consist of the wards as at present constituted of St. Ann, West Ward, Centre Ward and East Ward;

Montreal East to consist of the wards as at present constituted of St. Lewis, St. James and St. Mary.

NOVA SCOTIA.

The counties of Cape Breton and Pictou shall each return two members.

NEW BRUNSWICK.

The Electoral District of the City and County of St. John, as now existing, shall return two members.

MANITOBA.

1. The Electoral District of Selkirk, shall consist of and comprise, of the Provincial Electoral divisions recently established by the

the proclamation of the Lieutenant Governor of Manitoba, for the Legislative Assembly of Manitoba, those known as:—

Headingley, or No. 8;

Saint Charles, or No. 9;

Saint James, or No. 10;

St. Boniface, West and East, or Nos. 11 and 12;

Winnipeg and Saint John, or No. 18;

Kildonan, or No. 19;

And shall return one member.

- Provencher.** 2. The Electoral District of Provencher, shall consist of all the settlements on the Red River, and in the neighborhood lying between the south line of the Electoral District of Selkirk and the frontier of the United States, including the settlements on the Seine, at Oak Point, or Saint Anne, and shall return one member.
- Lisgar.** 3. The Electoral District of Lisgar, shall consist of all the settlements on the Red River and in the neighborhood between the north line of the Electoral District of Selkirk and the northern frontier of the Province, including those at Broken Head River, and shall return one member.
- Marquette.** 4. The Electoral District of Marquette, shall consist of all the settlements on the Assiniboine and Lake Manitoba, and all other settlements to the westward of the western line of the Electoral District of Selkirk, and shall return one member.

BRITISH COLUMBIA.

- New Westminster.** 1. The Electoral District of New Westminster shall consist of "New Westminster District" and the "Coast District," as defined in a public notice issued from the Lands and Works Office in the said Colony, on the 15th day of December, one thousand eight hundred and sixty-nine, by the desire of the Governor, and purporting to be in accordance with the provisions of the thirty-ninth clause of the "Mineral Ordinance, 1869," and shall return one Member.
- Cariboo.** 2. The Electoral District of Cariboo shall consist of "Cariboo District" and "Lillooet District," as specified in the said public notice, and shall return one Member.
- Yale.** 3. The Electoral District of Yale shall consist of "Yale District" and "Kootenay District," as specified in the said public notice, and shall return one member.
- Victoria.** 4. The Electoral District of Victoria shall consist of those portions of Vancouver Island, know as "Victoria District," "Esquimalt District" and "Metchosin District," as defined in the official maps of those districts which are in the Land Office, Victoria, and are designated respectively, "Victoria District Official Map, 1858," "Esquimalt District Official Map, 1858," and "Metchosin District Official Map A.D., 1858," and shall return two Members.
- Vancouver.** 5. The Electoral District of Vancouver shall consist of all the remainder of Vancouver Island, and all such Islands adjacent thereto,

thereto, as were formerly dependencies of the late Colony of Vancouver Island, and shall return one Member.

3. This Act shall take effect upon, from, and after the termination of this present existing Parliament. Commencement of this Act.

CAP. XIV.

An Act to amend the Interim Parliamentary Elections Act, 1871.

[Assented to 14th June, 1872.]

IN amendment of "*The Interim Parliamentary Elections Act, 1871*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

PROVINCE OF ONTARIO.

1. The second and fourth sub-sections of the second section of the Act cited in the preamble are hereby repealed. Repeal.

2. In the Province of Ontario, subject to the special provisions hereinafter made, the qualification of voters at elections for members of the House of Commons shall be that established by the laws in force in that Province on the twenty-third day of January, 1869, as the qualification of voters at elections for members of the Legislative Assembly, and the voters' lists to be used at elections of members of the House of Commons shall be the same as if such elections were of members of the Legislative Assembly on the basis of the qualification aforesaid, and the polling sub-divisions or wards shall be the same as if such elections were for members of the Legislative Assembly; and the returning officer shall provide a polling place for each such sub-division or ward in the most central and convenient place for such elections. Qualification of voters.
Voters' Lists.
Polling places.

3. The oath or affirmation to be required of voters in the said Province, shall be that prescribed by the fifty-fourth section of chapter six, of the Consolidated Statutes of Canada, and no other, except only in the Electoral Districts of Algoma and Muskoka, as hereinafter provided. Voters' oath:

4. In the Electoral Districts of Algoma and Muskoka, and in the new townships added during the present session of this Parliament to the South Riding of the County of Renfrew, the persons entitled to vote at elections for members of the House of Commons shall be male persons, of the full age of twenty-one years, subjects Qualification, &c., in Algoma and Muskoka.
of

of Her Majesty by birth or naturalization, and not otherwise disqualified, being at the time of the election, owners of real estate in the Electoral District for which they claim to vote, of the value of two hundred dollars or upwards, or householders in the same, and having been such owners or householders, during the six months next preceding the election; subject to the following provisions:

In Muskoka where there is a voters' list,

1. In any place in the said Electoral District of Muskoka, for which voters' lists have been made, the same provisions shall apply as in other Electoral Districts in the said Province, and the oath or affirmation to be required of voters shall be the same:

In other places, and in Algoma

2. In other places in the said Electoral District of Muskoka, and in the whole of the Electoral District of Algoma, the oath or affirmation to be required of voters, shall be varied by omitting the words "that you are (*name of voter*) whose name is entered " on the list of voters now shewn to you," and inserting instead " thereof the words " that you are the owner of real estate in this " Electoral District, of the value of two hundred dollars," (*or* " that " you are a householder at _____ in this Electoral District, " (*as the case may be,*) and that you have been such owner, (*or* " such householder,") during the six months next preceding this " election."

Proceedings at elections.

5. In the said Electoral Districts of Algoma and Muskoka, the like rules shall be observed and the like instructions given, for the conduct of and proceedings at elections of Members of the House of Commons, as were observed and given at the now last election of a Member of the House of Commons for Algoma; except as regards the qualification of electors, and the oath or affirmation which may be required of them, which shall be as hereinbefore provided, and except also as to those townships and places in which voters' lists have been made, to and in which the laws relating to the qualification of voters and the conduct of and proceedings at elections in Electoral Districts other than Algoma, shall apply and be observed.

Duty of Returning officers for N. R. Norfolk and S. R. Oxford,

6. It shall be the duty of the returning officers of the North Riding of Norfolk, and the South Riding of Oxford respectively, on receiving the writs of election for the next general election, to extract from the voters' list of the Town of Tilsonburg the names of the several voters on such list entitled to vote in the respective ridings of such returning officers, and to place such names on supplementary lists, to be signed by the said returning officers respectively, and to be delivered by them to the proper Deputy Returning Officers, for the purpose of enabling the persons named in such lists to vote at the next election.

PROVINCE OF NOVA SCOTIA.

Provision where revisors have not made proper lists of voters,

7. In the Province of Nova Scotia, the revisors under chapter twenty-eight of the Acts of the Legislature of Nova Scotia, passed in

in the year 1863, intituled: "*An Act to regulate the election of Members to serve in the General Assembly,*" for the Revisal District number two of the County of Victoria, in the said Province, or for any other revisal district in the said Province in which the requirements of the fourth section of the Act hereby amended may not have been complied with, may and shall within six weeks after the passing of this Act, prepare and file with the clerk of the peace the alphabetical list of electors qualified to vote in the said revisal district number two, or any other such revisal district as aforesaid, at elections of Members to serve in the House of Commons of Canada, in the manner prescribed by the Act hereby amended; and for any neglect or wilful breach of duty under this Act the revisors shall be subject to the penalties prescribed in section twenty-four of the Act of the Legislature of Nova Scotia above cited; and the lists of electors so made shall be of the same effect and serve for the same purposes as if made within the time limited by the Act hereby amended, and the like provisions of the said Act of Nova Scotia shall be applicable to the said lists; and the lists made for like purposes in and for the revisal districts numbers one and three of the said county, or in any other revisal district, in conformity to the said Act, are hereby confirmed and made valid.

8. Nothing in this Act shall prevent the effect of any Act passed during the present session respecting certain polling districts in the county of Inverness. Act respecting Inverness.

PROVINCE OF NEW BRUNSWICK.

9. In the Province of New Brunswick, the polling districts and polling lists shall be the same as if the elections were for Members of the Legislative Assembly, notwithstanding any changes that may have been made in such polling districts and lists since the first day of July, 1867. Polling districts and polling lists.

PROVINCES OF MANITOBA AND BRITISH COLUMBIA.

10. In the Province of Manitoba, the qualification of voters shall, in places (if any) for which voters' lists have been made for the Legislative Assembly, under any Provincial law in that behalf, then in force, be the same as that established by such law, and such lists shall be used at the elections; but if no such lists have been made, and in places for which such lists have not been made, the qualification shall be that established by the Act of the Parliament of Canada, thirty-third Victoria, chapter three,—and in all respects (except as aforesaid as to the qualification of voters) the like laws and rules shall be observed, and the like instructions given, for the conduct of and proceedings at elections of members of the House of Commons as were observed and given at the now last elections of members of the House of Commons in the said Province. Qualification of voters in Manitoba, Other proceedings at Elections.

Qualification of voters and proceedings at elections in British Columbia.

11. In the Province of British Columbia, the qualification of voters shall, in places (if any) for which voters' lists have been made for the Legislative Assembly under any Provincial law in that behalf, then in force, be the same as that established by such law, and such lists shall be used at the elections; but if no such lists have been made, and in places for which such lists have not been made, the qualification shall be the same as at the last election of Members of the House of Commons, and in all other respects the like laws and rules shall be observed, and the like instructions given, for the conduct of and the proceedings at elections of Members of the House of Commons, as were observed and given at the now last elections of Members of the House of Commons in the said Province.

GENERAL PROVISION.

Penalty for corruption on candidates not elected.

12. If any candidate who shall not have been returned is proved guilty before the proper tribunal for using during any such election means of corruption, he shall be incapable of being a candidate or being elected or returned during the Parliament for which such election was held.

E.B.P. XV.

An Act to compel Members of the Local Legislature in any Province where dual representation is not allowed, to resign their Seats before becoming Candidates for Seats in the Dominion Parliament.

[Assented to 14th June, 1872.]

reamble.

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

A Member of any Local Legislature, in which Members of Canadian Parliament are not allowed to sit, not to be eligible as a Member of House of Commons.

1. No person shall be eligible to, or be capable of being nominated to or voted for, or of being elected to, or of sitting or voting in the House of Commons, who, on the day of the Nomination at any election to the House of Commons, is a Member of the Legislative Council or Assembly of any Province in which, by Law, Members of the Senate or House of Commons are rendered incapable of being appointed to, or of sitting or voting in the Legislative Council, or of being elected to, or of sitting or voting in the House of Assembly thereof, or who, on the day of any such Nomination is a Member of the Legislative Assembly in any Province in which, by Law, after the dissolution of the present

present House of Commons, the sitting or voting as a Member of the House of Commons by such Member of the Legislative Assembly, will have the effect of voiding his election to the Legislative Assembly thereof and vacating his seat, or of rendering him incapable of sitting or voting in the Legislative Assembly of such Province.

2. If any such Member of a Provincial Legislature shall, notwithstanding his disqualification as in the preceding section mentioned, receive a majority of votes at any such election, such majority of votes shall be thrown away, and it shall be the duty of the Returning Officer to return the person having the next greatest number of votes, provided he be otherwise eligible.

Votes recorded for person so ineligible to be thrown away.

CAP. XVI.

An Act to provide for the Revisal of Voters' Lists for Elections to the House of Commons, in a certain Revisal District of the County of Victoria, Nova Scotia

[Assented to 14th June, 1872.]

WHEREAS the Revisors in the Revisal District number Preamble two, of the county of Victoria, Nova Scotia, neglected to prepare the proper Voters' List, within the time prescribed by the "*Interim Parliamentary Elections Act, 1871.*" For remedy thereof, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The Revisors under chapter twenty-eight of the Acts of the Legislature of Nova Scotia, passed in the year 1863, intituled "*An Act to regulate the Election of Members to serve in the General Assembly,*" for the Revisal District number two of the County of Victoria, in the said Province, may and shall within six weeks after the passing of this Act, prepare and file with the clerk of the peace the alphabetical list of electors qualified to vote in the said Revisal District number two, at elections of Members to serve in the House of Commons of Canada, in the manner prescribed by the Act of the Parliament of Canada passed in the now last session thereof, and intituled "*An Act to make temporary provision for the Election of Members to serve in the House of Commons of Canada;*" and for any neglect or wilful breach of duty under this Act the revisors shall be subject to the penalties 34 V. Cap. 20 prescribed Revisors for district number two in Victoria, to make a proper list of voters. Penalty for neglect.

Lists declared
valid.

prescribed in section twenty-four of the Act of the Legislature of Nova Scotia above cited; and the list of electors so made shall be of the same effect and serve for the same purposes as if made within the time limited by the said Act of the Parliament of Canada, and the like provisions of the said Act of Nova Scotia shall be applicable to the said list; and the lists made for like purposes in and for the Revisal Districts numbers one and three of the said county are hereby confirmed and declared valid.

CAP. XVII.

An Act to divide certain Polling Districts in the County of Inverness, in the Province of Nova Scotia, and to provide for Voters' Lists therefor.

[Assented to 14th June, 1872.]

Preamble.

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

Two new polling districts formed.

1. In the County of Inverness, in the Province of Nova Scotia, two new Polling Districts are hereby constituted, and shall be formed as follows :—

No. 17 how formed.

(1.) The Polling District number seventeen shall comprise and consist of so much of the present Polling District number five, as lies to the north of the main Post Road from Port Hood to Broad Cove Interval; and the polling place shall be at or near Poplar Grove;

No. 18 how formed.

(2.) The Polling District number eighteen shall comprise and consist of so much of the Polling District number eleven, as lies to the north of the Cheticamp Settlement; and the polling place shall be at or near the Pleasant Bay Post Office.

Lists of Voters to be made.

2. The Returning Officer shall, from the lists of Voters which would be used if this Act were not passed, make out lists of Voters for the said new Polling Districts, and for the Polling Districts numbers five and eleven, as hereby altered, and shall furnish for each of the said four Polling Districts, a copy of the list made for it.

Extent of Act.

3. This Act shall apply only to elections of Members to serve in the House of Commons of Canada.

Repealing clause.

4. So much of any existing law as may be inconsistent with this Act is hereby repealed.

CAP. XVIII.

An Act to amend the Act respecting the Civil Service of Canada.

[Assented to 14th June, 1872.]

IN amendment of the Act passed in the thirty-first year of Her Majesty's reign, and intituled; "*An Act respecting the Civil Service of Canada*;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.
31 Vict. c. 34

1. Notwithstanding anything to the contrary in the said Act, a Third Class Clerk, or a Junior Second Class Clerk may, when the Governor in Council deems it to be for the advantage of the public service, and for sufficient reasons to be stated in an Order in Council to be made in that behalf,—be promoted to any other Class or Rank in the Civil Service, without having served as such Third Class Clerk or Junior Second Class Clerk for the period required by the said Act or for any other special period; provided that a copy of any Order in Council made under this Act, shall be laid before the Senate and House of Commons within the first ten days of the then next session of Parliament.

As to promotion from one class to another.

Proviso.

CAP. XIX.

An Act further to amend "An Act respecting the security to be given by Officers of Canada."

[Assented to 14th June, 1872.]

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

Preamble.

1. Whenever any person is required under the Act passed in the thirty-first year of Her Majesty's Reign, intituled: "*An Act respecting the security to be given by Officers of Canada*," or by any other Act, heretofore passed or hereafter to be passed by the Parliament of Canada, or by any other Act affecting the Dominion of Canada, or by any order of the Governor in Council, to give bond or security for the due performance of the duties of any office to which he has been, may be, or be about to be appointed, such person may either solely or together with any surety

Bonds given by officers of the Dominion may be in the form in Schedule.
31 V., c. 37.

surety or sureties (as the case may be) give such security by bond to Her Majesty in the form in the Schedule to this Act annexed, marked "A," or to the like effect.

How certain forms of words shall be understood in such Bonds.

2. Whenever a Bond made according to the form set forth in the Schedule to this Act annexed, marked "A," or any other Bond expressed to be made in pursuance of this Act, or referring thereto, contains the form of words contained in column "one" of the said Schedule, such Bond shall be construed and have the same effect as if it contained the form of words contained in column "two" of the said Schedule.

Recitals:— genders, numbers, &c.

3. Any recitals may be inserted prior to the condition of the Bond, and the feminine gender may be substituted for the masculine, or the plural number for the singular or *vice versa* in any form in the first column of the said Schedule, and corresponding changes shall be taken to be made in the corresponding form in the second column, and any express exceptions, or qualifications, or additions, made, introduced, or annexed in the first column, shall be taken to be made in the corresponding form in the second column.

As to Bonds not taking effect under this Act.

4. Any Bond or part of a Bond which fails to take effect by virtue of this Act shall nevertheless be as effectual to bind the obligors therein, so far as the rules of law and equity will permit as if this Act had not been made.

Act first cit to apply to Bonds under this Act.

5. The Act herein first above cited, as amended by the Act passed in the thirty-third year of Her Majesty's Reign, chapter five, shall apply to every such bond, and to the affidavits thereunto annexed, and they shall be valid for all the purposes of the said Acts.

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS, THAT WE,

of _____ of the _____ in the County of _____ in the Province of _____

in the Dominion of Canada (hereinafter called "The Principal"); and _____ of the _____

of _____ in the _____ of _____ in the Province aforesaid

and

of the said _____ of _____ (hereinafter called "The Sureties"), are respectively held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the respective penal sums following, that is to say:—"The Principal" in the sum of _____ dollars of lawful money of Canada, and each of "The Sureties" in a sum of _____ dollars of like lawful money, to be paid to our _____

our said Sovereign Lady the Queen, her heirs and successors; for which said respective payments, well and faithfully to be made, we severally—and not jointly, or each for the other—bind ourselves, and our respective heirs, executors, and administrators, firmly by these presents, sealed with our respective seals.

Dated this _____ day of _____
in the year of our Lord One Thousand Eight Hundred and _____, and in the _____ year of Her Majesty's reign.

WHEREAS "The Principal," having been appointed to the office or employment of _____ is required by law to give security to the Crown for the due performance of the duties appertaining thereto; and "The Sureties" have consented to become his sureties for such his performance of the said duties; and this Bond is given in pursuance of "*An Act further to amend 'An Act respecting the security to be given by Officers of Canada'*":—

COLUMN ONE.

Now the condition of this obligation is, that if "The Principal" faithfully discharges the duties of the said office and duly accounts for all moneys and property which may come into his custody by virtue of the said office, this obligation shall be void.

Signed, sealed and
delivered in the }
presence of

COLUMN TWO.

Now the condition of the above obligation is such that, if "The Principal," so appointed to the said office or employment as aforesaid, do and shall, from time to time, and at all times, so long as he shall hold the said office or employment, or be and remain charged with the actual discharge of the duties appertaining thereto, or any of them, faithfully, honestly, and diligently do, perform, fulfil, and discharge all and every such duties, in every respect, in accordance with the laws now in force in that behalf, as also all and singular such other duties as, by competent authority in that behalf, now are, or hereafter shall or may be attached to the said office or employment, or imposed upon, or required to be performed by the incumbent for the time being of the said office or employment, whether such last mentioned duties be regulated or imposed by any Act or Acts heretofore passed by the respective Legislatures of the late Province of Canada, or of either of the Provinces of Nova Scotia and New Brunswick, or British Columbia, or which have been or may hereafter be passed by the Parliament of or in force in the Dominion of Canada, or by any Order in Council or Regulations made under any such Act, and whether such duties be extended, increased, or otherwise varied or altered, by any such Act or Acts, so to be passed, or by any such Order in Council or Regulations as aforesaid, or be regulated or imposed, or be extended, increased, or otherwise varied or altered by competent authority, and shall duly account for and pay over all such moneys or securities for money or valuable securities or property as shall come into his hands, custody, or control, by virtue of or in consequence of his holding the said office; And further, if "The Principal," upon his removal from, or his resignation of the said office

or

or employment, or if (in the event of his death during his tenure of the said office or employment), his legal representatives, or some or one of them, do and shall quietly surrender and deliver up the same, and all the moneys, securities for money, valuable securities, or property, books, papers, instruments, instructions, maps, plans, letters, and writings, and other things whatever, which then may be, or ought to be, in his possession, custody, or keeping, by virtue of, or in consequence of his holding the said office, or relating, or in any wise appertaining thereto, then the above obligation shall be null and void and of no effect, otherwise the same shall be and remain in full force and virtue.

AFFIDAVITS TO BE ANNEXED TO THE BOND.

Affidavit of Witness.

PROVINCE of _____ } I,
of _____ } of the _____ of _____ in the
To wit: _____ } of _____

in the Province of _____
make oath and say that I was personally present, and did see the obligors in the above bond or writing obligatory, named, duly execute the said Instrument by signing, sealing, and, as their respective acts and deeds, delivering the same; and that I am a subscribing witness to such execution.

SWORN before me, at the _____ of _____
in the said _____ of _____
this _____ day of _____ A.D. }
One thousand eight hundred and seventy _____ }
, a J. P. for the said County.

A separate Affidavit in this form will be made by a witness to the execution by each obligor, if the same person does not witness the execution by all of them.

Affidavit of a Surety.

PROVINCE of _____ }
of _____ } I, _____ one
To wit: _____ } of the sureties in the foregoing
_____ } Bond named, make oath and say
_____ } as follows:

1. I am seized and possessed to my own use of real, (or real and personal) estate, in the Province of _____ in Canada, of the actual value of _____ dollars over and above all charges upon, or incumbrances affecting the same.

2. My Post Office address is as follows : (*insert it*)

SWORN before me at the _____ of _____
 in the _____ of _____ in the
 Province of _____ this
 day of _____ A.D. One thousand
 eight hundred and *seventy*
 a J.P. for the said County. }

A separate Affidavit to be made by each Surety.

The Indorsement on the Bond shall show :—1. The date of its receipt by the Finance Department ; 2. The names of the Principal and Sureties, and the amount for which each is bound ; 3. The date of the Bond ; 4. The office for the faithful discharge of the duties whereof it is given ; 5. The Registration number ; 6. The folio on which it is entered in the Register of Bonds ; 7. The folio and book in which it is recorded in the office of the Secretary of State and Registrar-General of Canada, certified by the signature of the Secretary or his deputy.

CAP. XX.

An Act further to amend the Act 31 Victoria, Chapter 33.

[Assented to 14th June, 1872.]

WHEREAS it is expedient that provision should be made for Preamble.
 the salaries and pensions of certain judges and officers not 31 V., c. 33.
 now within the purview of the Act passed in the thirty-first year
 of Her Majesty's Reign, intituled "*An Act respecting the Governor
 General, the Civil List, and the salaries of certain public func-
 tionaries,*" therefore Her Majesty, by and with the advice and con-
 sent of the Senate and House of Commons of Canada, enacts as
 follows ;—

1. The sixth section of the Act passed in the session held in Sec. 6 of 32-3
 the thirty-second and thirty-third years of Her Majesty's reign, V., c. 8, re-
 chaptered eight, and intituled : "*An Act to amend the Act thirty-*
first Victoria, Chapter thirty-three, and to make further provision
with respect to the salaries and travelling allowances of the judges,"
 is hereby repealed.

Acts of Quebec Legislature, increasing the number of Judges cited.

2. And whereas by an Act of the Legislature of the Province of Quebec, passed in the thirty-second year of Her Majesty's Reign, and chaptered twenty, it is provided that it shall be lawful to name an additional Judge of the Superior Court for Lower Canada to reside in the district of Montreal, whenever provision shall be made by the Parliament of Canada for the payment and appointment of such Judge, and it is further enacted, by an Act of the Legislature of Quebec passed in the thirty-third year of Her Majesty's Reign and chaptered ten, that the Superior Court shall consist of nineteen Judges, namely one Chief Justice, and eighteen Puisné Judges;—And whereas by another Act of the Legislature of the Province of Quebec, passed in the thirty-fifth year of Her Majesty's Reign, it is provided that the Superior Court for Lower Canada shall consist of twenty Judges, namely one Chief Justice, and nineteen Puisné Judges, and that the additional Judge to be appointed to complete the said number of twenty shall reside in the City of Montreal:—Therefore, in that part of the Schedule of the Act cited in the Preamble, which respects the Province of Quebec, the words and figures,—“Seven Puisné Judges of the said court, each \$4,000, so long as the Hon. Mr. Justice Short remains in office, and afterwards six at the same rate”—are hereby repealed, and the words and figures,—“Eight Puisné Judges of the said court, each \$4,000,”—are hereby substituted therefor, as part of the said Schedule.

Schedule of 31 V., c. 33, amended.

Act of Nova Scotia, 33 Vic., cap. 2, cited.

3. And whereas by an Act of the Legislature of the Province of Nova Scotia, passed in the thirty-third year of Her Majesty's Reign, chapter two, and intituled, “*An Act to improve the administration of justice*,” it was provided that there should be appointed two Puisné Judges in addition to those who then occupied the Bench of the Supreme Court, and that the said Court should thereafter be composed of a Chief Justice, a Judge in Equity, and five other or Puisné Judges; and such Judges have been appointed accordingly; therefore so much of that portion of the Schedule of the Act cited in the Preamble which respects the Province of Nova Scotia, as is in the words and figures following:—

Schedule of 31 V., c. 33, amended.

“Three (and after the decease or resignation of Judge Bliss, “four) other Assistant Judges of the Supreme Court, each.....\$3,200 per annum.”

Is hereby repealed and the following substituted therefor:—

“Five Puisné Judges of the Supreme Court, each 3,200 per annum.”

Act of Manitoba, 35 V., c. 3, cited.

4. And whereas by an Act passed in the thirty-fifth year of Her Majesty's Reign, chaptered three, the Legislature of the Province of Manitoba have enacted, that the court of Queen's Bench for that Province shall consist of a Chief Justice and two Puisné Judges:—Therefore next, after that part of the said Schedule, which respects the Province of New Brunswick, the following shall be added as part of the said Schedule:—

Schedule of 31 V., c. 32, amended.

“ PROVINCE OF MANITOBA.

“ The Chief Justice of the court of Queen’s Bench, \$4,000 per annum.” Judges in Manitoba.

“ Two Puisne Judges of the said court, each, \$3,200 per annum.”

5. And whereas it is expedient to make provision for the Judges of the Province of British Columbia:—Therefore, next after that part of the said Schedule which respects the Province of Manitoba as aforesaid, the following shall be added as part of the said Schedule :

“ PROVINCE OF BRITISH COLUMBIA.

“ The Chief Justice of the Supreme Court.....	\$5,820	per annum.	Salaries.
“ One Puisné Judge.....	4,850	”	
“ So long as the present Incumbents remain in office.		”	
“ One other Puisné Judge	3,200	”	
“ One Stipendiary Magistrate for Victoria.....	2,250	”	
“ One Stipendiary Magistrate for New Westmin-ster.....	2,425	”	
“ One Stipendiary Magistrate for Cariboo.....	3,400	”	
“ One Stipendiary Magistrate for Yale.....	3,000	”	
“ One Stipendiary Magistrate for Lillooet and Clinton	2,400	”	
“ One Stipendiary Magistrate for Nanaimo and Comox	2,250	”	

“ So long as each of the present Stipendiary Magistrates, respectively, retains the office of County Judge.”

And in that part of the said Schedule which respects *Pensions*, the following shall be inserted immediately before the words, “To each so long as he does not accept any office under Government of equal or greater value.” Pensions.

“ To D. Cameron, late Chief Justice.....	\$2,425	per annum.
“ To Captain Hankin, late Colonial Secretary.....	2,595 55	”

6. This Act shall be read and construed as one Act with the Act cited in the Preamble, all the enactments and provisions whereof shall apply to the salaries and pensions granted by this Act; and any sums paid before the passing of this Act for salaries at the rates hereby authorized, to the Judges herein mentioned in the Provinces of Quebec, Nova Scotia and Manitoba, from the date of their appointment respectively, or for salaries and pensions at the rates hereby authorized, to the Judges, functionaries and persons herein mentioned in the Province of British Columbia, from the date of their appointment respectively, or from that of the admission of the said Province into the Dominion, (which ever last happened), shall be held to have been lawfully paid. How this Act shall be construed. Payments heretofore made confirmed.

CAP. XXI.

An Act to amend the Act 32 & 33 Victoria, Chapter 8.

[Assented to 14th June, 1872.]

Preamble.

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

Part of section
1 of the said
Act repealed.

1. So much of the first section of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign chaptered eight, and intituled: "*An Act to amend the Act, thirty-first Victoria Chapter thirty-three, and to make further provision with respect to the salaries and travelling allowances of the Judges,*" as provides for payment of any circuit or travelling allowances to Judges of the Superior Court for the Province of Quebec, attending any other court, is hereby repealed, and the following provisions shall be substituted for it, and shall be held to have been so substituted, as part of the first section of the said Act, from the first day of January, 1871:

New provision
substituted.
Travelling
allowances to
Judges of
Superior
Court, Quebec.
Proviso.

"To each of the Judges of the Superior Court, attending, as such, any Court held at any place other than that at which he is directed to reside, for each day he is absent from his said place of residence, six dollars:

"Provided that any Judge of the Superior Court, required to attend, as such, the Court of Queen's Bench, Appeal Side or Criminal Side, elsewhere than at his said place of residence, during the whole of the term, shall receive the same allowance as a Judge of the Court of Queen's Bench performing the like duty; but this provision shall not apply to a Judge of the Superior Court attending the Court of Queen's Bench, Appeal Side or Criminal Side, for a part only of a term, or for the purpose of disposing of cases already heard, and in the two last mentioned cases the allowance shall be six dollars for each day's absence from his place of residence, except that three day's absence at least shall always be allowed for."

Allowances in
Manitoba and
British
Columbia.

2. To each of the Judges of the Supreme Court in the Province of Manitoba and British Columbia respectively, there shall be paid such travelling allowances as the Governor in Council may from time to time determine.

CAP. XXII.

An Act to make provision for the continuation and extension of the Geological Survey of Canada, and for the maintenance of the Geological Museum:

[Assented to 14th June, 1872.]

WHEREAS the period for which an appropriation is made by the Act passed in the thirty-first year of Her Majesty's Reign, Chapter sixty-seven, for the Geological Survey of Canada, will expire on the thirtieth day of June, in the present year, one thousand eight hundred and seventy-two, and it is expedient to make such appropriation for a further period, with such increase in amount as the extension of the Dominion requires : Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. Out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, the sum of forty-five thousand dollars shall be annually applied for the term of five years, from the first day of July, one thousand eight hundred and seventy-two, to defray the expenses of the Geological Survey of Canada, during the said term, which sum shall be paid at such times, in such manner, to such persons, and for such purposes relating to the said Geological Survey, as the Governor in Council may from time to time direct, subject to the provisions of the Act respecting the security to be given by officers of Canada, (thirty-first Victoria, chapter thirty-seven) which shall continue to apply to the said Geological Survey, as heretofore, and any balance remaining unexpended out of the sum appropriated for any one year, may be applied and expended in the next or any subsequent year, in addition to the sum appropriated for such next or subsequent year.

Preamble.
\$45,000 appropriated yearly for 5 years, from 1st July, 1872, for the Survey.

Act 31 V. c. 37 to apply. Unexpended balance in any year.

2. The Governor may employ a suitable number of competent persons to make, continue and complete the Geological Survey of Canada, and to furnish a full and scientific description of its rocks, soils and minerals, which shall be accompanied with proper maps, diagrams and drawings, and a collection of specimens to illustrate the same, and may direct the publication of such maps and drawings as he may deem necessary for that purpose, and the deposit thereof in the Geological Museum, as a collection for the whole Dominion of Canada ; and the said Museum shall be open at all reasonable hours to the public, and shall be furnished with such books and instruments as may be necessary for scientific reference and for the prosecution of the Survey, and the Governor may, from time to time, cause the enlargement of the Museum, and the distribution of the publications relative to the Survey, and of duplicate specimens, to Scientific Institutions in Canada and other countries.

Governor to appoint proper persons to make the Survey, &c.

Publication of Maps; and Geological Museum.

Certain latitudes, longitudes, and levels to be determined and marked.

3. For the purpose of obtaining an accurate basis from which the Geographical and Topographical features of the country may be ascertained, and for the purpose of connecting together local and partial Surveys, the Director of the Geological Survey shall cause permanent marks in some public buildings, or other marks of a durable description, to be made and maintained at several convenient stations in Canada, and shall fix accurately the latitude and longitude, and the relative levels thereof, as points of reference.

Salaries and pay.

4. The Governor in Council may, from time to time, fix the salaries and pay of the Director and other officers and persons employed in or about the said Geological Survey: Provided that such salaries shall be subject to the approval of Parliament.

Proviso.

Annual Report.

5. The Director of the Geological Survey shall make and transmit yearly to the Governor, on or before the first day of May, a report, shewing generally the progress made in the Survey.

Repeal.

6. So much of the Act cited in the preamble, as is in any way inconsistent with this Act, is hereby repealed.

CAP. XXIII.

An Act respecting the Public Lands of the Dominion.

[Assented to 14th April, 1872.]

Preamble.

WHEREAS it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion that the same should be regulated by statute: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PRELIMINARY—INTERPRETATION.

Interpretation.

1. This Act shall apply exclusively to the Lands included in Manitoba and the North-West Territories, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act*," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:

"Secretary of State."

1. The term *Secretary of State*, means the Secretary of State of Canada.

"Surveyor General."

2. The term *Surveyor-General* means the said officer, or in his absence the chief clerk performing his duties for the time being.

3. The term *Agent* or *Officer* means any person or Officer, employed in connection with the administration and management, sale or settlement of Dominion lands; and the term *Local Agent* means the Agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such Agent.

4. The term *Deputy Surveyor* means a Surveyor duly authorized under the provisions of this Act to survey Dominion lands.

5. The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands.

6. The term *Island*, as used in connection with timber, means an isolated grove or clump of timber in Prairie.

7. The term *Belt*, as used in connection with timber, means a strip of timber along the shore of a lake, river or water course.

8. The term *Clause* means a section of this Act distinguished by a separate number, and the term *Sub-Clause*, means a division of any clause distinguished by a separate number in smaller type.

9. The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa.

DOMINION LANDS OFFICE.

2. The Department of the Secretary of State of Canada, shall be charged with the administration and management of the Dominion lands.

1. Such administration and management shall be effected through a Branch of the said Department, to be known and designated as "*The Dominion Lands Office*."

2. Copies of any records, documents, plans, books, or papers, belonging to or deposited in the said office, attested under the signature of the Secretary of State or of the Surveyor General, shall be competent evidence in all cases in which the original records, documents, books, plans, or papers, could be evidence.

3. No person employed in or under the Dominion Lands Office shall purchase any of such lands, except under authority of an Order in Council.

SYSTEM OF SURVEY.

3. Subject always to the provisions hereinafter made with respect to special cases,—

1. The Dominion lands shall be laid off in quadrilateral Townships, containing thirty-six sections of one mile square in each, (except in the case of those sections rendered irregular by the convergence or divergence of meridians as hereinafter mentioned) together

together with road allowances of one chain and fifty links in width, between all townships and sections.

Sections.

2. The sections shall be bounded and numbered as shewn by the following diagram :

		N.							
		31	32	33	34	35	36		
		30	29	28	27	26	25		
		19	20	21	22	23	24		
W.		18	17	16	15	14	13	E.	
		7	8	9	10	11	12		
		6	5	4	3	2	1		
		S.							

Townships to measure on each side 489 chains.

Proviso : as to reduction of width of road allowances, in certain places

3. The township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, measure on each side, from centre to centre of the road allowances bounding the same, four hundred and eighty-nine chains ; Provided that the Governor in Council may hereafter, should the same be deemed expedient, reduce the width of the road allowances on township and section lines in that part of the territory lying north of the line between townships eighteen and nineteen, and east of the tenth range east of the principal meridian, and west of the fourteenth range west of the said meridian.

Lines bounding townships.

4. The lines bounding townships on the east and west sides shall in all cases be true meridians, and those on the north and south sides shall be chords intersecting circles of latitude passing through the angles of the townships.

Townships shall be numbered.

5. The townships shall be numbered in regular order northerly from the international boundary or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year 1869, styled the "Principal Meridian," drawn northerly from the said forty-ninth parallel at a point ten miles or thereabouts westerly from Pembina.

Other governing or guide meridians.

6. In the territories east and west of Manitoba such other governing or guide meridians may be adopted and confirmed by the Governor in Council as may from time to time become expedient.

Townships to be 489 chains wide on the base lines.

7. The townships shall be laid out the precise width of four hundred and eighty-nine chains, as aforesaid, on the base lines hereinafter mentioned, and the meridians between townships shall be drawn from such bases, north or south to the depth of two townships, that is to say, to the correction lines hereinafter mentioned.

8. The said forty-ninth parallel or international boundary shall be the first base line, or that for townships one and two. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession.

Base lines for townships.

9. The correction lines, or those upon which the "jog" resulting from want of parallelism of meridians shall be allowed, will be as follows, that is to say :—On the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those township lines running east and west which are equi-distant from the bases, at the depth of two townships.

Correction lines, what township lines to be.

10. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made.

Division of sections.

11. In the survey of any and every township, the deficiency or surplus, as the case may be, resulting from convergence or divergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of the said correction lines.

Allowances for deficiency or surplus in survey of townships.

12. The dimensions and area of the irregular quarter sections resulting from the provision in the next preceding clause, whether the same be deficient or in excess, shall, in all cases, be returned by the surveyor at their actual measurements and contents.

Dimensions and area of irregular quarter sections, how to be returned.

13. Preliminary to the subdivision into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block :

Country to be laid out into blocks of four townships each in the first instance, and how.

1. On these lines, at the time of the survey, all township, section and quarter section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block.

Corners.

2. Only a single row of posts or monuments to indicate the corners of townships, or sections, (except as hereinafter provided), shall be placed on any survey line. These posts or monuments as an invariable rule (with the exception above referred to) shall be placed in the west limit of the road allowances, on north and south lines, and in the south limit of road allowances, on east and west lines; and in all cases shall fix and govern the position of the boundary corner between the two adjoining townships, sections, or quarter sections on the opposite side of the road allowance.

Posts and monuments.

3. Provided that in the case of the township, section and quarter-section corners on correction lines, posts or monuments shall in

Proviso as to correction lines.

all

all cases be planted and marked independently for the townships on either side; those for the townships north of the line, in the north limit of the road allowance; and those for the townships south, in the south limit.

Surveys to be performed by contract.

14. The surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate per mile or per acre, fixed from time to time by the Governor in Council.

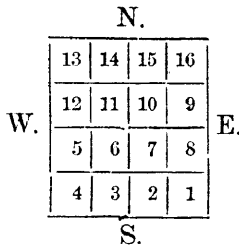
Legal subdivisions of townships.

15. Legal subdivisions as applicable to the survey, sale and granting of the Dominion lands, shall be as follows: and it shall be sufficient that such legal subdivisions be severally, as the case may require, designated and described by such names or numbers and areas for letters patent, that is to say:

1. A section or 640 acres;
 A half section or 320 acres;
 A quarter section or 160 acres;
 A half quarter section or 80 acres.

Quarter quarter sections.

• 2. To facilitate the descriptions for Letters Patent of less than a half quarter section, the quarter sections composing every section in accordance with the boundaries of the same as planted or placed in the original survey, shall be supposed to be divided into quarter quarter sections, or forty acres, and such quarter quarter sections shall be numbered as shewn in the following diagram:



Areas to be more or less.

3. The area of any legal subdivision as above set forth, in Letters Patent, shall be held to be more or less, and shall in each case be represented by the exact quantity as given to such subdivision in the original survey:

Proviso: as to the laying out and description of lands in certain localities.

16. Provided that nothing in this Act shall be construed to prevent the lands upon the Red and Assineboine Rivers surrendered by the Indians to the late Earl of Selkirk from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three or to prevent fractional sections or lands bordering on any river, lake, or other water course or public road, from being divided; or such lands from being laid out in lots of any certain frontage and depth, in such manner as may appear desirable; or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided; or from describing

describing the said lands upon the Red and Assiniboine Rivers, or such subdivisions of fractional sections, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.

DISPOSAL OF THE DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

17. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt:"

And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth:

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a section each, therefore—

In every fifth township in the said territory; that is to say: in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships the whole of section No. 8, and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company.

18. Provided, that the next preceding clause shall not apply to fractional townships or those broken by lakes, but only to whole townships, and that in the cases above mentioned the Company's one-twentieth shall be set apart by lot, by the Secretary of State and the said Company, or some person duly authorized by them respectively.

19. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bona fide* settled on under the authority of any Order in Council, or of this Act, then if the Company forego their right to the sections settled upon as aforesaid,

aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

Company's
lands to form
no part of
timber limits.

20. Provided also, as regards the sections and parts of sections as mentioned in clause seventeen, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such townships, but shall be held to be the property of the Company.

Title to lands
to pass to Com-
pany without
Patent in cer-
tain cases, and
under patents
in other cases.

21. As townships are surveyed and the respective surveys thereof confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Surveyor General, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands; and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the Local Agent or Agents to the Dominion Lands Office, and patents shall issue for the same accordingly.

EDUCATIONAL ENDOWMENT.

Sections 11 and
29 in every
surveyed
township set
apart as an
educational
endowment.

22. And whereas it is expedient to make provision in aid of education in Manitoba, and the North-West Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be and are hereby set apart as an endowment for purposes of education.

Such sections
not to be sub-
ject to right
of purchase
by private
entry or
pre-emption
or homestead
right.

1. The sections so dedicated shall be thereafter dealt with in such manner as may be prescribed by law, and the same are hereby withdrawn from the operation of the clauses in this Act relating to purchase by private entry, and to homestead right, and it is hereby declared that no such right of purchase by private entry or homestead right shall be recognized in connection with the said sections or any part or parts thereof:

Provide :
if such sec-
tions are
found settled
on and im-
proved.

2. Provided, that on a township being surveyed, should such sections, or either of them, or any part of either, be found to have been settled on and improved, then and in such case the occupant or occupants, conforming to the requirements of this Act shall be confirmed in such possession, and the Secretary of State shall select a quantity equal to that found to have been so settled on from the unclaimed lands in such township, and shall withdraw the land so selected from sale and settlement, and shall set apart and publish the same as school lands, by notice in the *Canada Gazette*.

MILITARY BOUNTY LAND CLAIMS.

23. In all cases in which land has heretofore been or shall hereafter be given by the Dominion for military services, warrants shall be granted in favor of the parties entitled to such land by the Minister of Militia and Defence, and such warrants shall be recorded in the Dominion Lands Office in books to be kept for the purpose, and shall be located as hereinafter provided, and patents for the lands so located shall be issued accordingly.

Warrants to be granted for lands given for military services.

1. Such warrants may be located by the owners thereof, in any of the Dominion lands open for sale, or may be received in payment for a homestead claim for the same number of acres, or in payment in part or in full, as the case may be, for the purchase at public or private sale of Dominion lands, at the value shewn upon their face, estimating the number of acres in the warrant at the price mentioned therein.

Such warrants may be located in lands open for sale, or given in payment for lands.

2. In accepting warrants as so much purchase money, any deficiency shall be payable in cash. But should any payment by warrant or by amount in warrants, be in excess, the Government will not return any such excess.

As to warrants accepted as purchase money.

3. In locating a warrant, should the same be for any aliquot part of a section, it must be located in a legal subdivision of corresponding extent; for instance, a warrant calling for one hundred and sixty acres must be located in a certain quarter section intact.

As to locating warrants.

24. Assignments of Military Bounty land warrants duly made and attested before any person entitled by law to take affidavits shall be recognized as conveying the beneficial interest therein, but no assignment of the interest of the original owner (except in the case of Red River soldiers' warrants as hereinafter mentioned) will be held as transferring such interest, unless the assignment be endorsed on the back of the warrant; and in subsequent assignments the warrant, unless the same has been lost, (as hereinafter mentioned) must be attached to and form part of the claimant's or locatee's papers.

Assignments of Military Bounty Land Warrants.

25. In all cases where an officer or soldier entitled to Military Bounty land dies before the issue of the warrant, or between the issue of the warrant and the location thereof, the warrant or the patent, or both, as the case may be, shall issue in favor of the legal representatives of such deceased officer or soldier, according to the law of the Province or Territory where the lands in question lie, who shall be ascertained in such manner and by such Court, Commissioners or other tribunal, as the Legislature of such Province shall prescribe by any Act passed for that purpose, and shall be certified to the Governor under such Act,—or if the lands be in any territory in which there is then no Legislature, then in such manner and by such Commissioners as the Governor in Council may from time to time direct,—and any Order in Council in that behalf may vest in any Commissioners under its power to summon witnesses and examine them

Warrant or Patent to issue in favor of legal representatives of deceased officer or soldier.

them on oath and to compel the production of documents, and generally may vest in them all such powers and impose upon all other persons all such obligations, as the Governor in Council may deem necessary in order to ascertain and certify to the Governor the person or persons to whom the Patent ought to issue,—and on any such certificate under this clause the Patent shall issue in accordance therewith.

New warrant may issue in lieu of warrant lost or destroyed.

26. Whenever any warrant for Military Bounty land issued in pursuance of this Act, is lost or destroyed, whether the same may or may not have been sold and assigned by the original owner, the Minister of Militia and Defence, (such loss or destruction having been proved to his satisfaction,) may, and he is hereby required to cause a new warrant of like tenor to be issued in lieu thereof, in favor of the person to whom the warrant belonged at the time of its loss or destruction, if he be still living, or of his legal representatives as aforesaid, if he be no longer living, which new warrant may be assigned, located, and patented, and shall be of like value in every respect, with the original warrant, and in any and all such cases of re-issue, the original warrant, in whosesoever hands it may be, shall be null and void.

Free grant of land by Order in Council of 25th April, 1871, confirmed.

27. And whereas by order of the Governor in Council, dated the 25th April, 1871, it is declared that,—

The officers and soldiers of the 1st or Ontario and the 2nd or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service or dépôt companies, and not having been dismissed therefrom, should be entitled to a free grant of land without actual residence, of one quarter section,—such grant is hereby confirmed, and the Minister of Militia and Defence is hereby authorized and required to issue the necessary warrants therefor accordingly :

Assignments of interest in such free grants recognized.

28. And whereas effect could not be given to the above mentioned Order in Council, until the lands in Manitoba had been surveyed, and in the mean time many of the said men so entitled as above have assigned their interest in such free grants,—such assignments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion Lands Office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued, which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location.

ORDINARY PURCHASE AND SALE OF LANDS.

Surveyed Dominion lands open for purchase at \$1 per acre.

29. Unappropriated Dominion lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at the rate of one dollar

dollar per acre ; but no such purchase of more than a section, or six hundred and forty acres, shall be made by the same person ; provided that whenever so ordered by the Secretary of State, such unoccupied lands as may be deemed by him expedient from time to time shall be put up at public sale (of which sale due and sufficient notice shall be given) at the upset price of one dollar per acre, and sold to the highest bidder.

Proviso.

PAYMENTS FOR LANDS.

30. Payments for lands, purchased in the ordinary manner, shall be made in cash, except in the case of payment in military bounty warrants as hereinbefore provided.

Payments for lands to be in cash, as a rule.

TOWN PLOTS, &c.

31. The Secretary of State shall have power, from time to time, to set apart and withdraw from purchase and from the homestead clauses of this Act, any tract or tracts of land which it may be considered by him expedient to lay out into Town or Village Plots, and to cause the same to be surveyed and laid out, and the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction.

Secretary of State may reserve tracts of land for Town or Village Plots.

32. The Governor in Council may also set apart and appropriate such Dominion lands as he may deem expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares and for other like public purposes, and at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient, and he may make free grants for the purposes aforesaid of the lands so appropriated, the trusts and uses to which they are to be subject being expressed in the letters patent.

Governor in Council may set apart lands for other public purposes.

HOMESTEAD RIGHTS OR FREE GRANT LANDS.

33. Any person who is the head of a family, or has attained the age of twenty-one years, shall be entitled to be entered for one quarter section or a less quantity of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof. (Form A.)

Steps to be taken for the purpose of securing a homestead right in respect of land, and provisions respecting the same.

1. Provided that the limitation of quantity in this clause, shall not prevent the granting of a wood lot to the same person, under the provisions hereinafter made with respect to timber in surveyed Townships.

Proviso, as to extent.

2. When two or more persons have settled on and seek to obtain a title to the same land, the homestead right shall be in him who made the first settlement.

More than one settler.

If both have improved.

3. Provided, that in cases where both parties may have made valuable improvements, the Secretary of State may order a division of such land, in legal subdivisions, in such manner as may preserve to the said parties, as far as practicable, their several improvements, and further, may direct that what the land of each of such parties, as so divided, may be deficient of a quarter section, shall be severally made up to them in legal subdivisions from unoccupied quarter sections adjoining.

Interfering claims.

4. Questions as to the homestead right arising between different settlers shall be investigated by the Local Agent of the division in which the land is situated, whose report and recommendation, together with the evidence taken, shall be referred to the Secretary of State for decision.

Time for application

5. Every person claiming a homestead right from actual settlement must file his application for such claim, describing the land settled, with the Local Agent within whose district such land may be, within thirty days next after the date of such settlement, if in surveyed lands; but if in unsurveyed lands the claimant must file such application within three months after such land shall have been surveyed; and in either case proof of settlement and improvement shall be made to the Local Agent at the time of filing such application.

Occupants of contiguous lands.

6. Persons owning and occupying Dominion lands may be entered for other land lying contiguous to their lands, but the whole extent of land, including that previously owned and occupied, must not exceed one hundred and sixty acres, and must be in legal sub-divisions.

Affidavit to be made.

7. A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit before the Local Agent (Form B) that he is over twenty-one years of age, that he has not previously obtained a homestead under the provisions of this Act, that to the best of his knowledge and belief there is no person residing on the land in question, or entitled to enter the same as a homestead, and that the application is made for his exclusive use and benefit, and for the purpose of actual settlement.

Entry.

8. Upon making this affidavit, and filing it with the Local Agent, and on payment to him of an office fee of ten dollars for which he shall receive a receipt from the Agent, he shall be permitted to enter the land specified in the application.

Entry of contiguous lands.

9. In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required but *bonâ fide* improvement and cultivation of it must be thereafter shewn for the period required by the provisions of this Act.

No patent for three years.

10. No patent shall be granted for the land until the expiration of three years from the time of entering into possession of it except as hereinafter provided.

Issue of patent.

11. At the expiration of three years the settler or his widow, her heirs or devisees, or, if the settler leaves no widow, his heirs or devisees, upon proof, to the satisfaction of the Local Agent that

that he, or his widow or his or her representatives as aforesaid, or some of them, have resided upon or cultivated the land for the three years next after the filing of the affidavit for entry, the settler or such claimant shall be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization.

12. When both parents die, without having devised the land, and leaving a child or children under age, it shall be lawful for the executors (if any) of the last surviving parent, or the guardian or guardians of such child or children, with the approval of a Judge of a Superior Court of the Province or Territory in which the lands lie, to sell the lands for the benefit of the infant or infants, but for no other purpose; and the purchaser, in such case, shall acquire the homestead right by such purchase, and on carrying out the unperformed conditions of such right, shall receive a patent for the land, upon payment of the office fees.

When parents die without devising.

13. The title to lands shall remain in the Crown until the issue of the patent therefor, and such lands shall not be liable to be taken in execution before the issue of the patent.

Title before patent.

14. In case it is proved to the satisfaction of the Local Agent that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him, for more than six months in any one year, then the right to such land shall be forfeited; and the settler so relinquishing or abandoning his claim shall not be permitted to make more than a second entry.

Settler abandoning his claim.

15. Any person who has availed himself of the foregoing provisions may, before the expiration of the three years, obtain a patent for the land entered upon by him, including the wood lot, if any, forming an addition to the grant thereof, as hereinafter provided, on paying the Government price thereof at the date of entry, and making proof of settlement and cultivation for not less than twelve months from the date of entry.

Patent before three years on payment of price, &c.

16. Proof of actual settlement and cultivation shall be made by affidavit of the claimant before the Local Agent, corroborated on oath by two credible witnesses.

Proof of improvement.

17. All assignments and transfers of homestead rights before the issue of the patent shall be null and void, but shall be deemed evidence of abandonment of the right; and the person so assigning or transferring shall not be permitted to make a second entry.

Assignments void.

18. The above provisions relating to homesteads shall only apply to agricultural lands, and shall not be held to apply to lands set apart as timber lands, or to those lands on which coal or minerals are at the time of entry known to exist.

Provisions to apply only to homesteads.

GRAZING LANDS.

34. Leases of unoccupied Dominion lands may be granted for grazing purposes to any person or persons whomsoever being *bonâ fide* settlers in the vicinity of the land sought to be leased, at such rent and for such term as the Secretary of State shall deem expedient; but every such lease of grazing land shall, among other things, contain a condition making such land liable for settlement

Unoccupied Dominion lands may be leased to neighboring settlers for grazing purposes. Conditions.

or for sale as hereinbefore provided by this Act, at any time during the term of such lease, without compensation, save by a proportionate deduction of rent, and a further condition by which the Secretary of State may, on giving the lessee six months notice, cancel the lease at any time during the term.

HAY LANDS.

Unoccupied Dominion lands may be leased to neighboring settlers for the purpose of cutting hay thereon, but not to the hindrance of the sale or settlement thereof.

35. Leases of unoccupied Dominion lands, not exceeding a half quarter section, or eighty acres, to any one person, may be granted for the purpose of cutting hay thereon, to any person or persons whomsoever being *bond fide* settlers in the vicinity of such hay land, for such term and at such rent as the Secretary of State may deem expedient; but such lease shall not operate to prevent at any time during the term thereof the sale or settlement of the lands described therein under the provisions of this Act, the lessee being paid in such case by the purchaser or settler, for fencing or other improvements made on such land, such sum as shall be fixed by the Local Agent, and allowed to remove any hay he may have made.

MINING LANDS.

Mines or minerals not to be reserved in patents of lands.

36. No reservation of gold, silver, iron, copper, or other mines or minerals shall be inserted in any patent from the Crown granting any portion of the Dominion lands.

Any person may explore and purchase mining lands.

37. Any person or persons may explore for mines or minerals on any of the Dominion lands, surveyed or unsurveyed, and not then marked or staked out and claimed or occupied, and may, subject to the provisions hereinafter contained, purchase the same.

Mining lands in surveyed townships to be sold in legal subdivisions. Those in unsurveyed territory, without the limits of the Fertile Belt, to be sold in blocks, to be called mining locations. Description of such blocks.

38. Mining lands, if in surveyed townships, may be acquired under the provisions herein contained, and shall be sold in legal subdivisions. When situate in unsurveyed territory and without the limits of the Fertile Belt, such lands shall be sold in blocks to be called mining locations; and every such mining location, except as hereinafter provided, shall be bounded by lines due north and south and due east and west, astronomically; and each such location shall correspond with one of the following dimensions, namely, eighty chains in length by forty in width, containing three hundred and twenty acres,—or forty chains square, containing one hundred and sixty acres,—or forty chains in length by twenty in width, containing eighty acres.

Proviso.

1. Provided further that in case of certain lands proving to be rich in minerals, the Secretary of State shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease.

Rent.

2. The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a half per cent, on the net profits of working.

3. Provided further, that when there are two or more applicants for the same tract, and a prior right in either or any of the applicants is not established to the satisfaction of the Secretary of State, the same may be tendered for by the claimants on stated terms of lease, and sold to the highest bidder.

Proviso :
when no prior
right exists.

4. Provided also that in territory supposed to contain minerals the Secretary of State may in his discretion reserve from sale, alternate locations, or quarter sections, or other legal subdivisions with the view of subsequently offering the same either for sale or lease at public competition.

Further provision.

39. Mining locations in unsurveyed territory shall be surveyed by a Deputy Surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion Lands Office) at the cost of the applicants, who shall be required to furnish, with their application, the Surveyor's plan, field notes and description thereof.

Mining
locations to be
surveyed by
Deputy
Surveyors.

40. No distinction in price shall be made between lands supposed to contain mines or minerals and farming lands, but both classes shall be sold at the uniform price of one dollar per acre ; provided that clause twenty-nine of this Act as regards offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships.

Lands supposed to contain minerals, to be sold at the same price as farming lands.

41. It shall also be lawful for the Secretary of State to exempt from the preceding provisions of this Act, such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "Bar," "Bench," or "Dry" "Diggings" for gold or other precious metals ; and the Governor in Council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the royalty payable in respect thereof, and shall appoint and prescribe the duties of such officers as may be necessary to carry out such regulations.

Secretary of State may exempt certain lands from the preceding provisions. Duty of Governor in Council with respect to lands so excepted.

INDIAN TITLE.

42. None of the provisions of this Act respecting the settlement of Agricultural lands, or the lease of Timber lands, or the purchase and sale of Mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been extinguished.

As to lands still under Indian title.

COAL LANDS.

43. Coal lands designated by the Government as such are hereby withdrawn from the operation of this Act as regards the rights

Coal lands may not be taken for homesteads.

rights of squatters to homesteads on the Dominion lands in advance of the Surveys.

Steps to be taken by persons desiring to carry on coal mining in unsurveyed territory.

44. Any person or persons desiring to carry on coal mining in unsurveyed territory, shall be protected in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the Local Agent to purchase such land : such application must be accompanied by a description by a Deputy Surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall not exceed six hundred and forty) at the rate of one dollar per acre. Such application shall be filed by the Agent receiving the same—and on the survey of the Township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for.

Proviso : for continuous working.

Provided that such mine shall have been continuously worked during the interim between the application and the survey ; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase money which may have been paid to the Government on account thereof.

Coal lands may be exempted from sale and settlement. Provisions of Act.

45. The Secretary of State, with the view of preventing undue monopoly in coal lands, may in his discretion, on a township being surveyed, exempt from the sale and settlement provisions of this Act the sections or other legal subdivisions of land which may be said to contain coal, except those on which mining may have been carried on under the next preceding clause ; and the same shall be subsequently sold or otherwise dealt with in such manner as may be deemed expedient by the Governor in Council.

TIMBER AND TIMBER LANDS.

TIMBER IN TOWNSHIPS SURVEYED FOR SETTLEMENT.

Timber forming islands or belts in townships thrown open for settlement, to be disposed of so as to benefit the greatest possible number of settlers and prevent petty monopoly, and how.

46. And whereas it is expedient that the timber forming Islands or Belts in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers and to prevent petty monopoly, it is therefore enacted as follows :—

1. In the subdivision of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing Islands, Belts, or other tracts of timber, shall be subdivided into such number of wood lots of not less than ten, and not more than twenty acres in each lot, as will afford.

afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter section prairie farm in such township.

2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by this Act nor those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-clause.

3. The division of such wood lots shall be by squared posts, numbered from one upwards, marked with a marking iron, and planted in the section lines bounding the timber tract so laid out; and each wood lot shall front on a section road allowance.

4. I provided, that in case an Island or Belt of timber be found in the survey of any township to lie in a quarter section or several quarter sections, but in such manner that no single quarter section shall have more of such timber than twenty-five acres, such timber shall be taken to be appurtenant to such quarter section or quarter sections, and shall not be further divided into wood lots.

5. The Local Agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall apportion to each quarter section so applied for, one of the adjacent wood lots, and such wood lot shall appertain to and form an addition to such grant, and shall be entered on the Local Agent's books and be returned by him as in connection therewith; and the wood lot set apart with any homestead quarter section shall be a free gift in connection with such homestead, and in addition thereto, and on such homestead claimant fulfilling all the requirements of this Act in that behalf, the patent for such quarter section shall also include such wood lot.

6. Provided, that any homestead claimant, who, previous to the issue of the patent shall sell any of the timber on his claim or on the wood lot appertaining to his claim, to saw mill proprietors or to any other than settlers for their own private use, shall be guilty of a trespass, and may be prosecuted therefor before a Justice of the Peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both; and further, such person shall forfeit his claim absolutely.

OTHER TIMBER AND TIMBER LIMITS.

47. Any tract of land covered by forest timber may be set apart as timber lands, and reserved from sale and settlement. Reservation of timber lands.

48. Except where it may be thought expedient by the Secretary of State to divide a township into two or more timber limits, the several townships composing any such tract shall each form a limit. Each township to form a timber limit.

49. In the enactments and provisions under the present heading, *Timber and Timber Lands*, the word "timber" includes all lumber, and all products of timber hereinafter mentioned, or of any other kind whatever, including firewood or bark. What "timber" includes under this heading.

Right of cutting timber to be sold to highest bidder.

50. The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by competition, either by tender or at public auction.

Purchaser to have a lease for 21 years.

51. The purchaser shall receive a lease granting the right of cutting timber on the land for twenty-one years, and containing the following conditions, with such others as shall have been embodied in the notice of sale, that is to say:—

Conditions of lease.
Mills.

1. The lessee to erect a saw mill or mills in connection with such limit and lease, and subject to any special conditions which may be agreed upon and stated in the lease, such mill or mills to be of capacity to cut at the rate of a thousand feet, board measure, in twenty-four hours, for every two and a half square miles of limits in the lease, or shall establish such other manufactory of wood goods as may be agreed upon as the equivalent of such mill or mills, and the lessee to work the limit, in the manner and to the extent provided in the lease, within two years from the date thereof, and during each succeeding year of the term.

To take all timber.

2. To take from every tree he cuts down all the timber fit for use, and manufacture the same into sawn lumber or some other such saleable product as may be provided in the lease or by any Regulations made under this Act.

To prevent destruction.

3. To prevent all unnecessary destruction of growing timber on the part of his men, and to exercise strict and constant supervision to prevent the origin or spread of fires.

Monthly returns.

4. To make returns to the Government monthly, or at such other periods as may be required by the Secretary of State, or by Regulations under this Act, sworn to by him or by his agent or employee cognizant of the facts, declaring the quantities sold or disposed of as aforesaid, of all sawn lumber, timber, railway car stuff, ship timbers and knees, shingles, laths, cordwood or bark, or any other product of timber from the limit, in whatever form the same may be, sold or otherwise disposed of by him during such month or other period, and the price or value thereof.

Rent.

5. To pay, in addition to the bonus, an annual ground rent of two dollars per square mile, and further a royalty of five per cent on his monthly account.

Books.

6. To keep correct books of such kind and in such form, as may be provided by his lease or by Regulation under this Act, and to submit the same for the inspection of the collector of dues whenever required, for the purpose of verifying his returns aforesaid.

Rights of lessee.

7. The lease shall describe the lands upon which the timber may be cut, and shall vest in the lessee during its continuance, the right to take and keep exclusive possession of the lands so described, subject to the conditions hereinbefore provided or referred to; and such lease shall vest in the holder thereof, all right of property whatsoever in all trees, timber, lumber and other products of timber, cut within the limits of the lease during the continuance thereof, whether such trees, timber and lumber or products be cut by authority of the holder of such lease or by any other person, with or without his consent; and such

such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit at law or in equity against any party unlawfully in possession of any such timber, or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any : and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired.

8. Such lease shall be subject to forfeiture, for infraction of any one of the conditions to which it is subject, or for any fraudulent return ; and in such case the Secretary of State shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled : Provided, that the Secretary of State, if he sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner hereinafter provided.

Forfeiture of lease.

9. The Lessee who faithfully carries out the above conditions, shall have the refusal of the same limits, if not required for settlement, for a further term not exceeding twenty-one years, on payment of the same amount of bonus per square mile as was paid originally, and on such lessee agreeing to such conditions, and to pay such other rates, as may be determined on for such second term.

Renewal of lease.

52. If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in one of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this Act, the lease first mentioned shall be void in so far as it interferes with any such previous lease, sale, grant or setting apart.

Lease of land previously leased, sold, granted or set apart to be void.

FURTHER OBLIGATIONS OF PARTIES OBTAINING LICENSES.

53. Any ground rent, royalty or other dues to the Crown, on timber cut within any such limit, which are not paid at the time when they become due and payable, shall bear interest at the rate of six per cent per annum, until paid, and shall be a lien on any timber cut within such limits. And whenever the ground rent on any limit, or any royalty on any timber is not paid within three months after it becomes due under the lease or regulations in that behalf, the Crown Timber Agent may, with the sanction of the Secretary of State, seize so much of the timber cut on such limits, and in the possession of the lessee or on his premises, whether sold or unsold, as will in his opinion be sufficient to secure the payment of such rent and royalty on the timber seized, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof :

Dues to the Crown to bear interest and be a lien on timber cut on limits. Such timber may be seized and sold in payment.

and

and if such payment be not made within three months after such seizure, the Crown Timber Agent may, with such sanction as aforesaid, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the lessee or owner of the timber.

Timber cut under lease to be liable for dues, &c.

54. All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the said timber or any part of it may be found (whether it be or be not manufactured into deals, boards or any other products); and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever they are found until the dues thereon are paid or secured, and if payment be not made or secured within three months after such seizure, the timber may be sold by the Crown Agent, and the proceeds disposed of as provided by the next preceding clause.

Mode of enforcing payment in case of removal of timber out of Canada.

55. And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by such officer or the Government in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on Dominion lands by the same lessee or by his authority, and be levied and collected, or secured, on such timber, together with such last mentioned dues, in the manner provided by clause fifty-three; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law, in the name of the Secretary of State, or his resident Agent, in any Court having jurisdiction in civil cases to the amount.

Bonds or notes may be taken for dues, &c., but without prejudice to lien on timber.

56. The Secretary of State may, in his discretion, take or authorize the taking of bonds or promissory notes for any money due to the Crown, interest and costs, as aforesaid, or for double the amount of all dues, fines and penalties and costs, incurred or to be incurred, and may then release any timber upon which the same would be leviable, whether under seizure or not; but the taking of such bonds or notes shall not affect the lien and right of the Crown to enforce payment of such money on any other timber cut on the same limit, if the sums for which such bonds or notes are given are not paid when due.

LIABILITY OF PERSONS CUTTING WITHOUT AUTHORITY.

Penalty for cutting timber on Dominion lands without authority.

57. If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber of any kind, on any Dominion lands wheresoever situate, or removes or carries away, or employs or induces, or assists any other person to remove or carry away any timber of any kind, so cut from any Dominion

Dominion lands as aforesaid, he shall not acquire any right to the timber so cut, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown Timber Officers, or it is otherwise found impossible to seize the same, he shall, in addition to the loss of his labour and disbursements, forfeit a sum not exceeding three dollars for each tree, which, or any part of which he is proved to have cut, or carried away; and such sum shall be recoverable, with costs, at the suit and in the name of the Crown, in any Court having jurisdiction in civil matters to the amount of the penalty;—and in all such cases the burden of proof of his authority to cut and take the timber shall lie on the party charged, and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

1. Whenever satisfactory information, supported by affidavit made before a Justice of the Peace, or before any other competent officer or person, is received by any Crown Timber Officer or Agent, that any timber has been cut without authority on Dominion lands, and describing where the same can be found,—or if any Crown Timber Officer or Agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on such lands, the said agent, or officer, or either of them, may seize or cause to be seized in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority;

Seizure on affidavit, &c.

2. And where the timber so reported or known to have been cut without authority, has been made up with other timber into a crib, dram, or raft, or in any other manner has been so mixed up at any mill or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority, from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

If the timber has been mixed with other timber.

3. In case any timber cut without authority on Dominion lands, or any product thereof, is seized under the provisions of this Act, by any Crown Timber Agent or Officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise, to his satisfaction for the full value thereof, or for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon as the case may be.

May be released on security.

RESISTING SEIZURE—REMOVING TIMBER SEIZED—CONDEMNATION OF SUCH TIMBER.

58. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance

Officer seizing timber may call in assistance.

Resistance or obstruction, a felony.

assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this Act, such person shall be guilty of felony, and being convicted thereof, shall be punishable accordingly.

Carrying away timber seized without permission, a felony.

59. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken and carried away, without permission of the officer or person who seized the same, or of some competent authority, any timber seized and detained for any lawful cause under this Act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, being the property of the Crown, and to be guilty of felony, and being convicted thereof, shall be punishable accordingly.

Timber seized as forfeited shall be deemed to be condemned in default of owner claiming it within one month.

60. All timber seized under this Act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown Timber Agent or Officer, under whose authority the seizure was made, that he claims or intends to claim the same; pending which the Officer or Agent seizing shall report the facts to the Secretary of State, who may order the sale of the said timber, by the said Officer or Agent, after a notice on the spot, or at the residence or office of the person from whom it was seized, of at least thirty days: or if, within fifteen days after the claim has been put in, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure; or if the decision of the court be against him; or should the claimant fail duly to prosecute such proceedings in the opinion of the Judge before whom such case may be tried, (and who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted, anything to the contrary hereinbefore enacted notwithstanding,) the timber may be confiscated and sold for the benefit of the Crown, by order of the Secretary of State, after a notice on the spot of at least thirty days: Provided nevertheless, that in all cases of timber being ascertained to have been cut without authority on any of the Dominion lands, or admitted to have been so cut by the holder thereof, the Secretary of State, should he see cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition to all costs incurred, instead of seizing or selling the same.

Proviso.

GENERAL PROVISIONS.

In the absence of satisfactory

61. Whenever any Crown Timber Agent, or other Officer or Agent of the Secretary of State is in doubt as to whether any timber

timber has, or has not, been cut without authority, or is, or is not, liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber as to when and where the same was cut : and if no satisfactory explanation, on oath or otherwise, as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Secretary of State or of such Crown Timber Agent or Officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind : and if such proof be not made, within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case, and the dues thereon may be recovered as provided in the fifty-fifth clause.

explanations
timber may be
seized as cut
without
authority, or
for dues.

62. And whenever any timber is seized for non-payment of Crown dues or for any cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same or the party bringing such prosecution.

The burden of
proof where
timber was
cut, or of pay-
ment of dues
to lie on the
owner or
claimant.

SLIDES, &C.

63. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or other work, for the purpose of facilitating the descent of timber or saw-logs, previously constructed on such land, or on any stream passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted.

Right to
slides, &c., not
to be affected
by sales or
grants of land,
unless
expressly
mentioned.

1. The free use of slides, dams, piers, booms or other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed, by, or in virtue of, any sale or grant of Dominion lands made subsequent to the construction of such works.

Free use of
slides not
affected.

64. The free use, for the floating of saw-logs and other timber rafts and drams, of all streams and lakes that may be necessary for the descent of timber from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side thereof, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads, other than road allowances, as owing to natural obstacles may be necessary for the taking out timber or saw-logs

Free use of
streams and
lakes not
affected.

saw-logs from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected or obstructed by, or in virtue of, any sale or grant of such lands.

PATENTS.

Patent may be signed by a Deputy Governor.

65. A Deputy Governor may be appointed by the Governor General, who shall have the power in the absence or under instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents, shall have the same force and virtue as if such patents were signed by the Governor General.

Patent issued in error may be cancelled.

66. Whenever a patent has been issued to or in the name of a wrong party or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Secretary of State may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead, which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent.

Remedy in cases of sales or patents of land inconsistent with each other.

67. In all cases in which grants or letters patent have issued for the same land, inconsistent with each other, through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Secretary of State may order a new grant equivalent in value to the land of which any grantee or purchaser is thereby deprived, at the time the same was granted; or may, in cases of sale, cause repayment to be made of the purchase money with interest; or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Secretary of State may assign land or grant a certificate entitling the party to purchase Dominion lands of such value as to him, the said Secretary of State, may seem just and equitable under the circumstances; but no claim under this clause shall be entertained unless it is preferred within five years after discovery of the error.

Proviso.

Remedy in cases of deficiency in quantity of land sold or granted.

68. Whenever by reason of false survey, or error in the books or plans in the Dominion Lands Office, any grant, sale or appropriation of land is found to be deficient, the Secretary of State may order a free grant equal in value to the ascertained deficiency at the time such land was granted or sold; or in case any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Secretary of State may order the purchase money of so much land as is deficient, with interest thereon from the time of the application therefor, to be paid back to the purchaser; or if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of

of the deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon, from the time of the application therefor, to be paid to him in land or in money, as he, the said Secretary of State, may direct : or, in case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant, at the time such grant was made ; but no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted. Proviso.

69. In all cases wherein patents for lands have issued through fraud, or in error, or improvidence, any Court having competent jurisdiction in cases respecting real property in the Province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Court shall order, decree such patent to be void ; and upon the Registry of such decree in the Office of the Registrar General of the Dominion, such patent shall be void to all intents. Patents issued through fraud, or in error or improvidence may be decreed to be void.

70. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same, the Secretary of State may apply to a Judge of any Court having competent jurisdiction in cases respecting real property in the Province or place in which the land lies, for an order in the form of a writ of ejectment or of *habere facias possessionem*, and the said Judge, upon proof to his satisfaction that such land was so forfeited, and should properly revert to the Crown, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Secretary of State or person by him authorized to receive such possession ; and such order shall have the same force as a writ of *habere facias possessionem*, and the Sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or petitory action. Remedy in cases of refusal to deliver up possession of forfeited land or to vacate land wrongfully held.

71. The Secretary of State shall keep a book for registering, at the option of the parties interested, any assignment of rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignment is in conformity with this Act ; and every assignment so registered shall be valid against any other previously made but subsequently registered, or unregistered ; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed, or dispensed with by the Secretary of State, before the assignment is registered. Assignments of Dominion lands to be registered.

Patent may be issued in favor of representative of party dying entitled thereto.

72. On any application for a patent by the heir, assignee, devisee or legal representative of a party dying entitled to such patent, the Secretary of State may receive proof of the facts in such manner as he may see fit to require, and upon being satisfied that the claim has been justly established may allow the same and cause a patent to be issued accordingly: but nothing in this clause shall limit the right of the party claiming a patent to make his application as provided for in clause twenty-five of this Act.

SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY THE DOMINION LANDS.

Qualifications required of Deputy Surveyors of Dominion lands.

73. No person shall act as a surveyor of Dominion lands unless he shall, previously to the passing of this Act, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth, that is to say:—

Exceptions.

1. Except such persons as at the time of the passing of this Act hold certificates, diplomas or commissions to practice as surveyors, as hereinbefore set forth, no person shall be competent to act professionally as a surveyor of Dominion lands in Manitoba, or the North-West Territories, unless he shall undergo an examination before the Board of Examiners hereinafter mentioned, or be exempt from undergoing such examination under the provisions hereinafter contained, and receive a commission certifying that he is qualified to act as such.

Name.

2. Persons so qualified shall be styled "Deputy Surveyors of Dominion lands."

BOARD OF EXAMINERS.

Surveyor General, with eight Colleagues, appointed by the Governor to form Board.

74. There shall be a Board of Examiners for the examination of candidates for such commission as Deputy Surveyors, to consist of the Surveyor General and eight other competent persons to be appointed from time to time by Order in Council: and the times and places of the meetings of the Board shall from time to time be fixed and made public by notice in the *Canada Gazette*.

Members of Board to be sworn.

1. Each member of the said Board shall take an oath of office according to form C, to be administered by a judge of any one of the Superior Courts in any Province of the Dominion, who is hereby authorized and required to administer such oath; and any three of the said members shall form a quorum.

Secretary of Board of Examiners.

2. The said Board shall from time to time appoint a fit and proper person to be Secretary thereof, who shall keep a record of its proceedings.

ADMISSION OF DEPUTY SURVEYORS.

Qualifications for commission as Deputy Surveyor.

75. No person shall receive a commission from the said Board authorizing him to practice as a Deputy Surveyor of Dominion lands,

lands, until he has attained the full age of twenty-one years, and has passed a satisfactory examination before the said Board in the following subjects, that is to say: Euclid (first six books), Plane Trigonometry, Mensuration of Superficies, the keeping of Field Notes, Plotting and Map Drawing, Spherical Trigonometry, Astronomy and Geology, practical surveying operations, and the use of instruments; nor unless he shall be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published from time to time for the guidance of Deputy Surveyors employed in surveys of Dominion lands.

76. No person shall be entitled to be examined before such Board (except as hereinafter provided) unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form D, duly executed before two witnesses, as pupil to a Land Surveyor lawfully practising during the said period as a Deputy Surveyor of Dominion lands, nor unless he shall produce a certificate from such practising Deputy Surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety.

Conditions precedent to examination for Commission.

77. It shall not be necessary for any person who may, after the passing of this Act, become duly qualified by diploma, certificate or commission to survey the Crown Lands in some one of the Provinces of the Dominion, to serve under articles as aforesaid to entitle such person to examination by the said Board for a commission as a Deputy Surveyor of Dominion lands, but such person shall be entitled to such examination without any further service, at any regular meeting of the Board, and if found competent shall receive such commission: Provided, nevertheless, that in case such person should not on the first examination be found qualified, the Board may grant him a second examination after he shall have passed through such further course of theory or practice as may have been recommended by the Board; Provided further that any person who may have acquired a certificate, diploma or commission in any one of the Provinces of the Dominion where the course and examination prescribed are similar to those in clause seventy-five of this Act shall not be required to be re-examined by the Board, but shall, upon proof of the facts, and payment of the admission fee fixed by sub-clause four of clause eighty-four of this Act, receive from the Board a Commission as a Deputy Surveyor of Dominion lands.

Future Provincial Land Surveyors to be entitled to examination for Commissions as Deputy Surveyors without having served under articles to a Deputy Surveyor.

78. No person claiming to be examined before the said Board as having served the necessary period fixed by this Act under articles to a Deputy Surveyor shall have the right to such examination, unless he shall have transmitted to the Secretary of the Board within three months of the date of such articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the

Duplicate of articles of clerkship to be transmitted to Secretary within three months after their date.

the same ; and the said Secretary shall acknowledge by post the receipt of such papers and shall carefully file and keep the same with the records of the Board.

Pupil of a Deputy Surveyor may complete his term with another.

79. If any Deputy Surveyor dies or leaves the Dominion or is suspended or dismissed, his pupil may complete his term under articles as aforesaid with any other Deputy Surveyor.

Assignment of Articles of Clerkship.

80. Any Deputy Surveyor may by an instrument in writing transfer a pupil, with his own consent, to any other Deputy Surveyor, with whom such pupil may serve the remainder of his term.

Surveyors in H. M. Dominions, other than Canada, entitled to examination after six months practice.

81. Any person who may have been duly admitted as a surveyor or of lands in any part of Her Majesty's Dominions other than Canada, shall be entitled to an examination by the said Board, and to a commission if found qualified, on his producing a written certificate of a Deputy Surveyor that such person has within the previous two years served for six months with him continuously engaged in surveying the Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Deputy Surveyor.

Graduates of Colleges and Universities to be entitled to examination after one year's service.

82. Any person who shall have followed a regular course of study in all the branches of education required by this Act for admission as a Deputy Surveyor through the regular sessions for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college or university a certificate, diploma, or degree, vouching therefor, shall not be obliged to serve three years as aforesaid but shall be entitled to examination after one year's service under articles with a Deputy Surveyor as aforesaid.

Candidates for examination to give notice to Secretary.

83. Every person desiring to be examined before the said Board for a commission as a Deputy Surveyor shall give due notice thereof in writing to the Secretary at least two months previous to the meeting of the Board, enclosing with such notice the fee of two dollars.

Table of fees payable under this Act.

84. The following fees shall be paid under the provisions of this Act :

1. To The Secretary of the Board of Examiners by each pupil, at the time of transmitting to such Secretary the Indenture or Articles of such pupil, two dollars.
2. To the Secretary of the Board by each candidate for examination, with his notice thereof, two dollars.
3. To the Secretary of the Board by each applicant obtaining a commission, as his fee thereon, two dollars.
4. To the Secretary of the Board as an admission fee by each applicant receiving a commission, twenty dollars, but such amount shall be paid over to the Surveyor General, and be accounted for in like manner as other public moneys received by him.

85. Each of the members in attendance at the said Board during examinations and the Secretary shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance ; and the Secretary of State is hereby authorized and required to pay such sums : Provided, that no member of the Board, if at the time of the meeting, he be over one hundred miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously specially notified to attend the same by the Secretary.

Allowances to
Members of
Board of
Examiners.

Proviso.

86. The Board may examine any candidate on oath (which oath may be administered by any one of the Examiners) as to his actual practice in the field, and with regard to his instruments.

Board may
examine can-
didate on oath.

87. Each person passing the Examination prescribed by this Act shall receive a commission from the Board in accordance with form E in the schedule to this Act, and each applicant after receiving such commission shall, jointly and severally with two sufficient sureties to the satisfaction of the Board, enter into a bond in the sum of one thousand dollars, to Her Majesty, Her Heirs and Successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the Board of Examiners, any one of whom is hereby empowered to administer the same :—

Successful
candidates to
receive com-
missions, and
give security
and take oath
of office.

" I, _____, do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a Deputy Surveyor of Dominion lands according to law, without favor, affection or partiality. So help me God."

1. Until the above formalities shall have been gone through the said commission of Deputy Surveyor shall have no effect.

2. The said oaths of allegiance and of office shall be deposited in the Dominion Lands Office.

3. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof ; and the commission shall be registered in the office of the Registrar General of the Dominion.

88. The said Board may, in their discretion, suspend or dismiss from the practice of his profession any Deputy Surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office ; but the Board shall not suspend or dismiss such Deputy Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered either in support of the complaint, or on behalf of the Deputy Surveyor inculpated.

Board may
suspend or
dismiss negli-
gent or corrupt
Deputy Sur-
veyor.

STANDARD OF MEASURE.

Standard of the English measure of length and copies thereof to be procured by Deputy Surveyors.

89. The measure of length used in the surveys of Dominion lands, shall be the English measure of length, and every Deputy Surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard tested and stamped as correct by the Department of Inland Revenue, shall be furnished him by the said Department, on payment of a fee of three dollars therefor; and all Deputy Surveyors shall from time to time regulate and verify by such standard the length of their chains and other instruments for measuring.

HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

Cases where the original mound, post or monument cannot be found, provided for.

90. In all cases when any Deputy Surveyor is employed to run any dividing line or limit between sections, or other legal subdivisions, or wood lots, and the mound, post or monument, erected, marked or planted in the original survey to define the corner of such section, or other legal subdivisions, or wood lot, cannot be found, he shall obtain the best evidence that the nature of the case may admit of respecting such corner mound, post or monument; but if the same cannot be satisfactorily ascertained, then he shall measure the true distance between the nearest undisputed corner mounds, posts or monuments and divide such distance into such number of sections or other legal subdivisions, or wood lots, (as the case may be) as the same contained in the original survey, giving to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field notes thereof of record in the Dominion Lands Office; and if any portion of the township or section line (as the case may be) on which such corner mound, post or monument was or should have been planted in the original survey, should be obliterated and lost, then the Deputy Surveyor shall renew such township or section line (as the case may be) and shall draw and define the same on the ground, in such manner as to leave each and every of the adjoining sections or other legal subdivisions, (as the case may be) of a width and depth proportionate to that severally returned for such section or legal subdivision in the original survey, and shall erect, plant or place such intermediate mounds, posts or monuments as he may be required to erect, plant or place, in the line so ascertained, having due respect to any allowance for a road or roads, and the corner, or division, or limit so found shall be the true corner, or division, or limit of such section or other legal subdivision or wood lot.

HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED AND LAID OUT.

Method of proceeding to be adopted by Deputy Surveyor em-

91. In all cases when a Deputy Surveyor is employed to lay out a given half section or quarter section, he shall effect the same by connecting the opposite original quarter section corners (should the

the same be existing, or if the same be not existing, by connecting the several points in lieu thereof found in accordance with the preceding clause) by straight lines; and in laying out other and minor legal subdivisions, in any quarter section, or any wood lot, he shall give such legal subdivision or wood lot, as the case may be, its proportionate share of the frontage and interior breadth of such quarter section, and connect the points so found, by a straight line; and the lines or limits so drawn as above on the ground, shall in the respective cases be the true lines or limits of such half-section or quarter section or other legal subdivision, or wood lot, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.

played to lay out a given half-section or quarter-section.

TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

92. The dividing lines or limits between legal subdivisions or wood lots in fractional sections shall be drawn from the original corners (or the points representing such corners, as defined on the ground in accordance with the provisions of this Act.) in the section line intended as the front of such subdivision or wood lot, at right angles to such section line.

Dividing lines to be drawn from original corners.

ORIGINAL BOUNDARY LINES.

93. All boundary lines of townships, sections, or legal subdivisions, towns, or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, and all mounds, posts or monuments, run and marked, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, under the authority of this Act or of any order of the Governor in Council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same upon admeasurement be, or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land.

Boundaries placed under the authority of this Act, or of any Order in Council to be deemed the true ones, &c.

94. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less, any quantity or measure expressed in the original grant or patent thereof notwithstanding.

Townships &c. to comprise all the space included within their boundaries.

95. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal sub-division, block, gore, common,

As to aliquot parts of townships, &c.

common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant or instrument.

Road allow-
ances in
towns, &c., to
be public
highways.

96. In every town and village in Manitoba, or the North-West Territories, which may be surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Deputy Surveyors, employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such surveys, as are by law required of them when employed to make surveys in townships.

Deputy
surveyors may
examine wit-
nesses on oath.

97. For better ascertaining the original corner or limits of any township, section or other legal subdivision, lot or tract of land, every Deputy Surveyor of Dominion lands acting in that capacity, may administer an oath or oaths to each and every person whom he may examine concerning any corner mound, post, monument or other boundary, or any original land mark, line, limit or angle, of any township, section or other legal subdivision, lot or tract of land which such Deputy Surveyor is employed to survey.

EVIDENCE BEFORE SURVEYORS.

Course to be
adopted by
Deputy Sur-
veyors to
ascertain
boundaries
whendoubtful.

98. When any Deputy Surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before, and be examined by such Deputy Surveyor, or does not willingly produce to him such writing, plan or document, such Deputy Surveyor may apply to any Justice of the Peace for an ordinary *Subpœna* as witness, or a *Subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace, of the facts on which the application is founded, and such Justice may issue a *Subpœna* accordingly, commanding such person to appear before the Deputy Surveyor at a time and place to be mentioned in the *Subpœna*, and (if the case require it) to bring with him any writing, plan or document mentioned or referred to therein.

Subpœnas may
be issued.

How *subpœnas*
may be served.

1. Such *Subpœna* shall be served on the person named therein by delivering a copy thereof to him or by leaving the same for him
with

with some grown person of his family at his residence, exhibiting to him or such grown person the original.

2. If the person commanded to appear by such *Subpœna* after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the Surveyor at the place and time appointed in the *Subpœna*, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the Justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such Justice.

Consequence of disobeying *subpœna*.

99. All evidence taken by any Deputy Surveyor as aforesaid shall be reduced to writing and shall be read over to the person giving the same, and be signed by such person, or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as also the Deputy Surveyor, and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Deputy Surveyor, with reference to any survey by him performed, may be filed and kept at the Registry Office of the place in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in Court.

Evidence taken by Deputy Surveyors to be reduced to writing and signed, &c.

100. Any Deputy Surveyor when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township or section line, or other Government line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person.

When Deputy Surveyors may pass over private land.

PROTECTION TO SURVEYORS.

101. If any person in any part of the Dominion lands interrupts, molests or hinders any Deputy Surveyor, while in the discharge of his duty as a Deputy Surveyor, such person shall be guilty of a misdemeanor, and being thereof lawfully convicted in any Court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such Court, such imprisonment being for a period not exceeding two months, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such Deputy Surveyor or any other party may have against such offender for damages occasioned by such offence.

Penalty for molesting a Deputy Surveyor in the discharge of his duty.

102. If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this Act, or under the authority of any Order in Council, such person shall be deemed guilty of felony; and if any person knowingly and wilfully defaces, alters or removes any other mound or land mark, post or monument placed by any Deputy Surveyor to

Penalty for pulling down original or other land marks placed by Surveyor.

mark

mark any limit, boundary or angle of any township, section or other legal subdivision, lot or parcel of land in Manitoba, or the North-West Territories, such person shall be deemed guilty of a misdemeanor, and being convicted thereof before any competent Court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such Court, such fine not to exceed one hundred dollars, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided that nothing in this Act shall extend to prevent Deputy Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

Proviso.

Deputy Surveyors to keep journals and field notes, and furnish copies to parties concerned.

103. Every Deputy Surveyor shall keep exact and regular journals and Field Notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required, for which he is hereby allowed the sum of one dollar for each copy, if the number of words therein do not exceed four hundred; but if the number of words therein exceed four hundred, he is allowed ten cents additional for every hundred words over and above four hundred words.

Allowance to Deputy Surveyor for attendance as a witness.

104. There shall be allowed to every Deputy Surveyor summoned to attend any Court, civil or criminal, for the purpose of giving evidence in his professional capacity as a Surveyor, for each day he so attends (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such Court, five dollars.

GENERAL PROVISIONS.

Governor in Council may withdraw Indian Reserves and half-breed lands from the operation of this Act, and may alter price of lands and terms of sale and settlement thereof.

105. The Governor in Council shall, at any time hereafter, subject to then existing rights, as defined or created under this Act, withdraw from the operation of this Act, such lands as have been reserved for Indians or may be required to satisfy the Half Breeds claims created under section 31 of the Act 33 Victoria, chapter 3, and also land to such extent as may be required for Railway purposes, and further, may, from time to time, make such Orders as he may deem necessary to carry out the provisions of this Act according to their true intent, or to meet any cases which may arise and for which no provision is made by this Act, and may, from time to time, alter or revoke the same and make others in their stead, and such Orders shall be published in the *Canada Gazette*, and in such newspapers as the Secretary of State may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.

Before whom affidavits &c., may be taken.

106. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act may be taken before
the

the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits, or any Dominion Lands Agent or Officer, or any person specially authorized to take such affidavits by the Secretary of State.

107. In any case where an affidavit or oath is required by this Act, a solemn affirmation may be administered and made instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath. Affirmations in lieu of oaths.

PREVIOUS ORDERS IN COUNCIL.

108. All proceedings properly taken under the respective Orders in Council on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May following the said date, are hereby confirmed, and the said respective orders, (except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force. Orders in Council of 25th April, 1871, and 26th May, 1871, confirmed.

SCHEDULE.

FORM A.—See Clause 33.

APPLICATION FOR A HOMESTEAD RIGHT.

I, _____ of _____ do hereby apply to be entered, under the provisions of the *Act respecting the Public Lands of the Dominion*, for quarter sections, numbers _____ and _____ forming part of section number _____ of the Township of _____ containing _____ acres, for the purpose of securing a homestead right in respect thereof.

FORM B.—See Clause 33, Sub-clause 7.

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

I, A. B., do solemnly swear (or affirm as the case may be), that I am over twenty-one years of age, and that my application for leave to be entered for lands with a view of securing a homestead right therein, is made for my exclusive use and benefit, and that the entry is made for the purpose of actual settlement. So help me God.

FORM C.—See Clause 74, Sub-clause 1.

OATH OF MEMBERS OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (or affirm as the case may be), that I will faithfully discharge the duty of an Examiner of Candidates,

dates for Commissions as Deputy Surveyors of Dominion lands, according to law, without favor, affection or partiality. So help me God.

FORM D.—See clause 76.

ARTICLES OF PUPIL TO DEPUTY SURVEYOR OF DOMINION LANDS.

THESE ARTICLES OF AGREEMENT, made the day of
one thousand eight hundred and between A. B. of
a Deputy Surveyor of Dominion lands (*or, as the
case may be*), now practising in the capacity of a Deputy Surveyor
of Dominion lands, of the one part, and C. D. of
and E. F. son of the said C. D. of the other part, witness :—

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

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

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

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

or employ of the said A. B. at any time during the said term without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence, and with honesty and sobriety.

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

IN CONSIDERATION WHEREOF, and of of lawful money by the said C. D. to the said A. B., paid at or before the sealing and delivery of these presents, (the receipt whereof is hereby acknowledged) the said A. B. for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he the said A. B. will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the first six books of Euclid, in plane trigonometry, in mensuration of superficies, in the keeping of field notes, in plotting and map drawing, in spherical trigonometry, in astronomy and geology, in practical surveying operations and in the use of instruments, and generally in the art, practice and profession of a Deputy Surveyor of Dominion lands, which he the said A. B. now doth, and shall at all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, give to the said E. F., a certificate of servitude and use his best means and endeavours, at the request, costs and charges of the said C. D. and E. F., or either of them, to cause and procure him the said E. F. to be examined before the Board of Examiners of candidates for commissions as Deputy Surveyors of Dominion lands: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the other, his heirs, executors, administrators and assigns, in the penalsum of Five Hundred Dollars, firmly by these presents.

IN WITNESS WHEREOF the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (Seal.)

C. D. (Seal.)

E. F. (Seal.)

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF

G. H.

J. K.

FORM

FORM E.—*See Clause 87.*

COMMISSION AS DEPUTY SURVEYOR OF DOMINION LANDS.

This is to certify to all whom it may concern that A. B., of _____ hath duly passed his examination before the Board of Examiners, and hath been found duly qualified to fill the office and perform the duties of Deputy Surveyor of Dominion lands, he having complied with all the requirements of the law in that behalf: Wherefore he the said A. B. is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practice as a Surveyor of Dominion lands in Manitoba and the North-West Territories.

In Witness whereof We, the President and Secretary of the said Board, have signed this Commission, at _____, on this _____ day of _____, one thousand eight hundred and _____

C. D.,
Surveyor General.
E. F.,
Secretary.

CAP. XXIV.

An Act to remove doubts under the Act respecting the Public Works of Canada.

[Assented to 14th June, 1872.]

Preamble.
31 Vict., c. 12.

FOR the removal of doubts under the Act passed in the thirty-first year of Her Majesty's Reign, and intituled: "*An Act respecting the Public Works of Canada,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Certain works declared to be within the said Act, and under control of Minister of Public Works.

1. Every canal, lock, dam, hydraulic work, harbour, pier, public building, or other work or property of the nature of any of those mentioned in the tenth section of the Act cited in the preamble to this Act, acquired or to be acquired, constructed or to be constructed, extended, enlarged, repaired or improved, at the expense of the Dominion of Canada, or for the acquisition, construction, repairing, extending, enlarging, or improving of which any public money has been or shall be hereafter voted and appropriated by Parliament, and every work required for any such purpose, is and shall be a public work under the control and management of the Minister of Public Works, and all the enactments and provisions of the said Act and of any Act amending it, do and shall apply to every such work

work as aforesaid, and all the powers, privileges and duties thereby vested in or assigned to the Minister of Public Works, may be exercised by the said Minister in relation to any and every such work or property, subject always to the exceptions made in the said tenth section of the said Act, and without prejudice to the power of the Governor by proclamation under the eleventh section of the said Act, to declare any work to be under the control and management of the said Minister; provided that this Act shall not apply to any work for which money has been appropriated as a subsidy only. Proviso.

CAP. XXV.

An Act respecting Bridges.

[Assented to 14th June, 1872]

WHEREAS it is expedient to extend to the inspection of Bridges, provisions similar in effect to those contained in "The Railway Act, 1868," as to inspection of Railways:—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 Railway Committee of the Privy Council, constituted by the twenty-third section of "The Railway Act, 1868," shall have the powers and perform the duties assigned to them by this Act. Duties and powers of Railway Committee.

2. This Act shall extend to, and the word "Bridge" herein, shall mean and include any bridge or bridges, and the approaches thereof, and the appliances or works appurtenant thereto, built or constructed, (whether before or after the passing of this Act) by any company incorporated under the authority of, or being within the jurisdiction of the Parliament of Canada, and not being a Railway Company or subject to the control of the Railway Committee of the Privy Council, under "The Railway Act, 1868," and the words "Railway Committee," mean the Railway Committee of the Privy Council. Interpretation "Bridge."
"Railway Committee."

3. No bridge shall be opened for public use until one month after notice in writing of the intention to open the same has been given by the company to whom the bridge belongs, to the Railway Committee of the Privy Council, nor until ten days after notice in writing has been given by the company to the said Railway Committee, of the time when the bridge will, in the opinion of the Company, be sufficiently completed for the use thereof with safety, and ready for inspection. Notice to be given before bridge is opened.

Penalty for default.

4. If any bridge be opened without such notice, the company to whom the bridge belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open until the notices have been duly given and have expired.

Proceedings on receipt of such notice.

5. The Railway Committee upon receiving such notification, shall direct one or more of the engineers attached to, or employed by the Department of Public Works, to examine the bridge proposed to be opened, and if the inspecting engineer or engineers report in writing to the Railway Committee, that in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of incompleteness or insufficiency of the bridge, together with the ground of such opinion, the Railway Committee, with the sanction of the Governor in Council, (and so from time to time as often as such engineer or engineers after further inspection thereof so report) may order the company to whom the bridge belongs, to postpone such opening for a period not exceeding one month at any one time, until it appears to the Committee that such opening may take place without danger to the public.

If the bridge be reported unsafe.

Penalty if bridge is opened contrary to order.

6. If any bridge be opened contrary to such order of the Railway Committee, the company to whom the bridge belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order.

Copy of report to accompany order.

7. No such order shall be binding upon any bridge company unless therewith is delivered to the company a copy of the report of the inspecting engineer or engineers on which the order is founded.

Railway Committee may order inspection of any bridge reported unsafe.

8. The Railway Committee whenever they receive information to the effect that any bridge is dangerous to the public using the same, through want of repair, insufficiency, or erroneous construction, or from any other cause, or whenever circumstances arise, which, in their opinion render it expedient, may direct any such engineer or engineers as aforesaid, to examine and inspect the bridge, and upon the report of the engineer or engineers may condemn the bridge or any portion thereof, or any of the works or appliances connected therewith, and with the approval of the Governor in Council may require any change or alteration therein or in any part thereof, or the substitution of a new bridge or of any portion thereof, or the use of any materials for any part of the said bridge; and thereupon the company to which such bridge belongs, or the company using or controlling the same, shall, after notice thereof in writing signed by the chairman of the Railway Committee, and countersigned by the secretary thereof, proceed to make good or remedy the defects in the bridge or portions of the bridge, which have been reported as insufficient, or shall make the change, alteration or substitution required as aforesaid by the Committee.

And may direct changes or repairs to be made.

9. If in the opinion of the inspecting engineer it is dangerous for railway trains (if the bridge be intended for the passage of such trains) or vehicles, or passengers to pass over any bridge until alterations, substitutions or repairs have been made therein, the said engineer may forthwith forbid the running of any railway train or vehicle (as the case may be) or the passage of any passenger over such bridge, by delivering or causing to be delivered to the President, Managing Director, or Secretary, or Superintendent of the company, owning, using or controlling such bridge, a notice in writing to that effect, and his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

Engineer may order use of bridge to cease.

10. The inspecting engineer shall forthwith report the same to the Railway Committee, who with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspecting engineer, and such confirmation, modification, or disallowance shall be duly notified to the bridge company affected thereby.

Engineer to report to Railway Committee.

11. Any engineer or engineers so appointed as authorized to inspect any bridge, may, at all reasonable times, upon producing his or their authority if required, enter upon and examine such bridge.

Authority to Engineer to examine bridge.

12. Every bridge company and the Officers and Directors thereof shall afford to the inspecting engineer or engineers such information as may be within their knowledge and power in all matters enquired into by him or them, and shall submit to such inspecting engineer or engineers, all contracts, plans, specifications, drawings and documents relating to the construction, repair, or state of repair of such bridge.

Company to furnish information.

13. The authority of any such inspecting engineer or engineers shall be sufficiently evidenced by instructions in writing signed by the Chairman of the Railway Committee, and countersigned by the Secretary thereof.

Authority of engineers, how evidenced.

14. No inspection had under this Act, nor anything in this Act contained, or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any bridge company, of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or non-feasance, of such company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such company under the laws in force in the Province in which such liability or responsibility arises.

Inspection not to relieve company from liability.

Orders of
Railway Com-
mittee, how
notified.

15. All orders of the Railway Committee shall be considered as sufficiently made known to the bridge company by a notice thereof signed by the Chairman and countersigned by the Secretary of the Committee, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendent of the company, or at the office of the company, and orders of the inspecting engineer or engineers shall be deemed to be made known to the bridge company by a notice thereof signed by the engineer or engineers, and delivered as above mentioned.

Company to
report acci-
dents.

16. Every bridge company shall, as soon as possible, and within at least forty-eight hours after the recurrence upon the bridge belonging to such company of any accident attended with serious personal injury to any person using the same, or whereby their bridge has been broken or so damaged as to render the bridge impassable or unsafe or unfit for immediate use, give notice thereof to the Railway Committee, and if any company wilfully omits to give such notice, such company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Return of
accidents to
be made twice
a year.

17. Every bridge company shall, within one month after the first days of January and July, in each and every year, make to the Railway Committee under the oath of the President, Secretary or Superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the bridge of the company during the half year next preceding each of the said periods respectively, setting forth

1. The causes and natures of such accidents and casualties ;
 2. Whether they occurred by night or by day ;
 3. The full extent thereof, and all the particulars of the same ;
- and,
4. Shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their bridge.

Railway Com-
mittee may
prescribe form
of return.

18. The Railway Committee may order and direct from time to time, the form in which such returns shall be made up, and may order and direct any bridge company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the bridge belonging to such company, whether attended with personal injury or not, in such form and manner as the Committee deem necessary and require for their information, with a view to the public safety.

Penalty if
company
makes de-
fault.

19. If such returns so verified be not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Committee, every com-
pany

pany making default, shall forfeit to Her Majesty the sum of one hundred dollars, for every day during which the company neglects to deliver the same.

20. All such returns shall be privileged communications, and shall not be evidence in any Court whatsoever. Returns privileged.

CAP. XXVI.

An Act respecting Patents of Invention.

[Assented to 14th June, 1872.]

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

PATENT OFFICE CONSTITUTED.

1. There shall be attached to the Department of Agriculture, as a branch thereof, an office to be called the Patent Office; and the Minister of Agriculture for the time being shall be the Commissioner of Patents; and it shall be the duty of the said Commissioner to receive all applications, fees, papers, documents and models for patents, and to perform all acts and things requisite to the granting and issuing of patents of invention; and he shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the said Office. Minister of Agriculture to be Commissioner of Patents of Invention.

2. The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith patents and other instruments and copies proceeding from the Patent Office; and all Courts, Judges, and other persons whomsoever shall take notice of such seal, and receive impressions thereof in evidence, in like manner as impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, copies or extracts certified under the seal of the said office to be copies of or extracts from documents deposited in such office. Seal to be made and impressions thereof to be received in evidence.

3. The Commissioner may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as may appear to him necessary and expedient for the purposes of this Act, and notice thereof shall be given in the *Canada Gazette*; and all documents, executed in conformity with the same and accepted by the Commissioner, shall be held valid so far as relating to proceedings in the Patent Office. Commissioner to make rules.
Publication and effect.

Deputy
Commissioner
and Clerks.

4. The Deputy of the Minister of Agriculture shall be the Deputy Commissioner of Patents of Invention; and the Governor in Council may, from time to time, appoint such clerks and officers under him as may be necessary for the purposes of this Act, and such clerks and officers shall hold office during pleasure. No officer or employé of the Patent Office shall buy, sell or acquire, or traffic in an invention or patent, or rights to patents therefor; and every such purchase and sale, and every assignment or transfer thereof, by or to any officer or employé as aforesaid, shall be utterly null and void. But this shall not apply to any original inventor, or to the acquisition by bequest.

Employés in
Patent Office
not to be
concerned in
patents.

Exception.

Annual report
and list of
patents.

5. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall, from time to time, and at least once in each year, publish in the *Canada Gazette* a list of patents granted, and may with the approval of the Governor in Council, cause such specifications and drawings as may be deemed of interest, or essential parts thereof, to be printed from time to time for distribution or sale.

Publication of
specifications.

WHO MAY OBTAIN PATENTS.

Any person
may obtain a
patent for his
invention not
having been
then in public
use in Canada
for more than
one year.

6. Any person having invented any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used by others before his invention thereof, and not being in public use or on sale for more than one year previous to his application, in Canada with the consent or allowance of the inventor thereof, may, on a petition to that effect presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property therein; and the said patent shall be under the seal of the Patent Office and the signature of the Commissioner, or the signature of another member of the Privy Council, and shall be good and avail to the grantee, his executors, administrators or assigns for the period mentioned in such patent; but no patent shall issue for an invention having an illicit object in view, nor for any mere scientific principle or abstract theorem.

Form of
patent.

Proviso: what
shall not be
patentable.

As to inven-
tions for
which foreign
patents have
been taken out.

7. But an inventor shall not be entitled to a patent for his invention, if a patent therefor in any other country shall have been in existence in such country more than twelve months prior to the application for such patent in Canada; and if during such twelve months any person shall have commenced to manufacture in Canada the article for which such patent is afterwards obtained, such person shall continue to have the right to manufacture and sell such article, notwithstanding such patent; and under any circumstances, where a foreign patent exists, the Canadian patent shall expire at the earliest date at which any foreign patent for the same invention expires.

8. The patent may be granted to any person to whom the inventor entitled under the sixth section to obtain a patent has assigned or bequeathed the right of obtaining the same, or in default of such assignment or bequest, to the executors or administrators or assigns of the deceased inventor. Representatives of inventor may obtain the patent.

9. Any person, who has invented any improvement on any patented invention, may obtain a patent for such improvement, but shall not thereby obtain the right of vending or using the original invention, nor shall the patent for the original invention confer the right of vending or using the patented improvement. As to patents for improvements on patented inventions. Proviso.

10. In cases of joint applications, the patent shall be granted in the names of all the applicants; and in such cases, any assignment from one of the said applicants or patentees to the other or to any person, shall be registered in like manner as other assignments. As to joint application for patent.

CONDITIONS AND FORMALITIES.

11. Every inventor, before a patent can be obtained, shall make oath, or, when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is, or, in the case of the inventor being deceased, the applicant shall make oath or affirm that the person whose assignee or representative he is, was the inventor of the invention for which the patent is solicited, and that the several allegations in the petition contained are respectively true and correct. Such oath or affirmation may be made before any Justice of the Peace in Canada; but if the inventor or the applicant is not at the time in Canada the oath or affirmation may be made before any Minister Plenipotentiary, *chargé d'affaires*, consul, vice-consul or consular agent, holding commission under the Government of the United Kingdom, or any Judge of the country in which the applicant happens at the time to be. Declaration to be made by applicant for a patent. Before whom.

12. The petitioner for a patent shall for all the purposes of this Act elect his domicile at some known and specified place in Canada and mention the same in his petition for a patent. Applicant to elect a domicile in Canada.

13. The applicant shall, in his petition for a patent, insert the title or name of the invention, and shall, with the petition, send in a specification, in duplicate. Particulars required in application.

14. The specification shall correctly and fully describe the mode or modes of operating contemplated by the inventor; and shall state clearly and distinctly the contrivances and things which he claims as new and for the use of which he claims an exclusive property and privilege; it shall bear the name of the place where it is made, the date, and be signed by the inventor if he be alive, (and if not by the applicant) and two witnesses; in Specification and drawing, form of, and what to show.

Commissioner
may require
further
drawings.

Drawings how
disposed of.

Working
model to be
delivered to
the Commis-
sioner.

Or specimens
of ingredients.

Exception as
to explosive
materials

the case of a machine the specification shall fully explain the principle and the several modes in which it is intended to apply and work out the same; in the case of a machine or in any other case where the invention admits of illustration by means of drawings, the applicant shall also, with his application, send in drawings in duplicate showing clearly all parts of the invention; and each drawing shall bear the signature of the applicant or of his attorney and shall have written references corresponding with the specification, but the Commissioner may require further drawings or dispense with any of them, as he may see fit; one duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent of which it forms an essential part, and the other duplicate shall remain deposited in the Patent Office.

15. The applicant shall also deliver to the Commissioner, unless specially dispensed from so doing for some good reason, a neat working model of his invention on a convenient scale, exhibiting its several parts in due proportion, whenever the invention admits of such model; and shall deliver to the Commissioner specimens of the ingredients, and of the composition of matter sufficient in quantity for the purpose of experiment, whenever the invention is a composition of matter; provided such ingredients and composition are not of an explosive character or otherwise dangerous, in which case they are to be furnished only when specially required by the Commissioner, and then with such precautions as shall be prescribed in the said requisition.

CONTENTS, DURATION, SURRENDER, RE-ISSUE OF PATENTS AND DISCLAIMERS.

Contents of
patents.

Conditions.

16. Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, —and shall grant to the patentee, his executors, administrators, and assigns, for the period therein mentioned from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention, subject nevertheless to adjudication before any Court of competent jurisdiction.

Duration of
patents and
periodical ex-
tension—not
exceeding
fifteen years
in all.

Form of ex-
tension.

17. Patents of invention issued by the Patent Office shall be valid for a period of five, ten or fifteen years at the option of the applicant; but at or before the expiration of the said five or ten years, the holder thereof may obtain an extension of the patent for another period of five years, and after those second five years, may again obtain a further extension for another period of five years, not in any case to exceed a total period of fifteen years in all; and the instrument delivered by the Patent Office for such extension of time shall be in the form which may be from time to time adopted, to be attached, with reference, to the patent, and under the signature of the Commissioner, or of any other member of the Privy Council in case of absence of the Commissioner.

18. Every patent and instrument for the extension of time as aforesaid shall, before it is signed by the Commissioner or any other member of the Privy Council and before the seal hereinbefore mentioned is affixed to it, be examined by the Minister of Justice, who, if he finds it conformable to law, shall certify accordingly, and such patent or instrument may then be signed and the seal affixed thereto, and being duly registered, shall avail to the grantee thereof.

Patent or extension to be examined by Minister of Justice before granted.

19. Whenever any patent shall be deemed defective or operative by reason of insufficient description or specification, or by reason of the patentee claiming more than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent and the payment of the further fee hereinafter provided, cause a new patent, in accordance with an amended description and specification to be made by such patentee, to be issued to him for the same invention for any part or the whole of the then unexpired residue of the period for which the original patent was or might have been, as hereinbefore directed, granted:—In case of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or legal representative: The new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent.

In certain cases of error, &c., the Commissioner may cause a new patent to issue, on amended specification.

Effect of new patent and specification

20. Similarly, whenever by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has made his specification too broad, claiming more than that of which he or the party through whom he claims was the first inventor, or has in the specification claimed that he or the party through whom he claims was the first inventor of any material or substantial part of the invention patented, of which he was not the first inventor, and to which he had no legal right;—the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof. Such disclaimer shall be in writing, and in duplicate, and attested in the manner hereinbefore prescribed for a patent, one copy to be filed and recorded in the office of the Commissioner, the other copy to be attached to the patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification. Such disclaimer shall not affect any action pending at the time of its being made, except in so far as may relate to the question of unreasonable neglect or delay in making it. In case of the death of the original Patentee or of his having assigned the patent, a like right shall vest in his assignee or legal representatives respectively, any of whom may make disclaimer. The patent shall thereafter be deemed good and valid

Patentee may disclaim anything included in the patent by mistake.

Form.

Disclaimer not to affect pending suits.

In case of death of patentee.

valid

Effect of disclaimer.

valid for so much of the invention as is truly the disclaimant's own and not disclaimed, provided it be a material and substantial part of the invention, and definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain a suit for such part accordingly.

ASSIGNMENT AND INFRINGEMENT OF PATENTS.

Government may use patented invention.

21. The Government of Canada may always use any patented invention, paying to the patentee such sum as the Commissioner may report to be a reasonable compensation for the use thereof.

Patents to be assignable.

22. Every patent for an invention whensoever issued shall be assignable in law either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment, and also every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented, within and throughout Canada or any part thereof, shall be registered in the office of the Commissioner, in the manner from time to time adopted by the Commissioner of Patents for such registration; and every assignment affecting a patent for invention shall be deemed null and void against any subsequent assignee unless such instrument is registered as hereinbefore prescribed, before the registering of the instrument under which such subsequent assignee may claim.

To be registered on pain of nullity.

Remedy for infringement of patent.

23. Every person who, without the consent in writing of the patentee, makes, constructs or puts in practice any invention for which a patent has been obtained under this Act or any previous Act, or procures such invention from any person not authorized to make or use it by the patentee, and uses it, shall be liable to the patentee in an action of damages for so doing;—and the judgment shall be enforced, and the damages and costs that may be adjudged, shall be recovered in like manner as in other cases in the Court in which the action is brought.

Action for infringement of patent.

24. An action for the infringement of a patent may be brought before any Court of Record having jurisdiction to the amount of damages asked for, and having its sittings within the Province in which the infringement is said to have taken place, and being, at the same time, of the Courts of such jurisdiction within such Province, the one of which the place of holding is nearest to the place of residence or of business of the defendant; and such Court shall decide the case and determine as to costs. In any action for the infringement of a patent, the court, if sitting, or any Judge thereof in chambers if the Court be not sitting, may, on the application of the plaintiff or defendant respectively, make such order for an injunction, restraining the opposite party from further use, manufacture, or sale of the subject matter of the patent, and for his punishment in the event of disobedience to such order, or for inspection or account, and respecting the same and the proceed-
ings

Injunction may issue.

ings in the action, as the Court or Judge may see fit;—but, from such order, an appeal shall lie under the same circumstances and to the same Court, as from other judgments or orders of the Court in which the order was made. Appeal allowed.

25. Whenever the plaintiff fails to sustain his action, because his specification and claim embrace more than that of which he was the first inventor, and it appears that the defendant used or infringed any part of the invention, justly and truly specified and claimed as new, the court may discriminate, and the judgment may be rendered accordingly. Court may discriminate in certain cases.

26. The defendant, in any such action, may specially plead as matter of defence, any fact or default which, by this Act, or by law, would render the patent void; and the Court shall take cognizance of that special pleading and of the facts connected therewith, and shall decide the case accordingly. Defence in actions for infringement.

NULLITY, IMPEACHMENT AND AVOIDANCE OF PATENTS.

27. A patent shall be void, if any material allegation in the petition or declaration of the applicant be untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, such omission or addition being wilfully made for the purpose of misleading; but if it shall appear to the Court that such omission or addition is simply an involuntary error, and it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the Court shall render a judgment in accordance with the facts, and determine as to costs, and the patent shall be held valid for such part of the invention described; and two office copies of such judgment shall be furnished to the Patent Office by the patentee, one to be registered and to remain of record in the office, and the other to be attached to the patent, and made a part of it by a reference. Patent may be declared void in certain cases, or valid only for part. Copy of judgment to be sent to Patent Office.

28. Every patent granted under this Act shall be subject and expressed to be subject to the condition that such patent and all the rights and privileges thereby granted shall cease and determine and the patent shall be null and void, at the end of two years from the date thereof, unless the patentee, or his assignee or assignees, shall, within that period have commenced, and shall, after such commencement, continuously carry on in Canada the construction or manufacture of the invention or discovery patented, in such manner that any person desiring to use it may obtain it, or cause it to be made for him at a reasonable price, at some manufactory or establishment for making or constructing it, in Canada, and that such patent shall be void if, after the expiration of twelve months from the granting thereof, the patentee, or his assignee or assignees, for the whole or a part of his interest in the patent, imports, or causes to be imported into Canada, the invention Patents to be conditional for the manufacture in Canada of the thing patented; And of the patentee's not importing it into Canada.

Proviso.

invention for which the patent is granted; and provided always, that in case disputes should arise as to whether a patent has or has not become null and void under the provisions of this section, such disputes shall be settled by the Minister of Agriculture, or his deputy, whose decision shall be final.

Commissioner may extend the term for manufacture in Canada,

2. Whenever a patentee has been unable to carry on the construction or manufacture of his invention within the two years hereinbefore mentioned, the Commissioner may grant to the patentee a further delay on his adducing proof to the satisfaction of the Commissioner that he was for reasons beyond his control prevented from complying with the same; but no such further delay shall be thus granted in any case in advance of the time hereinbefore prescribed.

Proceedings for impeachment of patent.

29. Any person desiring to impeach any patent issued under this Act, may obtain a sealed and certified copy of the patent and of the petition, affidavit, specification and drawings thereunto relating, and may have the same filed in the office of the Prothonotary or Clerk of the Superior Court for the Province of Quebec, or of the Court of Queen's Bench or Common Pleas for the Province of Ontario, or of the Supreme Court in the Province of Nova Scotia, or of the Court of Queen's Bench in the Province of New Brunswick, according to the domicile elected by the patentee as aforesaid, or in the Court of highest jurisdiction in the Province of Manitoba or British Columbia, which Courts shall adjudicate on the matter and decide as to costs. The patent and documents aforesaid shall then be held as of record in such Court, so that a writ of *Scire facias* under the seal of the Court grounded upon such record may issue for the repeal of the patent, for cause as aforesaid, if upon proceedings had upon the writ in accordance with the meaning of this Act, the patent be adjudged to be void.

Scire facias may issue.

Judgment voiding patent to be filed in Patent Office.

30. A certificate of the judgment voiding any patent shall, at the request of any person or party filing it to be of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Office of the Commissioner, and the patent shall thereupon be and be held to have been void and of no effect, unless and until the judgment be reversed on appeal as herein-after provided.

To be subject to appeal.

31. The judgment declaring any patent void, shall be subject to appeal to any Court of Appeal having appellate jurisdiction in other cases over the Court by which the same was rendered.

PATENTS ISSUED UNDER FORMER LAWS.

Existing Provincial and Dominion patents to remain in force.

32. All patents issued under any Act of the Legislature of the late Province of Canada, or of Nova Scotia or of New Brunswick or of British Columbia, and all patents issued for the Provinces of Ontario and Quebec, under any Act of the late Province of Canada, and

and all patents issued under the "Patent Act of 1869," to the date of the coming into operation of the present Act, shall remain in force for the same term and for the same extent of territory, as if the Act under which they were issued had not been repealed, but subject to the provisions of this Act in so far as applicable to them.

2. And it shall be lawful for the Commissioner, upon the application of the patentee named in any such patent, being the inventor of the subject matter of the patent, if the subject matter of the patent has not been known or used, nor with the consent of the patentee on sale in any of the other Provinces of the Dominion, to issue on payment of the proper fees in that behalf a patent under this Act extending such Provincial patent over the whole of the Dominion, for the remainder of the term mentioned in the Provincial patent.

Extension of Provincial patents to other Provinces, on certain conditions.

33. All the records of the Patent Offices of the late Province of Canada, and of the Provinces of Ontario and Quebec, of Nova Scotia and New Brunswick and British Columbia, shall be handed over by the officers in charge of them to the Commissioner of Patents of invention, to form part of the records of the Patent Office for the purposes of this Act.

Records of Provincial Patent Offices to be handed over to the Commissioner.

TARIFF OF FEES.

34. The following fees shall be payable to the Commissioner, before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say :

Tariff of fees.

On petition for a patent for 5 years.....	\$20 00
On petition for a patent for 10 years	40 00
On petition for a patent for 15 years	60 00
On petition for extension from 5 to 10 years.....	20 00
On petition for extension from 10 to 15 years ...	20 00
On petition for extension from 5 to 15 years ...	40 00
On lodging a caveat	5 00
On asking to register a judgment <i>pro tanto</i>	4 00
On asking to register an assignment	2 00
On asking to attach a disclaimer to a patent	2 00
On asking for a copy of patent with specification	4 00
On petition to re-issue a patent after surrender, and on petition to extend a former patent to the Dominion, for every unexpired year of the duration of sub-patent, the fee shall be at the rate of	4 00

On office copies of documents, not above mentioned, the following charges shall be made :—

For every single or first folio of certified copy.....	\$0 50
For every subsequent hundred words (fractions from and under fifty being not counted, and over fifty being counted for one hundred).....	0 25

For copies of drawings.

35. For every copy of drawings, the party applying shall pay such sum as the Commissioner considers a fair remuneration for time and labor expended thereon by any officer of the department or person employed to perform such service.

Fees to be in full of all services.

36. The said fees shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office.

Fees to form part of Consolidated Revenue Fund. Exception.

37. All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada, except such sums as may be paid for copies of drawings when made by persons not receiving salaries in the Patent Office.

Return of fees in certain cases only.

38. No fee shall be made the subject of exemption in favor of any person; and no fee, once paid, shall be returned to the person who paid it, except:

1. When the invention is not susceptible of being patented;
2. When the petition for a Patent is withdrawn;

And in every such case the Commissioner may return one half of the fee paid;

Case of withdrawal.

And in the case of withdrawal, a fresh application shall be necessary to revive the claim, as if no proceeding had taken place in the matter.

MISCELLANEOUS PROVISIONS.

Intending applicant for a patent may file a caveat.

39. An intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file in the Patent Office a description of his invention so far, with or without plans, at his own will; and the Commissioner, on reception of the fee hereinbefore prescribed, shall cause the said document to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said party or by any judicial tribunal—the secrecy of the document to cease when he obtains a patent for his invention; and such document shall be called a *caveat*: Provided always that if application shall be made by any other person for a patent for any invention with which such *caveat* may in any respect interfere, it shall be the duty of the Commissioner forthwith to give notice by mail to the person who has filed such *caveat*, and such person shall within three months after the date of mailing the notice, if he would avail himself of the *caveat*, file his petition and take the other steps necessary on an application for patent, and if, in the opinion of the Commissioner the applications are interfering, like proceedings may be had in all respects as are by this Act provided in the case of interfering applications: Provided further, that

Effect of caveat

unless

unless the person filing any *caveat* shall within one year from the filing thereof have made application for a patent, the Commissioner of Patents shall be relieved from the obligation of giving notice, the *caveat* then remaining as a simple matter of proof as to novelty or priority of invention if needed.

Proviso :
duration
of *caveat*.

40. The Commissioner may object to grant a patent in the following cases :—

Commissioner
may object to
grant a patent
in certain
cases.

1. When he is of opinion that the alleged invention is not patentable in law ;

2. When it appears to him that the invention is already in the possession of the public with the consent or allowance of the inventor ;

3. When it appears to him that there is no novelty in the invention ;

4. When it appears that the invention has been described in a book or other printed publication before the date of the application, or is otherwise in the possession of the public ;

5. When it appears that the invention has already been patented in Canada (or elsewhere, when the case is one within the seventh section of this Act,) except, however, when the case is one in which the Commissioner has doubts as to whether the patentee or the applicant is the first inventor.

41. Whenever the Commissioner objects to grant a patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner.

Commissioner
to notify
ground of
objection to
applicant.

42. Every applicant who has failed to obtain a patent by reason of the objection of the Commissioner as aforesaid, may at any time within six months after notice thereof has been addressed to him or his agent, appeal from the decision of the Commissioner to the Governor in Council.

Appeal by
applicant to
Governor in
Council.

43. In case of interfering applications for any patent, the same shall be submitted to the arbitration of three skilled persons, one of whom shall be chosen by each of the applicants, and the third person shall be chosen by the Commissioner or by his deputy or the person appointed to perform the duty of that office ;—And the decision or award of such arbitrators, or any two of them, delivered to the Commissioner in writing, and subscribed by them or any two of them, shall be final as far as respects the granting of the patent :

Arbitration in
case of inter-
fering appli-
cations.

2. If either of the applicants refuses or fails to choose an arbitrator, when required so to do by the Commissioner, the patent shall issue to the opposite party ;—And when there are more than two interfering applicants, and the parties applying do not

The same :
Appointment
of arbitrators

not all unite in appointing three arbitrators, the Commissioner or his deputy or person appointed to perform the duty of that officer, may appoint the three arbitrators for the purposes aforesaid.

Their oath of office.

3. The arbitrators so named shall, before a judge of any court in any of the Provinces of Canada, subscribe to the following oath :

“ I, the undersigned (A.B.), being duly appointed an arbitrator under the authority of the forty-third section of *The Patent Act of 1872*, do hereby solemnly swear (or affirm, as the case may be), that I will well and truly perform the duty of such arbitrator on the interfering applications of (C.D. and E.F.) “ submitted to me.”

Powers of arbitrators to summon and swear witnesses.

4. The arbitrators, or any one of them, after having been so sworn, shall have the power of summoning before them any party or witness, and of requiring him to give evidence on oath, orally or in writing (or on solemn affirmation, if the person be entitled to affirm in civil matters), and to produce such documents and things as such arbitrators deem requisite to the full investigation of the matters into which they are appointed to examine, and shall then have the same power to enforce the attendance of such witnesses, and to compel them to give evidence, as is vested in any court of law in civil cases, in the Province in which the arbitration is to be had : and any wilfully false statement made by any such witness on oath or solemn affirmation, shall be deemed to be wilful and corrupt perjury : but no such party or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution.

Wilful false evidence to be perjury.

As to fees to arbitrators, and by whom payable.

5. The fees for the services of arbitrators shall be a matter of agreement between the said arbitrators and the parties, and shall be paid by the parties naming them, respectively, except those of the arbitrator or arbitrators when named by the Commissioner of Patents, which shall be paid by the applicants jointly.

Documents to be open to inspection.

44. All specifications, drawings, models, disclaimers, judgments and other papers, except *caveats*, shall be open to the inspection of the public at the Patent Office, under such regulations as may be adopted in that behalf.

As to clerical errors.

45. Clerical errors happening in the framing or copying of any instrument of the Patent Office, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Commissioner.

Destroyed patent may be replaced.

46. In case any patent be destroyed or lost, others of the like tenor, date, and effect may be issued in lieu thereof, on the party paying the fees hereinbefore prescribed for office copies of documents.

As to use of patented invention in foreign vessels.

47. No patent shall extend to prevent the use of any invention in any foreign ship or vessel, where such invention is not so used for the manufacture of any goods to be vended within or exported from Canada.

48. Every person who before the issuing of a patent has purchased, constructed, or acquired any invention for which a patent has been obtained under this Act, shall have the right of using and vending to others, the specific article, machine, manufacture or composition of matter patented, so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his representatives for so doing: but the patent shall not be held invalid as regards other persons by reason of such purchase, construction or acquisition, or use of the invention by the person first aforesaid, or by those to whom he may have sold the same, unless the same was purchased, constructed or acquired or used for a longer period than one year before the application for a patent therefor,—which circumstance would then have the effect of making the invention one having become public and in public use.

Patent not to affect a previous purchaser of the invention.

Proviso: As to other persons.

49. Every patentee under this Act, shall stamp or engrave on each patented article, sold or offered for sale by him, the year of the date of patent applying to such article, thus:—"Patented 1872,"—or as the case may be; and any such patentee selling or offering for sale any such patented article not so marked, shall be liable to the punishment of a fine not to exceed one hundred dollars, and, in default of the payment of such fine, to imprisonment not to exceed two months.

Patented articles to be marked as such.

Penalty for default.

50. Whosoever writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the patentee, the name or any imitation of the name of any patentee for the sole making or selling of such thing without the consent of such patentee—or without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the patentee, the words, "Patent" "Letters Patent," "Queen's Patent," "Patented," or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark, or device of the patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the patentee, or whosoever puts to sale as patented, any article not patented in Canada, for the purpose of deceiving the public,—shall be deemed guilty of misdemeanor, and shall on conviction be punished therefor by fine, or by imprisonment, or both, in the discretion of the Court, before which the conviction shall be had; but the fine shall not exceed two hundred dollars, nor shall the imprisonment exceed three months.

Falsely marking any thing as patented, to be a misdemeanor.

Punishment.

51. Any person wilfully making or causing to be made any false entry in any register or book, or any false or altered copy of any document relating to the purposes of this Act, or who shall produce or tender any such false or altered document, knowing the same to be such, shall be guilty of a misdemeanor, and shall be punished by fine and imprisonment accordingly.

Making false entry or copy in matters subject to this Act to be a misdemeanor.

Inconsistent enactments repealed.

52. Chapter thirty-four of the Consolidated Statutes of the late Province of Canada, respecting Patents for Inventions,—Chapter one hundred and seventeen of the Revised Statutes of Nova Scotia (third series),—Chapter one hundred and eighteen of the Revised Statutes of New Brunswick, and “*The Patents Ordinance, 1867,*” of British Columbia, “*The Patent Act of 1869,*” —and any Act amending any of the said Acts or Laws, or any other Act relating to Patents, are hereby repealed, in so far as they or any of them may be inconsistent with this Act, or make any provision in any matter provided for by this Act, except only as respects all rights acquired and penalties or liabilities incurred under the said laws or any of them, before the coming into force of this Act, as to which they shall remain in force, and nothing in this Act contained shall affect any suit pending in any court of law or equity at the time of the coming into force of this Act.

Exception.

Short title.

53. In citing this Act it shall be sufficient to call it “*The Patent Act of 1872.*”

Commencement of Act.

54. This Act shall commence and take effect on the first day of September, 1872.

CAP. XXVII.

An Act relating to Quarantine.

[Assented to 14th June, 1872.]

Preamble.

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

Interpretation

“Master.”

“Vessel.”

“Passengers.”

1. In this Act, unless there be something in the context inconsistent with such interpretation, the word “master” shall apply to any person in command of a vessel ; the word “vessel” shall include all ships, vessels or craft of any kind carrying passengers ; the word “passengers” shall apply to all passengers as well as to immigrants usually and commonly known and understood as such, but not to troops or military pensioners and their families, who are carried in transports or at the expense of the Imperial Government ; the words “Quarantine Station” shall apply to Grosse Isle, Lawlor’s and Partridge Islands, or other place at which quarantine is directed to be performed.

“Quarantine station.”

Governor in Council may make Quarantine Regulations.

2. The Governor in Council may from to time make such Regulations as he thinks proper, for enforcing compliance with all the requirements of this Act, and concerning the entry or departure of vessels at the different ports or places in Canada ;

Canada ; and concerning the landing of passengers or cargoes from such vessels, or the receiving of passengers or cargoes on board of the same, as may be thought best calculated to preserve the public health ; and for ensuring the due performance of Quarantine, by and in respect of vessels, passengers, goods or things arriving at or in the neighbourhood of any port or place within Canada, to which he thinks it right for the preservation of the public health that such regulations should apply ; and for the thorough cleansing and disinfecting of such vessels, passengers, goods or things, or concerning the arrival at or departure from any place in Canada of any persons, goods or things conveyed by land ; and for ensuring the due performance of quarantine by and in respect of such persons, goods and things at or in the neighborhood of any place in Canada to which he thinks it right for the preservation of the public health that such regulations should apply ; and for the thorough cleansing and disinfecting of such persons, goods and things, so as to prevent, as far as possible, the introduction or dissemination of disease into or in Canada ; and may appoint or remove such officers as he may deem necessary for so doing, and assign to them respectively such powers as he may think requisite for carrying out the provisions of such Regulations, and may from time to time revoke or amend the same or any of them, and may make others in their stead, and impose penalties, forfeitures and punishments for the breach thereof : and such Regulations shall be notified by proclamation published in the *Canada Gazette* at least twice, and the production of the copies of the *Gazette* containing any such proclamation shall be evidence of the making, date and contents of such regulations.

Publication
and proof of
Regulations.

3. Such Regulations shall have the force of law, during the time they respectively remain unrevoked, unless they be expressly limited to be in force only during a certain time or at certain times or seasons, in which case they shall have the force of law during the time and at the times and seasons during or at which they have been limited to be in force : and any person disobeying any such Regulation shall be held guilty of and may be prosecuted for a misdemeanor, punishable by fine or imprisonment or both, as the Court may direct, or otherwise such person may be sued for the penalties contained in such Regulation.

Quarantine
Regulations to
have the force
of law.

Punishment
of persons
disobeying
them.

4. By such Regulations, the Governor in Council may require the master of every vessel coming up the River St. Lawrence from below the Quarantine Station at Grosse Isle, or arriving by sea at or in the neighbourhood of any Port or Place in Canada, (except only such vessels as are therein designated and referred to as excepted), to bring his vessel to anchor, at the anchorage at the proper Quarantine Station designated in the Regulations, and report such vessel in writing to the officer at such station designated for that purpose in such Regulations, with all the particulars relative to the same, and to the voyage, passengers and cargo thereof, required by such Regulations, or by any officer duly authorized under them to require the same, and to allow the proper officer

Vessels from
sea, &c., may
be required to
perform
quarantine.

Obligations of
masters of
vessels coming
to Quarantine
Station.

officer to visit and inspect such vessel and every part thereof and the passengers and crew and the cargo and other articles on board the same, and to answer truly all questions asked of him touching the same; and to send on shore at such station and at the places there pointed out by the officer thereunto authorized by such Regulations, any or all of the passengers, crew, cargo or other articles on board such vessel, as such officer thinks necessary for preventing the introduction of contagious or infectious disease, and to allow such passengers, crew, cargo or other articles, and also the vessel itself, to remain so long at such station and at such places thereat respectively, and to be so treated, cleansed and purified, as such officer shall think necessary for the purpose aforesaid; and by such Regulations the Governor in Council may require the owners or persons in charge of goods or things conveyed by land to any place in Canada, to allow the proper officer appointed under such Regulations to inspect and examine the same, and to answer truly all questions asked of them by such officer concerning the same, and to allow such goods or things to remain so long in the custody of such officer, and to be so treated, cleansed and purified, as such officer shall think necessary for the purpose of this Act: and by such Regulations the Governor in Council may require all persons arriving by land at any place in Canada, to allow themselves to be inspected and examined by the proper officer appointed under such Regulations, and to answer truly all questions asked of them by such officer, and to remain so long at such place and be so treated, cleansed and purified as such officer shall think necessary for the purposes of this Act.

Inspection of goods, and the cleansing thereof.

Powers of officers at Quarantine Station, under the Regulations.

5. And by such Regulations the Governor in Council may assign to the several officers and persons to be employed at any such Quarantine Station the powers and duties necessary for carrying the said Regulations and this Act fully into effect, and may declare that any such officer or person shall, by virtue of his office or employment, be a Justice of the Peace or a Constable or Peace Officer for such Quarantine Station, and for the space around the same described in such Regulations; and such officer shall accordingly be such Justice of the Peace or Peace Officer, whether he be otherwise qualified or not, for the purpose of carrying out the criminal laws and other laws of the Dominion; and by such Regulations the Governor in Council may impose penalties, not exceeding four hundred dollars in any case, on persons contravening the same, and may provide that the offender shall be imprisoned until such penalty be paid, and may direct that no vessel shall be entered or cleared at any Custom House in Canada until all the requirements of such Regulations are fully complied with, and may direct that any person, vessel or thing, who or which has passed or departed or been removed from any Quarantine Station, before all the requirements of such Regulations are fully complied with in respect of such person, vessel or thing, or without the written permission of the officer empowered to authorize such passing or departure, may be compelled to return or be carried back to such Station, and by force, if necessary.

Penalties for contravention of Regulations, and power to compel obedience.

6. The Governor in Council may appoint one or more medical officers at each of the principal harbours of the Dominion to board, visit and inspect vessels arriving in such harbour from sea, and to perform such other duties and have such power as the Governor in Council may by any regulations direct.

Medical officers at principal harbours.

7. Every penalty or forfeiture, imposed or declared under the authority of this Act, shall be a special lien upon the vessel by reason whereof it has become payable, and the master whereof has become liable in such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the Justices or Court, before whom it has been sued for and recovered, and shall be preferred to all other liens or hypothecations except mariners' wages.

Penalties, &c., to be special liens upon vessels.

8. When any vessel not originally bound for any port in the Dominion shall arrive at the port of Halifax, or the port of St. John, New Brunswick, or any other sea port of the Dominion, with contagious or infectious disease on board, and be allowed to remain in quarantine at or near such port, the master of such vessel shall pay to the Collector of the Customs at the port the sum of two dollars, head money, for each person on board the said vessel at the time of her arrival. The said sum shall be a lien on the vessel, and shall be paid before she shall be allowed to leave the port.

As to vessels arriving at ports to which they were not originally bound, with infectious disease on board.

9. A vessel shall have the right, before breaking bulk, of putting to sea, in preference to being quarantined : in the exercise of this right, if the vessel has not arrived at her port of destination, the bill of health shall be returned ; the Inspecting Physician, however, shall mention upon the said bill, the length and circumstances of the detention, and the condition of the vessel upon re-putting to sea ; but before the exercise of this right, the Inspecting Physician must satisfy himself that the sick of such vessel will be taken care of for the remainder of the voyage, and take care of such sick as prefer to remain.

Vessels may on certain conditions put to sea instead of being quarantined.

10. All sums and pecuniary penalties levied under the authority of this Act shall be paid into the hands of the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Sums and penalties to form part of Con. Rev. Fund.

11. Chapter sixty-three of the Statutes of Canada passed in the thirty-first year of Her Majesty's Reign is hereby repealed, but no Act or enactment thereby repealed shall be revived, and all Acts and enactments inconsistent with this Act are hereby repealed.

31 V., c. 63 repealed.

12. All Regulations made by the Governor in Council, under the first section of the Act, thirty-first Victoria, Chapter sixty-three, hereby repealed, having the force of law at the date of the commencement of this Act, shall continue to have the force of law until revoked by Regulations made under the second section of

Regulations under 31 V., c. 63 to remain in force.

Penalty for disobedience.

this Act ; and any person disobeying any such unrevoked Regulation shall be held guilty of and may be prosecuted for a misdemeanor, punishable by fine or imprisonment, or both as the Court may direct ; or otherwise such person may be sued for the penalties contained in such Regulation.

Provision when Regulations are revoked.

13. When any Regulation made under the said first section of the said Act or under this Act is revoked, and other provisions substituted, all officers and persons acting under the revoked Regulation shall continue to act as if appointed under the revoking Regulation, until others are appointed in their stead ; and all proceedings taken under the revoked Regulation shall be taken up and continued under the revoking Regulation when not inconsistent therewith ; and all penalties and forfeitures may be recovered and all proceedings had in relation to matters which have happened before the revocation, in the same manner as if the revoked Regulation were still in force.

Penalties.

Revocation not to affect things done,

14. The revocation of any such Regulation at any time shall not affect any act done, or any right or right of action existing, accruing, accrued or established, or any proceedings commenced in a civil cause, before the time when such revocation shall take effect.

Nor penalties incurred or proceedings pending.

15. No offence committed, and no penalty or forfeiture incurred, and no proceeding pending, under any such Regulation at any time revoked, shall be affected by the revocation, except that where any penalty, forfeiture or punishment shall have been mitigated by any of the provisions of the revoking Regulation, such provisions shall be extended and applied to any judgment to be pronounced after such revocation.

CAP. XXVIII.

An Act to amend the Immigration Act of 1869.

[Assented to 14th June, 1872.]

Preamble.

32, 33 V., c-10

IN amendment of "The Immigration Act, 1869," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Duty imposed on master of vessel not carrying a surgeon, and on board which proper measures are not taken for preserving health.

1. Whenever a vessel carrying emigrants, not cleared under the sanction of the Imperial Commissioners of Emigration, arrives in her port of destination in Canada, not carrying a surgeon, and on board of which proper measures for the preservation of the health of the passengers and crew during the voyage have not been observed, the medical officer shall report the fact to the Collector of Customs,

Customs, and a duty of two dollars for each passenger or immigrant above the age of one year, shall be paid by the master of the vessel to the Collector of Customs at the port, and the vessel shall not be admitted to entry until such duty be paid; and the duty shall be applied in manner provided by section two of the said Act, in respect of the duty imposed by the said section two, which duty shall be and is hereby repealed as respects immigrants by vessels arriving in Canada on or after the tenth day of July, 1872, and the duty of two dollars imposed by the present section in the case herein mentioned shall thereafter be the only duty payable in respect of immigrants.

Former duty repealed.

2. In sections eighteen and nineteen of the said Act, the hour of six o'clock in the afternoon is hereby substituted for the hour of four o'clock in the afternoon, and the said sections shall be construed and have effect accordingly.

Sec. 18 and 19 of 32-33 V., c. 10, amended.

3. The words—"The quarantine and health Act of 1868" in section eleven of the said Act are hereby repealed, and the words "Any quarantine Act or regulation then in force" shall be substituted for them as part of the said section.

Sec. 11 amended.

4. If any contract be made or any bond or note given by an emigrant before leaving Europe for Canada, to repay in Canada any sum of money advanced to him or her for or towards defraying his passage money, or towards defraying any other expense attending his emigration, such sum shall be recoverable from the immigrant in Canada, according to the terms of such instrument, by suit in any court in Canada having jurisdiction in civil cases to the amount demanded,—and if any emigrant in consideration of money advanced as aforesaid engages and binds himself or herself to enter the service of any employer in Canada on his or her arrival there, in any capacity, and to work for and serve such employer in such capacity during any certain time, not exceeding six months, and at any named rate of wages, and afterwards refuses or neglects on his arrival in Canada to perform such engagement, such refusal or neglect on the part of the immigrant to perform such obligations undertaken by him or her in such instrument shall be an offence cognizable before any one Justice of the Peace under the "*Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*" and punishable by fine not exceeding twenty dollars and costs, and by imprisonment until such fine and costs be paid.

Provision for recovery of money on bonds, &c., of immigrants given before leaving for Canada.

And enforcing undertaking to work.

32-33 V., c. 31.

5. No licensed Immigrant runner or agent or person acting on behalf of any steamboat company, railway company, or forwarding company, or hotel, or boarding-house keeper or his agent, shall go on board any vessel bringing immigrants into any port, or book or solicit any immigrant passenger by such vessel, before the immigrant passengers are landed from such vessel, unless authorised by the Immigration Agent, under a penalty

Immigrant runners, &c., not to board vessels before passengers are landed.

Penalty.

Immigration agent to visit vessel before entry.

Immigrant vessel to hoist signal on arrival.

penalty of twenty-five dollars for any contravention of this section; and no such vessel shall be admitted to entry until the Immigration Agent at the port has visited her, and has notified the Collector of Customs that he has done so: and any such vessel arriving in port, shall hoist such signal as may be determined on by the Immigration Agent at the port, who shall communicate it through the superintendent or other proper officer to the Pilots for the port, and it shall be the duty of the Pilot of the vessel to see that such signal is hoisted and kept up during daylight, until the Immigration Agent has visited the vessel.

How inquiry may be made into complaints against railway companies, &c.

6. If any complaint be made to the Minister of Agriculture against any railway company, or other incorporated company, for any offence or contravention of this Act or of the Imperial Passenger Acts of 1855 and 1863 or of any other Act or Law in any matter relating to immigrants or to immigration, the said Minister may cause such inquiry as he may think proper to be made into the facts of the case, or may bring the matter before the Governor in Council to the end that such inquiry may be made under the "*Act respecting inquiries concerning Public Matters*"; and if upon such inquiry it appears to the satisfaction of the said Minister, or of the Governor in Council, as the case may be, that the company has been guilty of such contravention, the Minister or the Governor may call upon the company to make such compensation to the party or parties aggrieved, or to do such other thing as shall be just and reasonable, or may adopt measures for causing such proceedings to be instituted against the company as the case may require.

Selling passage tickets to immigrants at too high a rate, &c.

Penalty.

7. Any person licensed under section twenty-two of the Act hereby amended, or any person in his employ, selling to any immigrant a ticket or order for the passage of such immigrant, or the conveyance of his luggage, at a higher rate than that for which it could be purchased directly from the Company undertaking such conveyance, or any person purchasing any such ticket from an immigrant for less than its value, or giving him in exchange for it one of less value, shall thereby incur a penalty of twenty dollars for each such offence.

As to property of immigrant parents dying on the voyage, or at Grosse Ile, &c.

8. If both the immigrant parents, or the last surviving immigrant parent of any child, or children, brought with them in any vessel bound to Canada, should die on the voyage or at Grosse Isle, Lawlor's Island, Partridge Island, or elsewhere in Canada, while yet under the care of any Immigration Agent or Agents, the Minister of Agriculture, or such officer as he may depute for the purpose, may cause the effects of such parents or parent to be disposed of to the best advantage in his power, or in his discretion to be delivered over to any Institution or person assuming the care and charge of such child or children.

9. The Medical Superintendent at Grosse Isle may, from time to time, with the consent and approval of the Minister of Agriculture, make such regulations as he may deem necessary for enforcing order and ensuring the health and comfort of immigrants there; and such regulations being published in the *Canada Gazette*, shall be in force, and any contravention thereof shall be deemed a contravention of this Act, and shall be punishable by such penalty as may be assigned by such regulations in each case.

Medical Superintendent may make regulations.

Publication.

10. The Governor in Council may by Proclamation, whenever he deems it necessary, prohibit the landing in Canada of any criminal, or other vicious class of immigrants to be designated in such Proclamation, except upon such conditions for ensuring their re-transportation to the port in Europe whence they came with the least possible delay, as the Governor in Council may prescribe; and such conditions may, if the Governor in Council deems it necessary, include the immediate return, or the return with the least possible delay of the vessel and such immigrants to the said port, such prohibited immigrants remaining on board until such return of the vessel.

Landing of vicious immigrants may be prevented by Order in Council.

11. Every master or other officer, seaman, or other person employed on board of any vessel, who, while such vessel is in any waters within the jurisdiction of the Parliament of Canada, under promise of marriage, or by threats, or by the exercise of his authority, or by solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment for a term not exceeding one year, or by a fine not exceeding four hundred dollars; provided that the subsequent intermarriage of the parties seducing and seduced, may be pleaded in bar of conviction.

Provisions against seduction of female immigrants.

Proviso.

12. Neither the officers, seamen, or other persons on board of any ship or vessel bringing immigrant passengers to Canada, or any of them, shall while such vessel is in such Canadian waters as aforesaid, entice or admit any female immigrant passenger into his apartment, or visit or frequent any part of such ship or vessel, assigned to female immigrant passengers, except by the direction or permission of the master or commander of such vessel, first made or given for such purpose; and every officer, seaman or other person employed on board of such ship or vessel, who violates the provisions of this section shall incur a penalty equal in amount to his wages for the voyage during which the said offence has been committed. Any master or commander who while such vessel is in such waters as aforesaid, directs or permits any officer or seaman or other person on board of such ship or vessel, to visit or frequent any part of such vessel assigned to immigrant passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman or person employed on board of such vessel, shall, on conviction thereof, be punished by

Provision for prevention of intercourse between the officers and seamen and female immigrants.

Penalty.

And on Master permitting such intercourse.

by a fine of twenty-five dollars for each occasion on which he so directs or permits the provisions of this section to be violated by any officer, seaman or other person employed on board of such vessel; provided always that the provisions of this section shall not apply to cabin passengers, or to any part of the vessel assigned to their use.

Provisions of s. 12 to be posted up in the vessel.

13. It shall be the duty of the master or commander of every ship or vessel bringing immigrant passengers to Canada, while the vessel is in such waters as aforesaid, to post a written or printed notice in the English, French, and German languages, containing the provisions of the next preceding section of this Act, in a conspicuous place on the fore-castle and in the several parts of the said vessel assigned to immigrant passengers, and to keep the same so posted during the rest of the voyage, and upon neglect so to do he shall on conviction thereof, be punished by a fine not exceeding fifty dollars.

New form of passenger list.

14. The passenger list required by section five of the Act hereby amended, to be delivered to the Collector of Customs at the Port of Landing, shall be in the form of Schedule A to this Act, which form is hereby substituted for Schedule A to the said Act, and a certified copy or duplicate of such passenger list shall be delivered to the Government Immigration Agent at the Port of Landing, nor shall any passenger be permitted to leave the vessel until such duplicate or certified copy has been delivered to such Immigration Agent, under the penalty provided by the said section for permitting passengers to land before the passenger list therein mentioned is delivered to the Collector of Customs.

Penalties how enforced and applied.

15. All penalties imposed by this Act, or any regulations to be made under it, shall be enforced and applied in like manner as penalties imposed by the Act hereby amended or the regulations made under it, are thereby directed to be enforced and applied; and this Act shall be construed as one Act with the Act hereby amended, and as regards all things to be hereafter done, as if the enactments herein contained were part of the said amended Act.

Interpretation clause.

16. For the purposes of this Act, and of the Act hereby amended, any person shall be deemed to be a Dominion Immigration Agent or Sub-agent, or a Provincial Immigration Agent, whom the Minister of Agriculture shall recognize as such, with reference to any act done or to be done, under either Act, without any formal appointment being necessary; and the expression "Immigration Agent" includes any such Sub-agent, in Europe or in Canada.

Short Titles.

17. In citing this Act and the Act amended by it, it shall be sufficient to call them "*The Immigration Acts of 1869 and 1872.*"

SCHEDULE A.

NAMES AND DESCRIPTION OF PASSENGERS.

Port of Embarkation.	Names of Passengers	Adults.		Children between 1 and 14.		Number of Infants not over one year.	Profession, occupation, or calling of Passengers.	Nation or Country of Birth.	Birth at Sea.	Births.	Places in the Dominion of Canada or United States to which Passengers are bound.
		AGE.		AGE.							
		Female.	Male.	Male.	Female.						

PARTICULARS RELATIVE TO THE VESSEL.

Vessel's Name.	Master's Name.	Tonnage.	From what Port or place.	Total number of superficial feet in the several compartments set apart for Passengers, other than Cabin Passengers.	Total number of Adult Passengers exclusive of Master, Crew, and Cabin Passengers, which the vessel can legally carry	Where bound.

SUMMARY.

	Number of Souls.	Number of Adults to which they are equal under the Immigration Act, 1869.
Adults		
Children between 1 and 14. . .		
Infants not over 1.		
Total		

I hereby certify that the above is a correct description of the (*Description of the Vessel as Ship, Brig, &c.*) (*Name of Vessel*), and a correct list of all the Passengers on board the same, at the time of her departure from (*Place from whence she came*), and that all the particulars therein mentioned are true.

Date,

18 .

Signature of Master.

CAP.

CAP. XXIX.

An Act to provide for the incorporation of Immigration Aid Societies.

[Assented to 14th June, 1872.]

Preamble.

FOR the purpose of encouraging and facilitating immigration into Canada, from the United Kingdom and other parts of Europe; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Immigration Districts, agents and offices.

1. The Minister of Agriculture shall from time to time, divide each of the several Provinces of Canada into immigration districts; in each there shall be an immigration office and an Immigration Agent, and such division, and any alteration thereof shall be notified in the *Canada Gazette*, and each such district shall be known as the immigration district of the place where the immigration office is kept.

Formation of Societies, and their purpose.

2. In each immigration district, an Immigration Aid Society or Immigration Aid Societies, for the purpose of assisting immigrants to reach Canada from Europe, and to obtain employment on their arrival in Canada, and of enabling persons in Canada in want of laborers, artisans, or servants, to obtain them by such immigration, may be formed under this Act; each such society consisting of not less than twenty-five persons, whether resident or not in the immigration district, agreeing to form such society, and to subscribe among them, as the capital of the society, not less than five hundred dollars, in shares of twenty dollars each, one-half of which at least shall be paid, on subscribing the declaration of membership hereinafter mentioned, into the hands of a person agreed upon as their Secretary-Treasurer by the persons (not being less than twenty-five) present at the meeting at which it is agreed to form such society.

Subscriptions and capital.

Formalities to be complied with for the purpose of such formation.

3. The persons agreeing to form such Society shall elect or agree upon a President, Vice-President, Secretary-Treasurer, and Board of Management, composed of not less than five members, including the officers above mentioned, and shall adopt a constitution and by-laws, and shall respectively sign a declaration to the effect following: "We, the undersigned, hereby associate ourselves together as 'The Immigration Aid Society No....., of the Immigration district of, and we hereby bind ourselves to observe and obey all the requirements of 'The Immigration Aid Societies Act, 1872,' and to pay respectively into the hands of the Secretary-Treasurer the amount of stock set opposite our respective names, one-half on subscribing this declaration, and the other half by the instalments and in the manner hereinafter provided; and we further bind ourselves to observe and obey the constitution and by-laws of the Society, which are as follows:—"

Agreement.

Then

Then shall follow the constitution and by-laws, which shall declare the objects of the Society to be those mentioned in section two and such other special objects (if any) as it may be thought necessary to enumerate; and shall contain the names of the first President, Vice-President, Secretary-Treasurer, and members of the Board of Management; the place where the Society will have its office and hold its meetings; the manner in which the remainder of the stock of the Society shall be paid up; the annual subscription to be paid by members, if such subscription be deemed advisable; the admission of new members; the duties and powers of the Board of Management and officers; the time during which the officers and other members of the Board of Management shall remain in office; the regular meetings of the Society, and the mode of calling and holding special meetings, and the quorum, and mode of voting thereat; the mode of filling vacancies among the officers and members of the Board of Management, or the performance of their duties by others during their absence; the period for which the Society shall continue, and the mode of dividing its assets at the end of such period, or its profits from time to time during such period; and generally such provisions as may be deemed necessary or expedient for the well-working of the Society and the attainment of the objects for which it is formed: then shall follow the signatures of members, and in columns opposite thereto, the amounts of stock for which they respectively subscribe, and the amounts paid up: the declaration shall then be dated and attested by the signatures of the President or Vice-President and of the Secretary-Treasurer.

Constitution and rules of Society.

Attestation.

4. The declaration shall be made in duplicate, and the duplicates shall be delivered or sent by the Secretary-Treasurer to the Immigration Agent of the district, who shall compare it with this Act, and with such instructions as may have been given him on the subject by the Minister of Agriculture, and who, if he has any doubt as to its being conformable to this Act and to such instructions, may forward it to the Minister for his opinion; and if it be not found so conformable, the Immigration Agent shall return both duplicates to the Secretary-Treasurer, informing him of the fact and of the objection to which the declaration is liable; but if it be found to be so conformable, he shall certify the fact under his hand on both duplicates, and shall retain and keep one of them in his office, and shall return the other to the Secretary-Treasurer.

Duplicate of declaration to be sent to the district agent for approval and certificate.

5. If there be no other Immigrant Aid Society in his district, the Immigration Agent shall treat the Society as number one, and shall fill the blank left in the declaration for that purpose with that number; but if there be another or others, he shall give each a number in the order in which he certifies the declarations, and shall fill the blank in each with its proper number, according to such order.

Agent to give a number to the Society.

6. As soon as the declaration is approved and certified as aforesaid, the Society shall be a corporation, or body politic and corporate,

On approval Society to become a Corporation.

ate, by the name taken in the declaration, including the number given it by the Immigration Agent, and shall have all the powers, rights and immunities assigned to corporations by the Interpretation Act, including the right to have a corporate seal if they think fit, but it shall not be necessary that the corporate seal (if they have one) should be affixed to any document in order to make it the act or deed of the corporation, but it shall be sufficient for that purpose that the document be signed by the Secretary-Treasurer, and countersigned by the President or Vice-President of the Society, as such, or by the person or persons acting *pro tempore* in their stead, nor shall the authority or capacity of any person signing the same, or his signature, be called in question by any but the corporation, and if not so questioned shall be admitted in evidence without proof; and any document purporting to be the duplicate copy of the declaration signed by the proper Immigration Agent, shall be admitted as evidence of the facts stated therein, without proof of his signature, unless it be called in question by himself, or by the Minister of Agriculture, or by his authority.

Evidence of duplicate.

Powers of Society; lending and borrowing money.

7. The Society shall have power to enter into agreements and contracts, either with members of their corporation or with others, for any purpose relating to immigration, and to lend and to borrow money, and to take or give any security for the same, and to become a party to any promissory note, bill of exchange or other negotiable security or instrument, in the manner provided as to other documents by section six, and may receive assistance in money or otherwise from municipal or other corporations, or from any institution, society or person, towards enabling them to attain the objects of this Act, on such terms and conditions as may be agreed upon, not inconsistent with this Act or with law: Provided always, that the total amount of the liabilities of the Society shall never exceed the amount of its capital subscribed, but not paid up, and the members of the Board of Management shall be personally liable for any excess.

Proviso, total liabilities limited.

Society may receive applications for the employment of immigrants, and act upon them.

8. The Society may receive applications from persons desiring to obtain artisans, workmen, servants or laborers from the United Kingdom, or from any part of Europe, and may enter into any lawful contracts with such persons, including the obligation on the part of such persons to employ the immigrants referred to on their arrival in Canada, in any manner, at any rate of wages; and for any period, under such penalty as damages for non-performance as may be stipulated in such contract, and may receive in advance all or any part of the money to be expended by the Society, or take security for the repayment of all or any part thereof to the Society, by instalments, or in one sum, as may be agreed upon.

Applications to be forwarded to district agent with report of Society's action thereon.

9. The Secretary-Treasurer shall forthwith transmit every such application, with the requisite information and details, to the Immigration Agent of the district, with the amount the Society has undertaken to advance towards defraying the expenses to be incurred.

incurred in complying with the application, in paying or partly paying the cost of the ocean passage and other travelling charges of the emigrants required from their home in Europe to the place in Canada where they are required.

10. The Immigration Agent shall forthwith transmit every such application and the money received by reason thereof, to the proper Immigration Agent or Sub-agent of the Dominion, in the United Kingdom or elsewhere, who shall thereupon take the necessary steps for procuring and forwarding to the proper place in Canada, such immigrant or immigrants as may be required by the application; and the Immigration Agent shall from time to time furnish the Minister of Agriculture with such information and details respecting such applications as the said Minister may require.

Applications to be transmitted to Agents in Europe with funds advanced: their duties.

11. If it be the intention of the Society, or of the applicant, that the whole or part of the money advanced towards defraying the expenses of immigration, shall be repaid by the immigrant, either in one sum or by instalments, it shall be the duty of the Immigration Agent or Sub-agent of the Dominion in Europe making the arrangements for the passage of the intending emigrant to Canada, to take from such emigrant an undertaking binding him or her to repay such money to the Society in Canada in one sum or by instalments, at certain periods, and with interest or without interest, according to the instruction given by the Secretary-Treasurer to the District Immigration Agent, and communicated through the Minister of Agriculture to the Immigration Agent or Sub-agent in Europe, and he shall witness the execution of such instrument; and if any sum of money has been advanced to the emigrant for like purposes, by any society, or institution, or individual in the United Kingdom, such sum may, with the consent of such society, institution, or individual, be included in the amount for which such instrument is given, and may be recovered by the Canadian Society aforesaid, and being so recovered shall be paid over without charge to the society, institution, or individual by whom it was advanced, to whom as well as to the Canadian Society, the Agent or Sub-agent of Immigration witnessing the execution of the instrument shall notify any such amount.

Agents in Europe to take security from emigrants for re-payment of advances.

Sums advanced to emigrants in United Kingdom may be included.

12. Any sum due as an instalment upon any such instrument shall be recoverable, in any way in which a like sum is recoverable in the place where the suit is brought, although the instrument includes a further sum not then due.

Recovery from immigrant of amount of advances.

13. Any emigrant, who might make such instrument as aforesaid, may in like manner execute an instrument, witnessed as above provided, binding himself or herself in consideration of the sum advanced by the Society therein named to accept employment of the kind to be therein stated from any named person in the Immigration District in which the Society is formed,

Emigrant may bind himself to serve nominee of the Society for the amount of advance.

formed, or with any person in such district whom the Society may designate to the immigrant on his or her arrival in such district, at a rate of wages to be named in the instrument, and for a term to be also therein named, and to serve such person faithfully in such employment during such term, and to allow such person to deduct from his or her wages, at a period or periods to be designated in such instrument, such sum or sums as shall be also therein designated, and to pay the same to the Society, on account of any money due by the immigrant to it; and such instrument may be enforced by the Society, accordingly, by civil suit in any court having jurisdiction to the amount then due, against the immigrant; and any refusal or neglect on the part of the immigrant to perform any of the other obligations undertaken by him or her in such instrument, shall be an offence cognizable before any one Justice of the Peace, under the "*Act respecting the duties of Justices of the Peace, out of Sessions, in relation to Summary Convictions and Orders,*" and punishable by a fine not exceeding twenty dollars, and costs, and by imprisonment until such fine and costs be paid; and the fine if paid shall belong to the Society, and be paid over to it by the Justice of the Peace; but the payment of such fine shall not prevent or affect any civil remedy of the Society under such instrument.

How such obligation may be enforced.
32-33 V., c. 31.

Interpretation clause.

14. In this Act the expression "Minister of Agriculture," includes any deputy or officer authorized to perform the duty or exercise the power in question;—the expression "Immigration" —or "Immigrant," includes "Emigration" or "Emigrant," when it refers to the act of leaving or to a person about to leave Europe for Canada;—any negotiable or other instrument authorized by this Act may be drawn in any European language understood by the person executing it, and sums of money mentioned therein may be expressed in any currency used in the country where it is executed, and shall be held to mean equivalent sums in currency of Canada;—and the word "Society" means the Immigration Aid Society which the context indicates or refers to.

Short title.

15. This Act may be cited as "The Immigration Aid Societies Act, 1872."

CAP. XXX.

An Act respecting Trade Unions.

[Assented to 14th June, 1872.]

Preamble.

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

SHORT

SHORT TITLE.

1. This Act may be cited as "The Trade Unions Act," 1872. Short Title.

CRIMINAL LAW AMENDED.

2. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise. trade union
not criminal.

3. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust. Nor unlawful
civilly.

4. Nothing in this Act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely :— But trade
union con-
tracts for
certain pur-
poses not
enforceable.

1. Any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of the trade union shall or shall not sell their goods, transact business, employ or be employed.

2. Any agreement for the payment by any person of any subscription or penalty to a trade union.

3. Any agreement for the application of the funds of a trade union,—

a. To provide benefits to members ; or

b. To furnish contributions to any employer or workman, not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union ; or

c. To discharge any fine imposed upon any person by sentence of a court of justice ; or

4. Any agreement made between one trade union and another ; or

5. Any bond to secure the performance of any of the above mentioned agreements :—

But nothing in this section shall be deemed to constitute any of the agreements above mentioned unlawful. But not
unlawful.

5. No Act in force in the Dominion providing for the constitution and incorporation of charitable, benevolent or provident institutions shall include or apply to trade unions, nor shall this Act apply to any trade union not registered under this Act. Certain Acts
not to apply.

REGISTRATION OF TRADE UNIONS.

Registry of unions.

6. Any seven or more members of a trade union may by subscribing their names to the rules of the union, and otherwise complying with the provisions of this Act with respect to registry, register such trade union under this Act, provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

Power to hold real estate for buildings.

7. It shall be lawful for any trade union registered under this Act, to purchase or take upon lease in the names of the trustees for the time being of such trade union, any land not exceeding one acre, and to sell, exchange, mortgage or let the same, and no purchaser, assignee, mortgagee or tenant, shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purposes of this section every branch of a trade union shall be considered a distinct union.

Property to be vested in trustees.

8. All real and personal estate whatsoever belonging to any trade union registered under this Act, shall be vested in the trustees for the time being of such trade union, appointed as provided by this Act, for the use and benefit of such trade union and the members thereof, and the real or personal estate of any branch of a trade union shall be vested in the trustees of such branch, and be under the control of such trustees, their respective executors or administrators, according to their respective claims and interests, and upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatever, save and except in the case of Dominion Stock which shall be transferred into the names of such new trustees; and in all actions, suits, or indictments or summary proceedings before any court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade union, without any further description.

Transfer in case of death, &c., of trustees.

Actions, &c., by or against trustees.

9. The trustees of any trade union registered under this Act, or any other officer of such trade union who may be authorized so to do by the order thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint in any court of law or equity, touching or concerning the property, right or claim to property of the trade union,—and may, in all cases concerning the property real or personal of such trade union, sue and be sued, plead and be impleaded in any court of law or equity, in their proper names without other description than the title of their office; and no such action, suit, prosecution

prosecution or complaint, shall be discontinued or abated by the death or removal from office of such persons or any of them, but the same shall be proceeded in by their successor or successors as if such death, resignation or removal had not taken place; and such successors shall pay and receive the like costs as if the action, suit, prosecution or complaint had been commenced in their names for the benefit of or to be re-imbursed from the funds of such trade union, and any summons to such trustee or other officer may be served by leaving the same at the registered office of the trade union.

Not to abate
by death, &c.

10. A trustee of any trade union registered under this Act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union, but shall be liable only for the moneys actually received by him on account of such trade union.

Responsibility
of trustees.

11. Every treasurer or other officer of a trade union registered under this Act, at such times as by the rules of such trade union he should render such account as hereinafter mentioned, or upon being required so to do, shall render to the trustees of the trade union, or to the members of such trade union at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered a like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union, which account the trustees shall cause to be audited by some fit and proper person or persons by them to be appointed;—and such treasurer if thereunto required, upon the said account being audited, shall forthwith hand over to the trustees the balance which on such audit appears to be due from him, and shall also, if required, hand over to such trustees all securities and effects, books, papers and property of the said trade union in his hands or custody; and if he fail to do so the said trustees may sue such treasurer in any competent court for the balance appearing to have been due from him upon the last account rendered by him, and for all moneys since received by him on account of the said trade union, and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said trade union; and in such action the trustees shall be entitled to recover their full costs of suit, to be taxed as between attorney and client.

treasurers
and audit of
accounts.

Balance, &c.,
to be paid
over if re-
quired.

12. If any officer, member or other person being or representing himself to be a member of a trade union registered under this Act, or the nominee, executor, administrator or assignee of a member thereof, or any person whatsoever, by false representation or imposition obtains possession of any moneys, securities, books, papers or effects of such trade union, or having the same in his possession wilfully withholds or fraudulently misapplies the same or wilfully applies any part of the same to purposes other than those expressed or directed in the rules of such trade union, or any of them, the

Punishment of
persons with-
holding money
&c. of a union.

magistrate

magistrate or justices having jurisdiction in cases of complaint for offences under this Act, for the place in which the registered office of the trade union is situate, upon a complaint made by any person on behalf of such trade union, or by the Registrar, may by summary order, order such officer, member or other person, to deliver up all such moneys, securities, books, papers or other effects to the trade union, or to repay the amount of money paid improperly, and to pay, if the court thinks fit, a further sum of money not exceeding one hundred dollars, together with costs not exceeding five dollars, and in default of such delivery of effects or payment of such amount of money, or payment of such penalty and costs as aforesaid, the said court may order the person so convicted to be imprisoned, with or without hard labour, for any time not exceeding three months:—Provided that nothing in this Act shall prevent the trade union from proceeding by indictment against the said party: and provided also, that no person shall be proceeded against by indictment if a conviction has been previously obtained for the same offence under the provisions of this Act.

Proviso.

Proviso.

REGISTRY OF TRADE UNIONS.

Regulations
respecting
registry.

13. With respect to the registry, under this Act, of trade unions, the following provisions shall have effect:

1. An application to register the trade union and printed copies of its rules, together with a list of the titles and names of its officers, shall be sent to the Registrar under this Act;

2. The Registrar upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Act, shall register such trade union and such rules;

3. No trade union shall be registered under a name identical with that under which any other trade union has been registered, or so nearly resembling such name as to be likely to deceive the members or the public;

4. Where a trade union applying to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the Registrar, before the registry thereof, a general statement of the receipts, funds, effects and expenditure of such trade union, in the same form, and showing the same particulars as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the Registrar;

5. The Registrar upon registering such trade union shall issue a certificate of registry, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that the regulations of this Act, with respect to registry, have been complied with;

6. The Governor in Council may from time to time make regulations respecting registry under this Act, and respecting the seal,

Governor in
Council may
make further
regulations:

seal, (if any) to be used for the purpose of such registry, and the inspection of documents kept by the Registrar under this Act, and respecting the fees (if any) to be paid on registry not exceeding the fees specified in the second schedule to this Act, and generally for carrying this Act into effect.

14. With respect to the rules of a trade union registered under this Act, the following provisions shall have effect : Rules of registered unions.

1. The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the first schedule to this Act ;

2. A copy of the rules shall be delivered by the trade union to every person on demand, on payment of a sum not exceeding twenty-five cents.

15. Every trade union registered under this Act shall have a registered office to which all communications and notices may be addressed : if any trade union registered under this Act is in operation for seven days without having such an office, such trade union and every officer thereof shall each incur a penalty not exceeding twenty-five dollars for every day during which it is so in operation. Notice of the situation of such registered office and of any change therein, shall be given to the Registrar and recorded by him ; until such notice is given the trade union shall not be deemed to have complied with the provisions of this Act. Trade unions to have a registered office.
Notice of such office.

16. A general statement of the receipts, funds, effects and expenditure of every trade union registered under this Act shall be transmitted to the Registrar before the first day of June in every year, and shall show fully the assets and liabilities at the date, and the receipts and expenditure of the trade union, during the year next preceding the date to which it is made out, and shall show separately the expenditure in respect of the several objects of the trade union, and shall be prepared and made out to such date, in such form, and shall comprise such particulars, as the Registrar may from time to time require ; and every member of and depositor in any such trade union shall be entitled to receive, on application to the Secretary or Treasurer of the trade union, a copy of such general statement without making any payment for the same. Together with such general statement there shall be sent to the Registrar a copy of all alterations of rules, and new rules and change of officers, made by the trade union during the year preceding the date up to which the general statement is made out, and a copy of the rules of the trade union as they exist at that date. Every trade union that fails to comply with or acts in contravention of this section, and also every officer of the trade union so failing, shall each be liable to a penalty not exceeding twenty-five dollars for each offence. Every person who wilfully makes or Annual returns to the Registrar.
Penalty for neglect.

Or for false returns.

orders to be made any false entry in or any omission from any such general statement, or in or from the return of such copies or rules or alterations of rules shall be liable to a penalty not exceeding two hundred dollars for each offence.

Registrar and annual report by him.

17. The Registrar General of Canada shall be the Registrar under this Act. The Registrar shall lay before Parliament annual reports with respect to the matters transacted by him as such in pursuance of this Act.

Punishment for circulating false copies of rules of a union.

18. If any person with intent to mislead or defraud gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules or of any alterations or amendments of the same, other than those respectively which exist for the time being, on the pretence that the same are the existing rules of such trade union, or that there are no other rules of such trade union, or if any person with the intent aforesaid gives a copy of any rules to any person under the pretence that such rules are the rules of a trade union registered under this Act, which is not so registered, every person so offending shall be deemed guilty of a misdemeanor.

Enforcing penalties.

32, 33 V., c. 31.

33 V., c. 27.

Proviso, if there be a Stipendiary Magistrate, &c.

Proviso, as to description of offence, &c.

19. All offences and penalties under this Act may be prosecuted and recovered under the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign and intituled, "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders,*" as amended by the Act passed in the thirty-third year of Her Majesty's reign and intituled, "*An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders,*" and any Act passed in the present session amending the same: Provided that the complaint or information shall be brought, heard and determined before some Stipendiary or Police Magistrate or other functionary having by law the powers of two Justices of the Peace, if the offence was committed in any city, town or place in which any such magistrate or functionary has jurisdiction; and if the offence be committed elsewhere, then before two Justices of the Peace:—Provided that,

1. The description of any offence against this Act in the words of this Act shall be sufficient in law, and

2. That any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified in the information; and if so specified and negatived, no proof in relation to the matters specified and negatived shall be required on the part of the informant or prosecutor,

20. If any party feels aggrieved by any order or conviction made in determining any complaint or information under this Act, such party may appeal therefrom in the manner and subject to the conditions provided with respect to appeals from summary convictions and orders, by the Acts cited in the next preceding section of this Act or any Act amending them which may be passed in the present session. Appeal.

21. No person who is a master, or the father, son or brother of a master, in the particular trade or business in or in connection with which any offence under this Act is charged to have been committed, shall act as a magistrate or Justice of the Peace, in any case of complaint or information under this Act, or as a member of any court for hearing any appeal in any such case. Certain parties not to act as Magistrates.

INTERPRETATION.

22. In this Act, the term "Trade Union" means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or for imposing restrictive conditions on the conduct of any trade or business, as would, if this Act had not been passed, have been deemed to be an unlawful combination by reason of some one or more of its purposes being in restraint of trade:—Provided that this Act shall not affect,— Trade Union, what to be considered as one.

1. Any agreement between partners as to their own business;
2. Any agreement between an employer and those employed by him as to such employment;
3. Any agreement in consideration of the sale of the goodwill of a business, or of instruction in any profession, trade or handicraft.

23. Any statute or law inconsistent with this Act is hereby repealed, but such repeal shall not affect any case pending before any court or tribunal at the coming into force of this Act, which shall not apply to any such pending case. Proviso: certain agreements excepted.

SCHEDULES.

FIRST SCHEDULE.

Matters to be provided for by the Rules of Trade Unions registered under this Act.

1. The name of the trade union and place of meeting for the business of the trade union.

2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures which may be imposed on any member of such trade union.

3. The manner of making, altering, amending and rescinding rules.

4. A provision for the appointment and removal of a general committee of management, and of a trustee or trustees, treasurer and other officers.

5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.

6. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union.

SECOND SCHEDULE.

Maximum Fees.

For registering a trade union	\$4 00
For registering alterations in rules	2 00
For inspection of documents.....	0 50

CAP. XXXI.

An Act to amend the Criminal Law relating to Violence, Threats and Molestation.

[Assented to 14th June, 1872.]

Preamble.

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

Persons doing certain things are—

1. Every person who does one or more of the following acts, that is to say:—

1. Uses violence to any person or any property,—

2. Threatens or intimidates any person in such manner as would justify a Justice of the Peace, on complaint made to him, to bind over the person so threatening or intimidating to keep the peace,—

3. Molests or obstructs any person in manner defined by this section,—

With a view to coerce such person,—

(a) Being a master, to dismiss or cease to employ any workman, or being a workman, to quit any employment, or to return work before it is finished;

(b) Being a master, not to offer, or being a workman, not to accept any employment or work;

(c) Being a master or workman to belong to, or not to belong to, any temporary or permanent association or combination;

(d) Being a master or workman, to pay any fine or penalty imposed by any temporary or permanent association or combination;

(e) Being a master, to alter the mode of carrying on his business, or the number or description of any persons employed by him,—

Shall be guilty of an offence against this Act, and shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months. Guilty of offence against this Act, and punishable.

4. A person shall, for the purposes of this Act, be deemed to molest or obstruct another person in any of the following cases; that is to say,— Definitions, "molesting," and "obstructing."

(a) If he persistently follows such other person about from place to place;

(b) If he hides any tools, clothes or other property owned or used by such other person, or deprives him of, or hinders him in the use thereof;

(c) If he watches or besets the house or place where such other person resides or works or carries on business, or happens to be, or the approach to such house or place, or if with two or more other persons he follows such other person in a disorderly manner in or through any street or road:—

5. Nothing in this section shall prevent any person from being liable under any other Act, or otherwise, to any other or greater punishment than is provided for any offence by this section, but so that no person shall be punished twice for the same offence: Not to prevent liability for greater offence; but party offending not liable twice for same offence. Provided that no person shall be liable to any punishment for doing or conspiring to do any act, on the ground that such act restrains or tends to restrain the free course of trade, unless such act is one of the acts hereinbefore specified in this section, and is done with the object of coercing as hereinbefore mentioned.

LEGAL PROCEEDINGS.

How prosecutions shall be brought.
32, 33 V., c. 31.

33, V., c. 27.

Proviso; if there be a police magistrate, &c.

Proviso, as to description of offence:

Exceptions, &c.

Appeal.

Certain parties not to act as magistrates under this Act.

Repeal of inconsistent enactments. Proviso.

2. All offences under this Act, shall be prosecuted under the provisions of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders,*" as amended by the Act passed in the thirty-third year of Her Majesty's reign, and intituled "*An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders,*" and any Act passed in the present session amending the same; provided that the complaint or information, in any such case, shall be brought, heard and determined before a Stipendiary or Police Magistrate, or some other functionary having, under the said Acts, the powers of two Justices of the Peace, if the offence be committed in any city, town or place in which any such magistrate or functionary has jurisdiction; and if the offence be committed elsewhere, then before two Justices of the Peace; Provided that the description of any offence under this Act in the words of this Act, shall be sufficient in law:—and that any exception, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified in the information or complaint, and if so specified and negatived, no proof in relation to the matter so specified and negatived shall be required on the part of the informant or prosecutor.

3. If any party feels aggrieved by any summary conviction or order under this Act, such party may appeal therefrom in the manner and subject to the conditions provided in the Acts mentioned in the next preceding section, in cases in which an appeal is allowed by the said Acts.

4. No person who is a master, or the father, son or brother of a master in the particular manufacture, trade or business, in or in connection with which any offence under this Act is charged to have been committed, shall act as a magistrate or Justice of the Peace, in any case of complaint or information under this Act, or as a member of any court for hearing any appeal in any such case.

5. So much of any Act or law as may be inconsistent with this Act, is hereby repealed: Provided that such repeal shall not affect anything duly done or suffered, or any right acquired, or any liability, penalty or forfeiture incurred, before the passing of this Act, or any proceeding pending at the time of the passing thereof, for enforcing any such right, liability, penalty or forfeiture.

CAP. XXXII.

An Act to amend the Law relating to the fraudulent marking of Merchandise.

[Assented to 14th June, 1872.]

WHEREAS it is expedient to amend the Law relating to the Preamble.
fraudulent marking of Merchandise, and to the sale of
Merchandise falsely marked for the purpose of fraud: Therefore,
Her Majesty, by and with the advice and consent of the Senate
and House of Commons of Canada, enacts as follows:—

1. In the construction of this Act the word "Person" shall in- Interpretation
clude any person, whether a subject of Her Majesty or not, and "Person."
any body corporate or body of the like nature, whether constituted
according to the law of Canada, or of any of Her Majesty's
Dominions or Colonies, or according to the law of any foreign
country, and also any company, association or society of persons,
whether the members thereof be subjects of Her Majesty or not, or
some of such persons be subjects of Her Majesty and some of them
not, and whether such body corporate, body of the like nature,
company, association or society, be established or carry on business
within Her Majesty's Dominions or elsewhere: or partly within
Her Majesty's Dominions and partly elsewhere the word "Mark" Mark.
shall include any name, signature, word, letter, device, emblem,
figure, sign, seal, stamp, diagram, label, ticket or other mark
of any other description: and the expression "Trade Mark," shall "Trade Mark"
include any and every such name, signature, word, letter, device,
emblem, figure, sign, seal, stamp, diagram, label, ticket or other
mark as aforesaid, registered or unregistered, lawfully used by any
person to denote any chattel or article to be an article or thing of
the manufacture, workmanship, production or merchandise of such
person, or to be an article or thing of any peculiar or particular
description, made or sold by such person, and shall also include
any name, signature, word, letter, number, figure, mark or sign,
which, in pursuance of any statute or statutes for the time being
in force, relating to trade marks or registered designs, is to be put
or placed upon or attached to any chattel or article during the
existence or continuance of any patent, copyright or other sole
right acquired under the provisions of such statutes or any of
them.

2. Every person who, with intent to defraud, or to enable Forging or
another to defraud any person, forges or counterfeits, or causes or counterfeiting
procures to be forged or counterfeited, any trade mark, or applies, any trade
or causes or procures to be applied, any trade mark or any forged mark, or un-
or counterfeit trade mark, to any chattel or article, not being the lawfully ap-
manufacture, workmanship, production or merchandise of any plying the
person denoted or intended to be denoted by such trade mark, or same to be a
denoted misdemeanor.

denoted or intended to be denoted by such forged or counterfeited trade mark, or not being the manufacture, workmanship, production or merchandise of any person whose trade mark is so forged or counterfeited; or applies, or causes or procures to be applied any trade mark, or any forged or counterfeited trade mark, to any chattel or article, not being the particular or peculiar description of manufacture, workmanship, production or merchandise, denoted, or intended to be denoted by such trade mark, or by such forged or counterfeited trade mark, is guilty of a misdemeanor; and every person so committing a misdemeanor shall also forfeit to Her Majesty every chattel and article belonging to such person to which he has so unlawfully applied, or caused or procured to be applied, any such trade mark or forged or counterfeited trade mark as aforesaid; and every instrument in the possession or power of such person, and by means of which any such trade mark, or forged or counterfeited trade mark as aforesaid, has been so applied, and every instrument or mark in the possession or power of such person for applying any such trade mark, or counterfeited trade mark as aforesaid, shall be forfeited to Her Majesty; and the court before which any such misdemeanor is tried may order such forfeited chattels or articles as aforesaid to be destroyed or otherwise disposed of as such court thinks fit.

Articles marked to be forfeited, and also instruments used in marking.

How disposed of.

Unlawfully applying trade mark to cask, cover, wrapper &c., to be a misdemeanor.

3. Every person who, with intent to defraud, or to enable another to defraud any person, applies or causes or procures to be applied any trade mark or any forged or counterfeited trade mark, to any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing in, on, or with which any chattel or article is intended to be sold or is sold, or uttered or exposed for sale, or intended for any purpose of trade or manufacture; or encloses or places any chattel or article, or causes or procures any chattel or article to be enclosed or placed in, upon, under, or with any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing to which any trade mark has been falsely applied, or to which any forged or counterfeited trade mark has been applied; or applies or attaches or causes or procures to be applied or attached to any chattel or article, any case, cover, reel, ticket or label or other thing to which any trade mark has been falsely applied, or to which any forged or counterfeited trade mark has been applied; or encloses, places or attaches any chattel or article, or causes or procures any chattel or article to be enclosed, placed, or attached in, upon, under, with, or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing having thereon any trade mark of any other person, is guilty of a misdemeanor: and every person so committing a misdemeanor, shall also forfeit to Her Majesty every such chattel and article, and also every such cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing as aforesaid in the possession or power of such person; and every other similar cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing made to be used in like manner as aforesaid,

Articles to be forfeited, and also instruments used.

aforesaid, and every instrument in the possession or power of such person, and by means of which any such trade mark or forged or counterfeited trade mark as aforesaid has been applied, and also every instrument or mark in the possession or power of such person for applying any such trade mark, or forged or counterfeited trade mark as aforesaid, shall be forfeited to Her Majesty; and the court before which any such misdemeanor is tried, may order such forfeited articles as aforesaid to be destroyed or otherwise disposed of as such court thinks fit.

How disposed of.

4. Every person who sells, utters or exposes either for sale or for any purpose of trade or manufacture, or causes or procures to be sold, uttered or exposed for sale or other purpose as aforesaid, any chattel or article, together with any forged or counterfeited trade mark, which he knows to be forged or counterfeited, or together with the trade mark of any other person applied or used falsely or wrongfully or without lawful authority or excuse knowing such trade mark of another person to have been so applied or used as aforesaid, and that, whether any such trade mark, or forged or counterfeited trade mark as aforesaid, together with which any such chattel or article is sold, uttered or exposed for sale or other purpose as aforesaid, be in, upon, about, or with such chattel or article, or in, upon, about, or with any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing in, upon, about, or with which such chattel or article is so sold or uttered or exposed for sale or other purpose as aforesaid—shall for every such offence forfeit and pay to Her Majesty a sum of money equal to the value of the chattel or article so sold, uttered, offered or exposed for sale or other purpose as aforesaid, and a further sum not exceeding twenty dollars and not less than two dollars.

Selling and uttering articles bearing forged trade mark, or mark wrongfully applied.

Penalty.

5. Every addition to and every alteration of, and also every imitation of any trade mark which is made, applied or used with intent to defraud, or to enable any other person to defraud, or which causes a trade mark with such alteration or addition, or causes such imitation of a trade mark, to resemble any genuine trade mark so or in such manner as to be calculated or likely to deceive, shall be and be deemed to be a false, forged and counterfeited trade mark within the meaning of this Act; and every act of making, applying or otherwise using, procuring, vending, or delivering to another, any such addition to or alteration of a trade mark or any such imitation of a trade mark as aforesaid, done by any person with intent to defraud, or to enable any other person to defraud, shall be and be deemed to be forging and counterfeiting a trade mark within the meaning of this Act; and every act of making, applying, using, procuring, vending or delivering to another, or having in possession any forged or counterfeited trade mark, or any trade mark without the authority of the owner of such trade mark, or of some person by him authorized to use or apply the same, or other lawful and sufficient excuse, shall be *prima facie* evidence of an intent to defraud,

What shall be deemed a forged and counterfeited trade mark.

And what an act of forging such mark.

defraud, or to enable another person to defraud, and shall be deemed to be forging and counterfeiting such trade mark, within the meaning of this Act.

Person selling any article bearing forged trade mark bound to give information when required.

6. Where any person has before or after the coming into force of this Act, sold, uttered or exposed for sale or other purpose as aforesaid, or has caused or procured to be sold, uttered or exposed for sale or other purpose as aforesaid, any chattel or article together with any forged or counterfeited trade mark, or together with the trade mark of any other person used without lawful authority or excuse as aforesaid, and that, whether such trade mark, or such forged or counterfeited trade mark as aforesaid, be in, upon, about or with such chattel or article, or in, upon, about or with any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing in, upon, about or with which such chattel or article has been sold or exposed for sale, such person shall be bound upon demand in writing delivered to him, or left for him at his last known dwelling house, or at the place of sale or exposure for sale, by or on the behalf of any person whose trade mark has been so forged or counterfeited, or used without lawful authority or excuse as aforesaid, to give to the person requiring the same, or his Attorney or Agent, within forty-eight hours after such demand, full information in writing of the name and address of the person from whom he purchased or obtained such chattel or article, and of the time when he obtained the same: and it shall be lawful for any Justice of the Peace, on information on oath of such demand and refusal, to summon before him the party refusing, and on being satisfied that such demand ought to be complied with, to order such information to be given within a certain time to be appointed by him; and any such party who refuses or neglects to comply with such order shall for every such offence, forfeit and pay to Her Majesty, the sum of twenty dollars, and such refusal or neglect shall be *prima facie* evidence that the person so refusing or neglecting had full knowledge that the trade mark, together with which such chattel or article was sold, uttered, or exposed for sale or other purpose as aforesaid, at the time of such selling, uttering, or exposing, was a forged, counterfeited and false trade mark, or was the trade mark of a person, which had been used without lawful authority or excuse, as the case may be.

In case of refusal may be summoned by a justice of the peace.

Penalty for refusing to comply.

Falsely making or designating any article with intent to defraud.

7. Every person who, with intent to defraud, or to enable another to defraud, puts or causes or procures to be put upon any chattel or article, or upon any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, together with which any chattel or article is intended to be, or is sold or uttered, or exposed for sale, or for any purpose of trade or manufacture, or upon any case, frame or other thing, in or by means of which any chattel or article is intended to be, or is exposed for sale, any false description, statement or other indication of or respecting the quality, number, quantity, measure or weight of such chattel or article, or any part thereof, or of the

place

place or country in which such chattel or article has been made, manufactured, bottled, put up or produced; or puts or causes, or procures to be put upon any such chattel or article, cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or thing as aforesaid, any word, letter, figure, signature or mark, for the purpose of falsely indicating such chattel or article, or the mode of manufacturing, bottling or putting up, or producing the same, or the ornamentation, shape or configuration thereof, to be the subject of any existing patent, privilege or copyright, shall for every such offence, forfeit and pay to Her Majesty a sum of money equal to the value of the chattel or article so sold or uttered or exposed for sale, and a further sum not exceeding twenty dollars, and not less than two dollars.

Penalty.

8. Every person who sells, utters or exposes for sale, or for any purpose of trade or manufacture, or causes or procures to be sold, uttered or exposed for sale, or other purpose as aforesaid, any chattel or article, upon which has been, to his knowledge, put, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, together with which such chattel or article is sold or uttered, or exposed for sale or other purpose as aforesaid, has been so put, or upon any case, frame or other thing used or employed to expose or exhibit such chattel or article for sale, has been so put, any false description, statement or other indication of, or respecting the number, quantity, measure or weight of such chattel or article, or any part thereof, or the place or country in which such chattel or article has been made manufactured or produced, shall for every such offence, forfeit and pay to Her Majesty a sum not exceeding twenty dollars, and not less than two dollars.

Knowingly selling any article falsely marked or designated.

Penalty.

9. Provided always, that the provisions of this Act shall not be construed so as to make it any offence for any person to apply to any chattel or article, or to any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, with which such chattel or article is sold, or intended to be sold, any name, word or expression generally used for indicating such chattel or article to be of some particular class or description of manufacture only; or so as to make it any offence for any person to sell, utter, or offer, or expose for sale any chattel or article to which, or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing sold therewith, any such generally used name, word or expression as aforesaid, has been applied.

Except that terms in general use may be employed.

10. In every indictment, pleading proceeding, and document whatsoever, in which any trade mark is intended to be mentioned, it shall be sufficient to mention or state the same to be a trade mark without further or otherwise describing such trade mark, or setting forth any copy or *fac simile* thereof; and in every indictment, pleading, proceeding and document whatsoever, in which it

Specific description of trade mark unnecessary in indictment, &c.

it is intended to mention any forged or counterfeited trade mark, it shall be sufficient to mention or state the same to be a forged or counterfeited trade mark, without further or otherwise describing such forged or counterfeited trade mark, or setting forth any copy or *fac simile* thereof.

Remedy at law not to be affected.

11. The provisions in this Act contained, of or concerning any act or any proceeding, judgment or conviction for any act hereby declared to be a misdemeanor or offence, shall not, nor shall any of them, take away, diminish or prejudicially affect any suit, process, proceeding, right or remedy, which any person aggrieved by such act may be entitled to at law, in equity or otherwise, and shall not, nor shall any of them, exempt or excuse any person from answering or making discovery upon examination as a witness, or upon interrogatories, or otherwise in any suit or other civil proceeding: provided always, that no evidence, statement or discovery, which any person is so compelled to give or make shall be admissible in evidence against such person in support of any indictment for a misdemeanor at common law or otherwise, or of any proceeding under the provisions of this Act.

Compulsory evidence not to be used in prosecution of the person giving it.

Indictment stating intent to defraud generally shall be sufficient.

12. In every indictment, information, conviction, pleading and proceeding against any person for any misdemeanor or other offence against the provisions of this Act, in which it may be necessary to allege or mention an intent to defraud, or to enable another to defraud, it shall be sufficient to allege or mention that the person accused of having done any act which is hereby made a misdemeanor or other offence, did such act with intent to defraud, or with intent to enable some other person to defraud, without alleging or mentioning any intent to defraud any particular person; and on the trial of any such indictment or information for any such misdemeanor, and on the hearing of any information or charge of or for any such other offence as aforesaid, and on the trial of any action against any person to recover a penalty for any such other offence, as aforesaid, it shall not be necessary to prove an intent to defraud any particular person, or an intent to enable any particular person to defraud any particular person, but it shall be sufficient to prove with respect to every such misdemeanor or offence that the person accused did the act charged with intent to defraud, or with intent to enable some other person to defraud, or with the intent that any other person might be enabled to defraud.

Intent to defraud a particular person need not be proved.

Accessories.

13. Every person who aids, abets, counsels or procures the commission of any offence which is by this Act made a misdemeanor, is also guilty of a misdemeanor.

Punishment for misdemeanor under this Act.

14. Every person convicted or found guilty of any offence which is by this Act made a misdemeanor, shall be liable, at the discretion of the court, and as the court shall award, to suffer such punishment by imprisonment for not more than two years, with
or

or without hard labor, or by fine, or both by imprisonment with or without hard labor and fine, and also by imprisonment until the fine (if any) shall have been paid and satisfied.

15. In every case in which any person has committed or done any offence or act, whereby he has forfeited or become liable to pay to Her Majesty any of the penalties or sums of money mentioned in the provisions of this Act, every such penalty or sum of money may be recovered in an action of debt, which any person may, as plaintiff for and on behalf of Her Majesty, commence and prosecute to judgment in any court of record, and the amount of every such penalty or sum of money to be recovered in any such action, shall or may be determined by the jury (if any) sworn to try the issue in such action, and if there be no such jury, then by the court or some other jury as the court thinks fit; or instead of any such action being commenced, such penalty or sum of money may be recovered by a summary proceeding before two Justices of the Peace having jurisdiction in the county or place where the party offending resides or has any place of business, or in the county or place in which the offence has been committed.

Recovery of penalties.

16. In every case in which any such penalty or sum of money forfeited to Her Majesty, as hereinbefore mentioned, is sought to be recovered by a summary proceeding before two Justices of the Peace, the offence or act by the committing or doing of which, such penalty or sum of money has been so forfeited, shall be, and be deemed to be an offence and act within the meaning of the Act passed in the session held in the thirty-second and thirty-third years of the reign of Her present Majesty, intituled: "*An Act respecting the Duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders*;" and the information, conviction of the offender, and other proceedings for the recovery of the penalty, or sum so forfeited, shall be had according to the provisions of the said Act.

Recovery of penalties before a J. P. to be under 32-33 Vict., c. 31.

17. In every case in which judgment is obtained in any such action as aforesaid, for the amount of any such penalty or sum of money forfeited to Her Majesty, the amount thereof shall be paid by the defendant to the Sheriff or the officer of the court, who shall account for the same in like manner as other moneys payable to Her Majesty, and, if it be not paid, may be recovered, or the amount thereof levied, or the payment thereof enforced by execution or other proper proceeding, as money due to Her Majesty: and the Plaintiff suing on behalf of Her Majesty, upon obtaining judgment, shall be entitled to recover and have execution for all his costs of suit, which shall include a full indemnity for all costs and charges which he shall or may have expended or incurred in, about

Penalties, how paid and accounted for

Costs.

or

or for the purposes of the action, unless the court or a judge thereof, directs that costs of the ordinary amount only shall be allowed.

Time for commencing action limited.

18. No person shall commence any action or proceeding for the recovery of any penalty, or for procuring the conviction of any offender in manner hereinbefore provided, after the expiration of three years next after the committing of the offence, or one year next after the first discovery thereof by the person proceeding.

Contract to sell article bearing trade mark to imply that the same is genuine.

19. In every case in which, after this Act is in force, any person sells or contracts to sell (whether by writing or not) to any other person, any chattel or article, with any trade mark thereon, or upon any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, together with which such chattel or article is sold, or contracted to be sold, the sale or contract to sell shall in every such case be deemed to have been made with a warranty or contract by the vendor to, or with the vendee, that every trade mark upon such chattel or article, or upon any such cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label or other thing as aforesaid, was genuine and true, and not forged or counterfeit, and not wrongfully used, unless the contrary be expressed in some writing signed by or on behalf of the vendor, and delivered to and accepted by the vendee.

Contract to sell article bearing special designation or description to imply that the same is genuine.

20. In every case in which, after this Act is in force, any person sells or contracts to sell (whether by writing or not) to any other person any chattel or article upon which, or upon any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, together with which such chattel is sold or contracted to be sold, there is any description, statement or other indication of or respecting the number, quality, quantity, measure or weight of such chattel or article, or the place or country in which such chattel or article has been made, manufactured, bottled or put up, or produced, the sale or contract to sell shall in every such case be deemed to have been made with a warranty or contract by the vendor to or with the vendee, that no such description, statement or other indication was in any material respect false or untrue, unless the contrary be expressed in some writing signed by or on behalf of the vendor, and delivered to and accepted by the vendee.

Court may order article wrongfully marked to be destroyed or otherwise disposed of.

21. In every case in any suit at law or in equity against any person, for forging or counterfeiting any trade mark, or for fraudulently applying any trade mark to any chattel or article, or for selling, exposing for sale, or uttering any chattel or article with any trade mark falsely or wrongfully applied thereto, or with any forged or counterfeit trade mark applied thereto, or for preventing the repetition or continuance of any such

such wrongful act, or the commission of any similar act, in which the plaintiff obtains a judgment or decree against the defendant, the court shall have power to direct every such chattel and article to be destroyed or otherwise disposed of: and in every such suit in a court of law, the court may, upon giving judgment for the plaintiff, award a writ of injunction or injunctions to the defendant, commanding him to forbear from committing, and not by himself or otherwise, to repeat or commit any offence or wrongful act of the like nature as that of which he has been convicted by such judgment, and any disobedience of any such writ of injunction or injunctions shall be punished as a contempt of court: and in every such suit at law or in equity, it shall be lawful for the court, or a judge thereof, to make such order as such court or judge thinks fit, for the inspection of every or any manufacture or process carried on by the defendant, in which any such forged or counterfeit trade mark or any such trade mark as aforesaid, is alleged to be used or applied as aforesaid, and of every or any chattel, article and thing, in the possession or power of the defendant, alleged to have thereon, or in any way attached thereto, any forged or counterfeit trade mark, or any trade mark falsely or wrongfully applied, and every or any instrument or mark in the possession or power of the defendant, used, or intended to be, or capable of being used for producing or making any forged or counterfeit trade mark, or trade mark alleged to be forged or counterfeit, or for falsely or wrongfully applying any trade mark: and any person who refuses or neglects to obey any such order, shall be held guilty of a contempt of court.

And may issue injunction to defendant.

And may order inspection of manufacture or process to be made.

Penalty for refusing to allow inspection.

22. In every case in which any person does, or causes to be done, any of the wrongful acts following, that is to say:—forges or counterfeits any trade mark; or, for the purpose of sale or for the purpose of any manufacture or trade, applies any forged or counterfeit trade mark to any chattel or article, or to any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or thing in or with which any chattel or article is intended to be sold, or is sold, or uttered, or exposed for sale, or for any purpose of trade or manufacture; or encloses or places any chattel or article in, upon, under or with any cask, bottle, stopper, cork, capsule, vessel, case, cover, wrapper, band, reel, ticket, label or other thing, to which any trade mark has been falsely applied, or to which any forged or counterfeit trade mark has been applied; or applies or attaches to any chattel or article, any case, cover, reel, wrapper, band, ticket, label or other thing to which any trade mark has been falsely applied, or to which any forged or counterfeit trade mark has been applied; or encloses places or attaches any chattel or article in, upon, under, with or to any cask, bottle, stopper, cork, capsule, vessel, case, cover, reel, wrapper, band, ticket, label or other thing having thereon any trade mark of any other person,—every person aggrieved by any such wrongful act, shall be entitled to maintain an action or suit for damages in respect thereof, against the person

Action for damages may be maintained against any person forging a trade mark, or applying a forged trade mark, or enclosing any article in cask, &c., to which forged trade mark has been applied, or attaching, unlawfully, trade mark, or forged trade mark, to any article, or attaching trade mark, belonging to another, to any article.

Damages.

son guilty of having done such act, or causing or procuring the same to be done, and for preventing the repetition or continuance of the wrongful act, and the commission of any similar act.

Defendant, if he obtain judgment to recover full costs in actions brought on behalf of Her Majesty.

23. In every action which any person under the provisions of this Act commences as plaintiff for or on behalf of Her Majesty, for recovering any penalty or sum of money, if the defendant obtains judgment, he shall be entitled to recover his costs of suit, which shall include a full indemnity for all the costs, charges and expenses by him expended, or incurred in, about or for the purposes of the action, unless the court or a judge thereof directs that costs of the ordinary amount only shall be allowed.

In certain cases, plaintiff may be required to give security for costs.

24. In any action which any person, under the provisions of this Act, commences as plaintiff for or on behalf of Her Majesty for recovering any penalty or sum of money, if it be shown to the satisfaction of the court, or a judge thereof, that the person suing as plaintiff for, or on behalf of Her Majesty, has no ground for alleging that he has been aggrieved by the committing of the alleged offence, in respect of which the penalty or sum of money is alleged to have become payable, and also that the person so suing as plaintiff is not resident within the jurisdiction of the court, or is not a person of sufficient property to be able to pay any costs which the defendant may recover in the action, the court or judge may order that the plaintiff shall give security, by the bond or recognizance of himself and a surety, or by the deposit of a sum of money or otherwise, as the court or judge thinks fit, for the payment to the defendant of any costs which he may be entitled to recover in the action.

Commencement of Act, and repeal of former enactments.

25. This Act shall commence and take effect on the first day of September, in the present year, one thousand eight hundred and seventy-two, and the thirtieth and thirty-first sections of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled:—"*An Act respecting Forgery*," and the ninth section of "*The Trade Mark and Design Act of 1868*," are hereby repealed, as regards any offence committed after this Act comes into force.

Short title.

26. The expression "*The Trade Marks Offences Act, 1872*," shall be a sufficient description and citation of this Act.

CAP. XXXIII.

An Act for the avoidance of doubts respecting Larceny of Stamps.

[Assented to 14th June, 1872.]

FOR the avoidance of doubts under the Act passed in the Preamble. Session held in the thirty-second and thirty-third years of 32, 33 V., c. 21. Her Majesty's reign and intituled "*An Act respecting Larceny and other similar offences*," and "*The Post Office Act, 1867*," Her Majesty 31 V., c. 10. by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Every Postal Card, Postage Stamp and every other Stamp issued or prepared for issue by the authority of the Parliament of Canada or of the Legislature of any Province in Canada, for the payment of any rate or duty on bills of exchange, or promissory notes, or law proceedings, or of any rate or duty whatever, and whether still in the possession of the Crown or of any person or corporation of any officer or agent of the Government of Canada or of the Province by the authority of the Legislature whereof it was issued or prepared for issue, shall be held to be a chattel and "property" within the meaning of the Acts cited in the preamble to this Act, and of all the enactments and provisions thereof, and to be equal in value to the amount of the postage, rate or duty which can be paid by it, and is expressed on its face in words or figures, or both; and in any indictment or proceeding for larceny, or any other offence against either of the said Acts, in respect of any such stamp, the property thereof may be laid in the person in whose possession, as the owner thereof, it was when the larceny or offence was committed, or in the Crown if it was then unissued or in the possession of any officer or agent of the Government of the Dominion or of the Province by authority of the Legislature whereof it was issued or prepared for issue. Stamps, &c., to be deemed chattel property and subjects of larceny under 32 & 33 Vict., c. 21, and 31 Vict., c. 10.

2. Nothing in this Act shall be construed as intending that such stamps as aforesaid were not without this Act chattel property and subjects of larceny at common law, and under the Acts cited in the preamble. Intention of this Act.

CAP. XXXIV.

An Act to correct a clerical error in the Act respecting malicious injuries to property.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS there is a clerical error in the Act hereinafter cited, which it is expedient to correct: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Error in Sec. 3
of 32, 33 Vic.,
Cap. 22, cor-
rected.

1. The word “not” in the last line but two of the third section of the English version of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty’s Reign, intituled “An Act respecting malicious injuries to property,” as printed by the Queen’s Printer, is declared to have been inserted by a clerical error, and shall be struck out and form no part of the said section, in the French version of which the said error does not occur.

CAP. XXXV.

An Act to amend the Law relating to Advertisements respecting Stolen Goods.

[Assented to 14th June, 1872.]

Preamble.
32, 33, V., c. 21.

WHEREAS under section one hundred and sixteen of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty’s reign, chapter twenty-one, intituled “*An Act respecting Larceny and other similar Offences,*” whosoever prints or publishes advertisements for the return of stolen goods without questions being asked, or the like advertisements therein mentioned, forfeits the sum of two hundred and fifty dollars for any such offence, to any person who will sue for the same by action of debt to be recovered with full costs of suit:—

And whereas it is expedient to place such actions under certain restrictions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Titles.

1. This Act may be cited as *The Larceny Advertisements Act, 1872*, and shall be construed as one Act with the recited Act, which may be cited as *The Larceny Act, 1869*, and that Act and this Act may be cited together as *The Larceny Acts, 1869 and 1872*.

2. In this Act, the term "newspaper" means a newspaper as defined for the purposes of the Acts for the time being in force relating to the carriage of newspapers by post. Interpretation.

3. Every action against the printer or publisher of a newspaper to recover a forfeiture under section one hundred and sixteen of "The Larceny Act, 1869," shall be brought within six months after the forfeiture is incurred. Action must be brought within six months.

4. This Act shall take effect on the First day of July next. Commencement of Act.

CAP. XXXVI.

An Act to amend the Act, Chapter 47 of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Rivers and Streams."

[Assented to 14th June, 1872.]

WHEREAS it is expedient to amend the Act, chaptered forty-seven of the Consolidated Statutes for Upper Canada, intituled, "*An Act respecting Rivers and Streams,*" by bringing under the operation thereof the River Sydenham, in the Province of Ontario: 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 first section of the hereinbefore cited Act shall hereafter be read and interpreted as if the words "the River Sydenham," were inserted in the fifth line of the said first section, after the word "Thames." Section 1 of C. S. U. C., Cap. 47, amended.

CAP. XXXVII.

An Act to extend the Canadian Tariff of duties of Customs and Excise, and certain Acts relating to Customs and the Revenue, to the Province of British Columbia,

[Assented to 14th June, 1872.]

WHEREAS, by the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled: "*An Act respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province of Manitoba, and the Colony of British Columbia*" Preamble. 34 V., c. 13.

Columbia when it becomes a Province of the Dominion," it is, among other things, in effect enacted, that "such provisions of the customs laws of Canada (other than such as prescribe the rates of duty) as may be from time to time declared by the Governor in Council applicable to the Province of British Columbia after its admission into the Union, shall apply thereto and be in force therein accordingly;" and that "such provisions of the laws of Canada respecting the inland revenue (other than those fixing the amount of duties) as may be from time to time declared by the Governor in Council applicable to the Province of British Columbia after its admission into the Union as aforesaid, shall apply thereto and be in force therein accordingly," it being provided that the said provisions should nevertheless be void in so far as they might be inconsistent with the order of the Queen in Council for the admission of British Columbia into the Union;—and whereas by the agreement between the Dominion and the then Colony of British Columbia for its admission into the Union, and the order of Her Majesty in Her Privy Council founded thereon, and declaring such Union, it was provided that the existing customs tariff and excise duties should continue in force in British Columbia until the railway from the Pacific coast and the system of railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the tariff and excise laws of Canada, and certain provisions were made to have effect until such assimilation of the tariff and excise duties of British Columbia and of the Dominion, and no longer; and whereas the Legislature of the said Province, at the last session thereof, by an Act passed on the twenty-seventh day of March in the present year, one thousand eight hundred and seventy-two, decided to accept the Canadian tariff of duties of customs and excise, and it is expedient to extend the same, and certain Acts of the Parliament of Canada relating to customs and matters of revenue, to the said Province: Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act, the expression "the said Province" means the Province of British Columbia.

Canadian tariffs extended from 27th March, 1872.

2. The Canadian tariffs of duties of customs and excise or inland revenue, shall be and are hereby extended to the said Province and shall be held to have been so extended and to have been in force therein upon and since the twenty-seventh day of March, one thousand eight hundred and seventy-two.

Certain Acts extended to British Columbia: subject to certain exceptions.

3. All those enactments and provisions of the Acts of the Parliament of Canada, enumerated in this section, each respectively as amended by any subsequent Act or Acts, which fix the duties of customs and excise, shall be held to have been extended and to have applied to the said Province upon, from, and after the day last aforesaid,—and the remaining enactments and provisions of the said Acts,—(except such as relate solely to matters of excise other than the tariff of duties or the department of Inland Revenue.

and

and subject to the provisions of this Act or of any other Act of the present session,) are hereby extended to and shall be in force in and apply to the said Province of British Columbia, upon, from, and after the first day of August in the present year, one thousand eight hundred and seventy-two, that is to say:—

1. The Act passed in the thirty-first year of Her Majesty's reign, intitled "*An Act respecting the Customs;*" 31 V., c. 6.
2. The Act passed in the said year of Her Majesty's reign, intitled "*An Act imposing Duties of Customs, with the Tariff of Duties payable under it;*" 31 V., c. 7.
3. The Act passed in the said year of Her Majesty's reign, intitled "*An Act constituting the Department of Customs;*" 31 V., c. 43. as to all matters (if any there be) as to which it is not so extended by the Act first cited in the preamble of this Act;
4. The Act passed in the said year of Her Majesty's reign, intitled "*An Act to amend the law of the present session, intitled 'An Act imposing Duties of Customs, with the Tariff of Duties payable under it;'*" 31 V., c. 44.
5. The Act passed in the thirty-third year of Her Majesty's reign, intitled "*An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting vessels navigating the inland waters of Canada above Montreal;*"—section twenty-two being declared to apply to those inland waters only of the said Province to which the Governor in Council may from time to time declare it applicable;
6. The Act passed in the thirty-fourth year of Her Majesty's reign, intitled "*An Act to amend the Acts relating to Duties of Customs;*" 34 V., c. 10.
7. The Act passed in the thirty-first year of Her Majesty's reign, intitled "*An Act respecting the Inland Revenue;*" 31 V., c. 8.
8. The Act passed in the thirty-first year of Her Majesty's reign, intitled "*An Act constituting the Department of Inland Revenue;*" as to all matters (if any) to which it is not extended by the Act first cited in the preamble of this Act;
9. The Act passed in the thirty-first year of Her Majesty's reign, intitled "*An Act to increase the Excise Duty on Spirits, to impose an Excise Duty on Refined Petroleum, and to provide for the inspection thereof;*" 31 V., c. 50.
10. The Act passed in the said year of Her Majesty's Reign, intitled "*An Act for better securing the payment of the Duty imposed on Tobacco manufactured in Canada;*" 31 V., c. 51.
11. The Act passed in the thirty-fourth year of Her Majesty's reign, intitled "*An Act to amend the Inland Revenue Act, 1868, and to alter the Duties of Excise chargeable in the Province of Manitoba;*" 34 V., c. 15.

- 31 V., c. 5. 12. The Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the Liability of Public Accountants;*"
- 33 V., c. 8. 13. The Act passed in the thirty-third year of Her Majesty's reign, intituled "*An Act to explain and amend the Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the Liability of Public Accountants;*"
- 34 V., c. 11. 14. The Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act for the prevention of Corrupt Practices in relation to the Collection of the Revenue ;*"
- 33 V., c. 14. 15. The Act passed in the thirty-third year of Her Majesty's reign, intituled "*An Act respecting the Coasting Trade of Canada.*"

When the enactments not extended by this Act shall be extended.

4. Such enactments and provisions of the Acts mentioned in the next preceding section as may not be in force under it, shall come into force in the said Province from the time when they may respectively be declared by the Governor in Council applicable to the said Province, and to be in force therein, under the power to that effect given by the Act first cited in the preamble to this Act, and the said power shall extend as well to all regulations made or to be made under the enactments and provisions so to be extended by the Governor in Council as to the said enactments and provisions themselves.

As to duties collected and things done between 27th March and 1st August, 1872.

5. Provided always ; That all duties (according to the Canadian Tariff) collected and all things done in the said Province between the said twenty-seventh day of March and the first day of August, one thousand eight hundred and seventy-two, in conformity to the Acts mentioned in the third section of this Act, or to any Acts of the Legislature of the said Province then in force, shall be held to have been lawfully collected and done.

Special provisions as to application of Acts to British Columbia.

6. The application of the Acts cited in the said third section, to the Province of British Columbia, shall be subject to the following provisions :—

Interpretation.

1. In all the said Acts, the expressions "Canada," "Dominion of Canada," or "Dominion," shall be construed as including the said Province ;

Regulations by Governor in Council.

2. All regulations made by the Governor in Council under any of the said Acts (except such as relate to matters of excise and inland revenue) in force on the said first day of August, one thousand eight hundred and seventy-two, in the other Provinces of the Dominion generally, shall be in force in and apply to the said Province of British Columbia, until revoked or altered ;

Writ of assistance.

3. The writ of assistance mentioned in the ninety-second section of the Act first cited in section three of this Act, (31 V., c. 6,) may be granted by any Judge of the Supreme Court of the said Province; the expressions

expressions "County Court or Circuit Court," in the ninety-ninth, ^{Courts.} one hundredth, one hundred and first, one hundred and fifteenth, or any other section of the said Act, shall include any County Court, Circuit Court, or other Court in the said Province having jurisdiction in civil cases, to the amount of two hundred dollars; ^{Suits for penalties.} and the one hundred and second section of the said Act shall apply to suits for penalties or forfeitures brought in any Superior Court in the said Province; ^{Effect of repeal of any Act.} and the one hundred and thirty-ninth, one hundred and fortieth, and one hundred and forty-first sections of the said Act shall apply to the said Province, and to the effect of the repeal by this Act of any customs Act or Ordinance of the Legislature thereof, as respects regulations and orders made by the Lieutenant Governor of the said Province in Council, and officers of the customs, and bonds given by them or goods taken out of bond, in like manner as they applied to the other Provinces herein mentioned, and to the regulations and orders relating to duties of customs, and the officers*employed in the collection or management thereof in such other Provinces;

4. The Act thirteenthly mentioned in section three of this Act ^{33 V., c. 8.} (33 Vict., c. 8) shall apply to any duty or toll, forfeiture or penalty imposed by the Legislature of British Columbia, or by the Parliament of Canada.

7. So much of the following Acts, Ordinances, or Proclamations heretofore in force in British Columbia; that is to say:— ^{Acts, &c., of British Columbia repealed.}

1. The Proclamation of His Excellency the Governor of the said Province, known as "*The Southern Boundary Act, 1860*;"

2. The Ordinance of the Legislature of the said Province, known as "*The Harbour Dues Amendment Ordinance, 1865*;"

3. The Ordinance of the said Legislature, known as "*The Customs Declaratory Ordinance, 1867*;"

4. The Ordinance of the said Legislature known as "*The Customs Ordinance, 1867*;"

5. The Ordinance of the said Legislature known as "*The Customs Amendment Ordinance, 1870*;"

6. The Ordinance of the said Legislature known as "*The Customs Repeal Act, 1871*;" and

7. The Ordinance of the said Legislature known as "*The Excise Ordinance, 1867*;"—

As imposes any duty of customs or excise, shall be held to have ^{From what time.} been repealed upon, from, and after the said twenty-seventh day of March, one thousand eight hundred and seventy-two; and so much of the remaining portions thereof and of all other Acts, Ordinances, Proclamations or Laws, or parts thereof as may be inconsistent with this Act or the Acts hereby extended, or to be extended by Order of the Governor in Council, to the said Province,

Proviso :
repeal not to
affect certain
matters.

Province, or which make any provision for any matter provided for by the said Acts other than such as is made by the said Acts, or the portions thereof so extended, respectively, shall be repealed from and after the time of such extension: Provided always, that such repeal shall not affect any duty payable, or any forfeiture or penalty incurred under any enactment or provision hereby repealed before the repeal thereof; or any suit, prosecution or proceeding, pending, or to be brought for the recovery thereof; or the appointment of any officer of customs or excise, or any bond given by any such officer and his sureties for securing his good conduct and faithful performance of his duties, unless or until such appointment is annulled or otherwise made void by competent authority under the Acts hereby extended to the said Province, with respect to all which the enactments and provisions hereby repealed for other purposes, shall remain in force.

Extension of
certain Acts
by 34 V., c. 13,
not affected by
this Act.

8. Nothing in this Act shall prevent or impair the effect of the tenth section of the Act of the Parliament of Canada (34 V., c. 13) first cited in the preamble to this Act, by which it was provided that:—

“All the enactments and provisions of the Acts of the Parliament of Canada, passed in the first, second and third sessions thereof aforesaid, or in the present session, relating to the Executive Government and the several departments thereof, and the Civil Service of the Dominion, the Legislature and Legislation, the Senate and House of Commons and the proceedings therein, the independence of Parliament, and the qualification or disqualification of Members of the last mentioned House, the vacating of seats therein, and the filling of vacancies, the Public Works of the Dominion, and the Postal Service, shall, in so far as they may not be inconsistent with the provisions of any Order of the Queen in Council, made under the authority of the one hundred and forty-sixth section of the *British North America Act*, one thousand eight hundred and sixty-seven, have the same force and effect in and in relation to the Colony of British Columbia, after its admission into the Union under such Order in Council, as they then have in and in relation to all the other Provinces of Canada;” and all the said enactments and provisions are hereby declared to be, and to have been, from the time of the admission of British Columbia into the Dominion, in force in the said Province, in so far as they are not inconsistent with the said Order of the Queen in Council.

The said pro-
visions con-
firmed.

here title.

9. This Act shall be known and may be cited as “The Revenue Laws Extension Act, 1872.”

CAP. XXXVIII.

An Act to extend certain Laws relating to matters connected with Navigation, to the Province of British Columbia.

[Assented to 14th June, 1872.]

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

1. Upon, from and after the first day of January next after the passing of this Act, the Acts hereinafter mentioned of the Parliament of Canada, that is to say:—

1. The Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the Navigation of Canadian Waters*;"

2. The Act passed in the same year of Her Majesty's reign, intituled "*An Act relating to Light-houses, Buoys and Beacons*" as amended by the Act passed in the thirty-third year of Her Majesty's reign, chapter eighteen;

3. The Act passed in the same year of Her Majesty's reign, and intituled "*An Act respecting the treatment and relief of Sick and Distressed Mariners*," as amended by the Act passed in the thirty-third year of Her Majesty's reign, chapter nineteen; and,

4. The Act passed in the same year of Her Majesty's reign, and intituled "*An Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them*," as amended by the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter thirty-nine—

Shall be and are hereby extended to and shall be in force in the Province of British Columbia, and all enactments or laws theretofore in force in the said Province, inconsistent with the said Acts, or making any provision in any matter provided for by the said Acts, other than such as is made by the said Acts, shall be repealed on and after the said day.

2. The like rate or duty shall be levied and collected under the Acts mentioned in the third paragraph of the next preceding section, on every vessel arriving at any port in the said Province, on or after the day last aforesaid, in like manner, by the like officer, and subject to the like provisions and exceptions, and to be applied in like manner, as if the said Province were expressly mentioned in the said Acts wherever the Provinces of Quebec, Nova Scotia and New Brunswick are mentioned therein.

And under 31
V., c. 65.

3. The like rate or duty and inspection fees shall be payable on and after the day last aforesaid under the Acts mentioned in the fourth paragraph of the next preceding section but one, by the owner or master of every steamboat in the said Province of British Columbia, as are payable in other Provinces of the Dominion, and payment thereof may be enforced in the like manner, as if the said Province had formed part of the Dominion at the time of the passing of the said Acts; and the word "Dominion" or "Canada" in the said Acts shall be construed as including the said Province.

Governor in
Council may
grant certain
exemptions
during ten
years.

4. Notwithstanding anything to the contrary in the Acts last above mentioned, the Governor in Council may during ten years from the passing of this Act, exempt Inspectors of steamboats or engineers of steamboats in the said Province of British Columbia, or at any port or place therein, from the examination required by the said Acts, previous to their appointment or their acting as such Inspectors or engineers, and from acting as members of the Board of Inspectors.

Certain provi-
sions as to
quality of iron
not to apply
during a cer-
tain time.

5. Sub-section six of section seven of the said "*Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them,*" shall not during two years from the passing of this Act, apply to boilers made during that time in British Columbia, as regards the iron of which such boilers are made, nor to steamboat boilers made before the passing of this Act or before the expiration of the said two years, until such boilers are declared on inspection to be no longer fit for use.

CAP. XXXIX.

An Act respecting the Shipping of Seamen in Nova Scotia.

[Assented to 14th June, 1872.]

Preamble.

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

Interpretation
clause.

1. In the construction and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned to them, that is to say,—

"Ship."

"Ship," shall include every description of vessel used in navigation not propelled by oars:—

"Master."

"Master," shall include every person (except a pilot) having command or charge of a ship:—

"Seamen,"

“Seaman,” shall include every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship :—

“The Board of Trade,” shall mean the Lords of the Committee of Privy Council, in England, appointed for the consideration of matters relating to trade and foreign plantations.

2. The Governor in Council may establish a Shipping Office at each port in the Province of Nova Scotia where a Custom House is situated, and may, from time to time, establish Shipping Offices at other ports in that Province, as he may deem advisable.

3. The Governor in Council may, subject to the provisions of this Act, appoint superintendents of such offices, to be called Shipping Masters, who may appoint any necessary deputies, clerks and servants, and shall, subject as hereinafter mentioned, have complete control over the same, and be responsible for every act done by such deputies, clerks or servants ; and all acts done by or before such deputies, shall have the same effect as if done by or before such Shipping Masters.

4. No person selling any spirituous liquors, and no tavern-keeper or boarding-house keeper, shall be eligible for the situation of Shipping Master or Deputy Shipping Master.

5. The Governor in Council may direct that at any place in the said Province in which no separate Shipping Office is established, the whole or any part of the business of the Shipping Office shall be conducted at the Custom House ; and thereupon the same shall be there conducted accordingly ; and in respect of such business, such Custom House shall for all purposes be deemed to be a Shipping Office, and the Chief Officer of the Customs there, if no other Shipping Master has been appointed, shall for all purposes be a Shipping Master, and be held and deemed to have been appointed as such within the meaning of this Act.

6. All Shipping Masters, and all deputies, clerks and servants appointed as aforesaid, shall before entering upon their duties give such security (if any) for the due performance thereof as the Minister of Marine and Fisheries may require ; and if in any case the Minister of Marine and Fisheries has reason to believe that any person appointed by any Shipping Master does not properly discharge his duties, he may cause an investigation to be made, and may direct the dismissal or suspension of such person, and may provide for the temporary performance of his duties until another person is properly appointed in his place, or during his suspension, as the case may be.

7. All Shipping Masters, deputies, clerks and servants so appointed as aforesaid shall,—before entering upon their duties, take and subscribe the following oath before any Magistrate :—

“ I,

The oath.

"I, A. B. do swear that I will faithfully perform the office, and
 "duty of Shipping Master (or Deputy Shipping Master, or as the
 "case may be,) according to the true intent and meaning of the
 "Act respecting the Shipping of Seamen in Nova Scotia," passed
 "by the Parliament of Canada, in the thirty-fifth year of Her
 "Majesty's reign, that I will not, either directly or indirectly,
 "personally or by means of any other person or persons on my
 "behalf, receive any fee, reward or gratuity whatsoever by reason
 "of any function of my office as Shipping Master (or Deputy
 "Shipping Master, or as the case may be), [except such as are
 "allowed to me under the said Act], and that I will act without
 "partiality, favor or affection and to the best of my knowledge.
 "So help me God."

Duties of Shipping Masters.

8. It shall be the duty and general business of Shipping Masters,—

Registry of Seamen.

To afford facilities for engaging seamen, by keeping registers of the names of such seamen who may apply to them for engagement, and registers of all seamen shipped or discharged by them, which registers shall be open for public inspection ;

Engagement and discharge.

To superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned ;

Securing shipment.

To provide means for securing the presence on board at the proper times of men who are so engaged, when requested so to do; the expense of such service to be defrayed by the master, owner or agent of the ship requiring the presence of men on board ;

Apprentices.

To facilitate the making of apprenticeships to the sea service ;

Other duties may be assigned them.

To perform such other duties relating to Merchant Seamen and Merchant Ships as are hereby, or may hereafter under the powers herein contained be committed to them ;

Agreements under Statutes of Nova Scotia

And every agreement in writing required to be entered into by part the first, "*Of Shipping and Seamen*," of chapter seventy-five of the Revised Statutes of Nova Scotia, third series, shall be signed before a Shipping Master or Deputy Shipping Master ;

Control of Minister of Marine and Fisheries.

And all such business transacted at any Shipping Office in Nova Scotia, shall be under the immediate control and supervision of the Minister of Marine and Fisheries.

No other person to engage seamen for any ship.

9. No person other than the Shipping Master or Deputy Shipping Master shall hire, engage, supply or provide a seaman to be entered on board any ship, except as hereinafter provided ; and if any person, other than a Shipping Master or Deputy Shipping Master, exacts or receives from the master of any ship, any sum of money as a reward for procuring a seaman to serve on board such ship, such person shall, on conviction thereof, forfeit and pay a sum not exceeding eighty dollars, nor less than twenty dollars.

Penalty.

10. No owner, part owner, master or person in charge of any ship, or ship's husband, or consignee, shall knowingly receive or accept to be entered on board such ship, or permit to remain on board the same any seaman who has been hired, engaged, supplied or provided to be entered on board thereof contrary to the provisions of this Act, or who has been engaged or hired to be entered on board any other ship.

Seaman engaged by other person not to be received.

11. No person shall employ any person other than a Shipping Master or Deputy Shipping Master for the purpose of hiring, engaging, supplying or providing seamen to be entered on board a ship; and any person knowingly employing any other person for any of the purposes aforesaid, shall, upon conviction thereof, forfeit and pay a sum not exceeding forty dollars for each offence.

Other persons not to be employed for such purposes.

Penalty.

12. Any person guilty of any of the offences above described shall forfeit and pay for each and every seaman hired, engaged, supplied or provided to be entered on board, or for every seaman knowingly received or accepted to be entered on board, contrary to the provisions of this Act, a sum of money not exceeding forty dollars upon conviction thereof, for each offence, although several seamen be included in the same contract, or several seamen be received or permitted to remain at the same time.

Penalty to be incurred for each seaman shipped.

13. The sum of fifty cents shall be payable upon each engagement of a seaman effected before a Shipping Master or Deputy Shipping Master in Nova Scotia, as hereinafter mentioned; and the sum of thirty cents shall be payable upon each discharge of a seaman shipped in Nova Scotia, effected before a Shipping Master or Deputy Shipping Master in Nova Scotia, as hereinafter mentioned; and any Shipping Master, or the deputy, clerk or servant of any Shipping Master, may refuse to proceed with any engagement or discharge unless the fee payable thereon is first paid.

Fees payable on the engagement or discharge of each seaman.

14. Every owner or master of a ship engaging or discharging any seaman or seamen in a Shipping Office or before a Shipping Master or Deputy Shipping Master in Nova Scotia shall pay to the Shipping Master or Deputy Shipping Master the whole of the fees hereby made payable, in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct and retain in respect of each such engagement or discharge, from the wages of all persons so engaged or discharged, a sum not exceeding one-half the amount so paid to the Shipping Master or Deputy Shipping Master.

Owner or Master to pay all fees, but may retain one half from the seaman.

15. Any Shipping Master or Deputy Shipping Master, or any clerk or servant in any Shipping Office in Nova Scotia, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any ship, except the lawful fees payable under this Act shall, for every such

Penalty on Shipping Master, &c., receiving any further remuneration for services.

such

such offence, incur a penalty not exceeding forty dollars, and shall also be liable to be dismissed from his office by the Governor in Council.

Return of fees to be made to the Minister.

16. Every Shipping Master appointed under this Act shall make and sign, and transmit to the Minister of Marine and Fisheries, on or as soon as possible after the last day of June, and the last day of December in each year, a return of all the fees received by him and his deputy under this Act during the half year ending on such day.

Governor in Council may dispense with requirements in certain cases.

17. The Governor in Council may, from time to time, dispense with the transaction before a Shipping Master or Deputy Shipping Master, or in a Shipping Office, of any matters required by this Act to be so transacted; and thereupon such matters shall, if otherwise duly transacted as required by law, be as valid as if transacted before a Shipping Master or Deputy Shipping Master or in a Shipping Office.

How far only this Act shall apply to foreign vessels.

18. In so far as may be consistent with the provisions of any Act of the Imperial Parliament in force in Nova Scotia, and with the terms of existing treaties between Her Majesty and foreign powers respectively, and the rights, privileges and immunities secured to the Consuls, Vice consuls, commercial and other duly accredited agents, subjects and citizens of such foreign powers respectively, the provisions of this Act shall extend and apply to ships in the Merchant Service of foreign countries, and to all persons in relation to such ships, in the same manner as the same extend and apply to ships in the British Merchant Service, and to similar persons in relation to such last mentioned ships; and no Justice of the Peace shall entertain or act upon any complaint or information under this Act, by or against any person belonging to or connected with any such foreign Merchant Ship, and not being a subject of Her Majesty, or exercise jurisdiction under this Act over or at the instance of any such person, without the consent of both parties to such complaint or information, or the consent in writing of the Consul, Vice consul, or commercial or other duly accredited agent of the country to which such ship belongs, first had and obtained, unless the parties to such complaint or information be subjects or citizens of a country or countries, by the terms of treaties in force between Her Majesty's Government, and the government or governments of which country or countries it is stipulated that the assistance of British Courts and magistrates shall be granted to the subjects or citizens of such country or countries, or one of such parties be a subject or citizen of any such country, and the other a subject of Her Majesty.

Justices of the Peace may act in such cases only by consent of parties or foreign consul, &c.

Shipping Masters, &c., to assist in carrying out the Imperial Act, 22 & 23 Vict., c. 40.

19. Every Shipping Master and Deputy Shipping Master appointed under this Act, shall give all the assistance in his power towards carrying into effect the objects of the Act of the Parliament of the United Kingdom passed in the session thereof, held in the twenty-second and twenty-third years of Her Majesty's reign,

reign, chapter forty, "for the establishment of a Reserve Volunteer Force of Seamen, and for the government of the same," in such manner as the Board of Trade, at the instance of the Lords Commissioners of the Admiralty, may direct; and every such Shipping Master and Deputy Shipping Master shall for this purpose have the power to call for such answers or information concerning reserve men from the masters of and other persons belonging to British Merchant Ships as may be necessary or desirable in order to enable him to render such assistance as aforesaid, or to make any returns which the Board of Trade or the Lords Commissioners of the Admiralty may require; and every Master or other person belonging to a British Merchant Ship, who, when duly called upon by any such Shipping Master or Deputy Shipping Master, omits or refuses to give any such answer or information as aforesaid, which it is in his power to give, shall be liable to a penalty not exceeding twenty dollars.

Powers for such purpose.

Penalty on persons refusing to obey.

20. The powers and authority conferred, and the duties imposed upon the Registrar of Shipping at Halifax, by section thirty-nine of chapter seventy-five of the Revised Statutes of Nova Scotia, (third series) shall extend and belong to Shipping Masters and Deputy Shipping Masters appointed under this Act, and shall be exercised and performed by them according to the circumstances of each case, subject to the approval of the Governor in Council.

Powers and duties under a certain Act of Revised Statutes, extended to Shipping Masters, &c.

21. So much of the provisions of part the first, "*Of Shipping and Seamen*," of chapter seventy-five of the Revised Statutes of Nova Scotia, (third series) as is inconsistent with the provisions of this Act, is hereby repealed; but this repeal shall not affect the past operation of any of such provisions, or the validity of any thing already done, or any right, title, obligation or liability already accrued thereunder.

Repeal of inconsistent enactments.

22. This Act shall apply to the Province of Nova Scotia only, and shall be in force at and with respect to such ports only in the said Province as shall be appointed for that purpose from time to time, by Proclamation, under an Order or Orders of the Governor in Council, and the provisions mentioned in the next preceding section shall continue to apply wherever this Act shall not be in force.

Act to apply only to N. S., and to such ports as Governor in Council may appoint.

CAP. XL.

An Act for imposing Tonnage Dues and Wharfage Rates, to meet the cost of improving the navigation of the St. Lawrence between Montreal and Quebec.

[Assented to 14th June, 1872.]

Preamble.

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

Such tonnage dues and wharfage rates may be imposed, and to what amount.

1. In order to make good to the Consolidated Revenue Fund the sum voted by Parliament in the present session, to be expended under the superintendence of the Department of Public Works, for improving the navigation of the River St. Lawrence between Quebec and Montreal, a sum as nearly equal as may be found practicable, to the interest at five per cent per annum on the sum so voted, and one per cent in addition to form a sinking fund for paying off the said sum, shall be raised one half by tonnage dues on sea going vessels entering or leaving the harbour of Montreal from or to ports beyond the limits of the Dominion of Canada, and drawing sixteen feet of water or upwards, and for each time they so enter or leave,—and one half by the addition of an equal per centage on all the wharfage rates now payable on goods landed, shipped or deposited in the said harbour ; and such tonnage dues and per centage shall be fixed, from time to time by the Governor in Council, and levied and collected by the harbour Commissioners, with the assistance of the Collector of Customs, in like manner with the wharfage rates now payable, and shall be paid over from time to time by the Commissioners to the Receiver General, for the purpose aforesaid.

How imposed and collected.

When to commence.

2. The tonnage dues and additional wharfage rates mentioned in the next preceding section, shall be levied from and after the first day of January next, and not before.

CAP. XLI.

An Act to extend the Acts 32, 33 Vict., Cap. 40, and 33 Vict., Cap. 20, to the Port of Collingwood.

[Assented to 14th June, 1872.]

Preamble.

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

32, 33 V., c. 40, and 33 V., c. 29, extended to Collingwood.

1. The Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act to provide means for improving the Harbours and Channels at certain Ports*"

Ports in the Province of the Dominion," as amended by the Act passed in the thirty-third year of Her Majesty's reign, intituled: "*An Act to amend and extend the Act to provide means for improving the Harbours and Channels at certain Ports in the Provinces of the Dominion,*" shall be and is hereby extended and shall apply to the port of Collingwood, in the Province of Ontario, as fully in all respects as to the ports and harbours mentioned in the said Acts.

CAP. XLII.

An Act to provide for the appointment of a Harbour Master for the Port of Halifax.

[Assented to 14th June, 1872.]

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

1. In the construction, and for the purposes of this Act (if not inconsistent with the context or subject matter,) the following terms shall have the respective meanings hereinafter assigned to them, that is to say,—

"Ship" shall include every description of vessel used in navigation, not propelled by oars. Interpretation.

"Master" shall include every person (except a pilot) having command or charge of a ship. "Master."

2. The Governor in Council may from time to time appoint a fit and proper person to be Harbour Master for the Port of Halifax in the Province of Nova Scotia. Appointment of Harbour Master.

3. Every Harbour Master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom he shall furnish a report in writing and on oath, as soon as possible after the thirty-first day of December in each year, of his doings in office, and of the fees of office received by him during such year. To report to Minister of Marine and Fisheries.

4. The rights, powers and duties of the Harbour Master for the Port of Halifax, shall be such as may from time to time be conferred and imposed upon him by rules and regulations made by the Governor in Council for the government of his office and of the Port of Halifax, and for his remuneration, which rules and regulations the Governor in Council is hereby authorized and empowered to make, and from time to time to alter, amend or repeal. His powers, to be such as may be given under regulations.

Copy of regulations to each Pilot

5. The Harbour Master for the Port of Halifax shall furnish copies of the rules and regulations made under the next preceding section of this Act, in force from time to time, to every licensed Pilot of the Port of Halifax, who shall give one of such copies to the Master of every ship which he shall take in charge.

Prosecutions for contravention.

6. It shall be the duty of the Harbour Master of the Port of Halifax, to prosecute every person violating any rules or regulations made by the Governor in Council under this Act.

Harbour Master's salary to be paid out of fees.

7. The Harbour Master for the Port of Halifax shall be remunerated for his services solely by the fees, or the portion hereinafter mentioned of the fees, which he may from time to time be authorized, by the rules and regulations to be made as hereinbefore provided for, to collect in respect of ships not exempt from the payment thereof as hereinafter mentioned, entering the Port of Halifax, but which shall not at any time exceed the following rates, that is to say:—

The fees.

For every ship of 200 tons or under, registered tonnage, one dollar.

For every ship of more than 200 tons, but not more than 300 tons, registered tonnage, two dollars.

For every ship of more than 300 tons, but not more than 400 tons, registered tonnage, three dollars.

For every ship of more than 400 tons, registered tonnage, four dollars.

Exemption.

Ships engaged in trading between ports and places in the Dominion, or in the fishing trade, to be exempt from the payment of any fee.

Balance over salary to be paid into Consolidated Revenue Fund.

8. The Harbour Master of the Port of Halifax shall pay over as soon as possible after the thirty-first day of December in each year to the Receiver General, to form part of the Consolidated Revenue Fund, towards making good any sums which may be appropriated by Parliament for the payment of expenses in connection with the office of Harbour Master and for the improvement of the Harbour of Halifax, all moneys received by him for fees under this Act during such year, after deducting therefrom the sum of one thousand six hundred dollars for his own remuneration; and if the moneys received by him for fees in any year amount to a less sum than one thousand six hundred dollars, then such less sum shall be his remuneration for that year.

Fees payable only once in 12 months.

9. Such fees as aforesaid shall be payable only once in twelve calendar months, to be reckoned from the day upon which such payment shall be made, on any ship not exceeding one hundred tons, registered tonnage, and not more than twice in any twelve calendar months (to be similarly computed) on any ship exceeding one hundred tons, registered tonnage, that is to say, on any ship of one

one hundred tons or under, registered tonnage, the fee shall be payable on her first time of entering the Port of Halifax during any twelve calendar months, but not on any subsequent time of her entering the said port within the twelve calendar months immediately following; and on any ship of more than one hundred tons, registered tonnage, the fee shall be payable on her first time of entering the Port of Halifax, during any twelve calendar months and on her second time of entering the Port of Halifax, within twelve calendar months from the date of her first entering the same, but not on any subsequent time of her entering the said port during the same twelve calendar months.

10. The Harbour Master of the Port of Halifax shall keep a book in which he shall enter from day to day the name of every ship, not exempt from the payment of fees under this Act, entering the Port of Halifax, the name of her master, her registered tonnage, the date of her entering the port, and the sum, if any, received by him for his fee on her entering, under this Act; and such book shall be at all times during office hours open and free for inspection by any person, on demand, without fee or reward.

Account to
be kept by
Harbour
Master.

CAP. XLIII.

An Act respecting the appointment and powers of Commissioners of Pilots for the Coasts and Harbours of the County of Charlotte.

[Assented to 14th June, 1872.]

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 passed by the Legislature of the Province of New Brunswick in the twenty-sixth year of Her Majesty's reign, chapter thirty-six, intituled "*An Act relating to rules and regulations for the government of Pilots in the County of Charlotte*," is hereby repealed.

Act of N. B.
26 V., c. 36.
repealed.

2. The Governor in Council may from time to time appoint three Commissioners in and for the County of Charlotte, who shall have power, and whose duty it shall be, from time to time, to make rules and regulations for the government of pilots for the coasts and harbours of the said county, and to fix the rates of pilotage for the same, and to ordain such penalties and forfeitures for breach of such rules, or any of them, as such Commissioners may deem necessary, not to exceed in any case forty dollars for each offence; but no such rule or regulation shall have any force or effect until it has been approved by the Governor in Council, and published in the *Canada Gazette*.

Governor in
Council may
appoint Com-
missioners for
the purposes
of this Act.

Proviso.

Saving of existing regulations until altered, and penalties.

3. All rules and regulations made by the General Sessions of the Peace of the said County of Charlotte, before the passing of the Act hereby repealed, or by any Commissioners under the Act hereby repealed, in any way relating to pilots within the said County, which are now in force, shall remain in force until others shall be made in their stead by Commissioners appointed under the authority of this Act: and all fines and penalties incurred for any breach of any of such rules and regulations shall be levied, collected and enforced in like manner as if this Act had not been passed.

CAP. XLIV.

An Act to incorporate "The Saint John Board of Trade."

[Assented to 14th June, 1872.]

Preamble.

WHEREAS Charles H. Fairweather, George Thomas, Henry A. Austin, John W. Cudlip, Isaac Burpee, Richard S. DeVeber, J. Walter Scammell, W. W. Turnbull, John Magee, the Honorable Thomas R. Jones, Thomas W. Daniel, John C. Brown and others hereinafter mentioned, residents or carrying on business in the city of Saint John and Province of New Brunswick, or in the vicinity thereof, have by their petition represented that they have associated themselves together for some time past, for the purpose of promoting such measures as they have deemed important towards developing the general trade of Canada and the city of Saint John in particular, and have further represented that their said association would be more efficient in its operations, should an act of incorporation conferring certain powers on them and their successors be granted; And whereas, it is expedient that the prayer of the said petition be granted; Therefore Her Majesty by and with the advice and consent of the House of Commons of Canada, enacts as follows:

Incorporation.

1. The said Charles H. Fairweather, George Thomas, Henry A. Austin, John H. Cudlip, Isaac Burpee, Richard S. DeVeber, J. Walter Scammell, W. W. Turnbull, John Magee, the Honorable Thomas R. Jones, Thomas W. Daniel, John C. Brown, and such other persons resident or carrying on business in the city of Saint John, Province of New Brunswick, or in the vicinity thereof, as are or shall be associated with the persons above named for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate by the name of the "Saint John Board of Trade," and by that name shall have all the general powers made incident to corporations by "The Interpretation Act." Provided always, that the clear annual value of the real and personal estate, together held by the said corporation at any one time, shall not exceed

Corporate name and general powers. Proviso: as to real and personal estate.

Ten

Ten Thousand Dollars currency; and provided also that the said corporation shall not have or exercise any corporate powers whatsoever, excepting such as are expressly conferred on the said corporation by this Act, or are necessary for carrying the same into effect, according to its true intent and meaning.

Proviso: as to corporate powers.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to extend and promote the just and lawful trade and commerce of Canada generally, and of the city of Saint John more especially, or as may be necessary for attaining the objects for which the said corporation is constituted according to the true intent and meaning of this Act.

Application of funds of the corporation.

3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof; and service at such place, of any notice or process of any kind addressed to the said corporation, shall be held to be sufficient service of such notice or process on the corporation.

Domicile:

Service of process.

4. For the management of the affairs and the business of the said corporation there shall be a council to be called "The Council of the Saint John Board of Trade," which shall, until the first election hereinafter mentioned, consist of a President, Vice-president and ten other members of the Council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

Council of the corporation.

5. The said Charles H. Fairweather shall be the President; the said George Thomas, Vice-President; and the said Henry A. Austin, John W. Cudlip, Isaac Burpee, Richard S. DeVeber, J. Walter Scammell, W. W. Turnbull, John Magee, the Honorable Thomas R. Jones, Thomas W. Daniel and John C. Brown, the other members of the Council, until the first election to be had under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council of the said corporation by this Act.

Provisional President, Vice-President, and members of the Council.

6. The members of the association shall meet annually at some place within the city of Saint John, of which due notice shall be given by the Council for the time being, on the first Monday in December in each year; and they or a majority of them shall then and there elect by ballot from among the members of the association one President, one Vice-president, and ten other members of the Council and the Council so constituted shall, at their next meeting thereafter, choose from among the members of the association six other persons to be members of the said Council, making such choice in such manner that, as far as may be, the principal branches of trade and commerce carried on within the city and county of Saint John shall be represented therein; and the President, Vice-president and members so elect and chosen, shall form the Council of the said association, and shall hold their office until

Annual Meetings.

Election of Officers.

Election and selection of Members of the Council.

Term of office, others

others shall be elected at the next annual meeting, or until they shall be removed from office, or shall vacate the same, under the provisions of any by-law of the association : Provided always, that if the said election shall not take place in the month of December in any year, such election may be had at any general meeting of the association, to be called in manner hereinafter provided, and the members of the Council then in office shall so remain until such election shall be had.

Proviso, in case of failure of election.

Mode of filling vacancies.

7. If any member of the Council shall die, resign his office or be absent for six months continuously from the said Province it shall be lawful for the said corporation, if they shall see fit, at any general meeting, to elect a member of the corporation to be a member of the Council in the place of the member so dying or resigning or being absent ; and the member so elect shall hold office until the next election, and no longer unless re-elected.

Quorum at general meetings.

8. At any annual or general meeting of the corporation any ten or more members shall form a quorum, and shall be competent to do and perform all acts which, either by this Act or by any by-law of the corporation, are or shall be directed to be done at any such general meeting.

Members resigning.

9. Any member of the said corporation intending to retire therefrom or resign his membership may at any time do so upon giving to the secretary ten days' notice of such intention in writing, and discharging any lawful liability which may be standing upon the books of the said corporation against him at the time of such notice.

Notice.

Power of enacting by-laws for certain purposes.

10. It shall be lawful for the said corporation, or the majority of those present, and being a quorum at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion or the retirement of members, and for the management of its council, officers and affairs, and the guidance of the Board of Arbitration hereinafter mentioned, and all other by-laws in accordance with the requirements of this Act or the laws of Canada as such majority shall deem advisable ; and such by-laws shall be binding on members of the said corporation, its officers and servants, and all other persons whomsoever, lawfully under its control.

On whom to be binding.

Who may be members of the corporation.

11. Each and every person resident in the city and county of Saint John, being or having been a merchant, trader, mechanic, resident director or manager of a bank, or insurance agent in the said city and county shall be eligible to become a member of the said corporation : Provided always, that any other person whomsoever shall be eligible to be proposed and balloted for as a member, and to become a member of the said corporation as aforesaid in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Proviso : as to others.

12. It shall always be lawful for the President or the Council of the corporation by at least three days' notice being given in one or more newspapers published in the city of Saint John, to call a general meeting of the corporation for any of the purposes of this Act. It shall be the duty of the President upon a requisition to that effect in writing, signed by at least five members of the Council to call a general meeting of the corporation for the purposes stated in such requisition.

Extraordinary
general meet-
ings, how
called.

13. The said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law, which shall be done in the manner provided by this Act and no other; and any five or more members of the Council lawfully met, (and of whom the President or Vice-president shall be one,) shall be a quorum; and any majority of such quorum may do all things within the power of the Council: and at all meetings of the said Council, and at all general meetings of the corporation, the President, or in his absence the Vice-president, or if both be absent any member of the Council then present who may be chosen for the occasion, shall preside, and in all cases of equality of votes upon any division, shall have a double or casting vote.

Additional
powers of the
Council under
by-laws.

Meetings of
Council.
Quorum; who
to preside.

Casting Vote

14. It shall be competent to the said Council to appoint, and from time to time to remove and re-appoint a Secretary and Treasurer of the Board, and to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act or by the by-laws of the corporation, be assigned to them: and such meetings of the Council shall be convened by the Secretary at the instance of the President, or at the request of any two members of the Council, or by the said President or members in case there shall be no Secretary, or in case the Secretary for the time being shall neglect or refuse to summon any such meeting.

Secretary and
Treasurer.

Meetings of
Council.

Special meet-
ings.

15. It shall be the duty of the Council hereby appointed, so soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as they shall consider best adapted to promote the welfare of the corporation and the purposes of this Act, and submit the same for adoption to a general meeting of the corporation called for the purpose, in the manner hereinbefore provided.

Council to
frame by-
laws, and sub-
mit them to
corporation.

16. All subscriptions of members due to the corporation, under any by-law, by any person bound thereby, and all other sums of money due to the corporation, shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the corporation in any court of competent civil jurisdiction.

Subscriptions,
&c., how paid
or recovered.

17. The meetings of the members of the Council shall be open to all other members of the corporation, who may attend at the same but who shall take no part in any proceedings thereat, and minutes of the proceedings of all such meetings, and of all general meetings of the corporation, shall be entered in a register to be kept for that purpose by a person or persons appointed to keep the same, and the entry shall be signed by the Secretary, and such register shall be open at all reasonable hours to any member of the corporation free of any charge, and also to all other persons on payment of a fee of twenty cents to the officer having charge of the register.

18. At the same time and times as are hereby appointed for the election of the Council and in the same manner, it shall be lawful for the members of the said corporation to elect from among their number six persons, who shall be called "the Board of Arbitration," and any three of whom shall have the power to arbitrate upon, and to give their award in, any commercial case of difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree and bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the said Board who may, either by the special order of the Board or by virtue of any general rule adopted by them or under any by-laws of the corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said Board: and any such submission shall be in the form of the schedule of this Act or in other words to the same effect.

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-president of the corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration, and will, in all cases submitted to them, give a true and just award according to the best of their judgment and ability, without fear, favor or affection, of or for any person or party whomsoever, and this oath shall be kept among the documents of the corporation.

20. Any member of the Council of the corporation may be at the same time a member of the said Board of Arbitration.

21. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine into the facts of such case, and to examine on oath (which oath any one of such three members is hereby empowered to administer) any party or witness who appears voluntarily before them and shall be willing to be so examined, and shall give their award thereupon in writing; and their decision or that

that of any two of them given by such award, shall bind the parties according to the terms of the submission, and to the provisions of this Act.

22. Any person who may, by law, in other cases make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath may in such case as aforesaid administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is by this Act required or authorized, shall be guilty of wilful and corrupt perjury.

Affirmation
allowed in-
stead of oath.

Perjury.

23. Nothing in this Act shall affect the rights of Her Majesty, her heirs or successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected

Saving of
rights of the
Crown.

SCHEDULE.

FORM OF SUBMISSION TO THE AWARD OF THE BOARD OF ARBITRATION.

Know all men, that the undersigned _____ and the under-
signed, _____ (if there be more parties, that is more separate
interests, mention them), having a difference as to the respective
rights of the said parties in the case hereunto subjoined, have
agreed and bound themselves under a penalty of _____

to perform the award to be made by the Board of Arbitra-
tion in the case aforesaid, under the penalty aforesaid, to be paid
by the party refusing to perform such award to the party ready
and willing to perform the same.

In witness whereof, the parties have hereunto interchangeably
set their hands at _____ on the _____ day of _____.

FORM OF THE OATH TO BE TAKEN BY THE MEMBERS OF THE BOARD OF ARBITRATION.

I swear that I will faithfully, impartially and diligently perform
my duty as a member of the Board of Arbitration of the Board of
Trade of Saint John, and that I will, in all cases in which I shall
act as arbitrator, give a true and just award according to the best
of my judgment and ability, without fear, favor or affection, of or for
any party or person whomsoever. So help me God.

CAP. XLV.

An Act to incorporate the Toronto Corn Exchange Association.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the persons hereinafter mentioned have petitioned for the incorporation of themselves and others as the "Toronto Corn Exchange Association," and to be invested with certain powers hereinafter mentioned, and it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated

1. Wm. H. Howland, W. D. Matthews, J. E. Kirkpatrick, B. R. Clarkson, Robert Spratt, J. T. Culverwell, Thomas Flynn, Douglas Laidlaw, Wm. Galbraith, Thorne Brothers, H. N. Baird, Gooderham and Worts, Thomas Duncan, James Brunskill, J. Harris, R. Bradford, Geo. A. Chapman, Thomas Ashover, S. W. Farrell, Thomas Drysdale, Thos. C. Chisholm, James Young, William Gooderham Junr., Winans, Butler & Co., H. S. Howland, John Stewart, W. H. Knowlton, P. Howland, A. W. Godson, J. H. McNairn, K. Chisholm & Co., Joseph Gibson, A. M. Cannon, Mellville, Fair & Co., S. A. Oliver, H. J. Boulton, D. Clark, James Braden, James Coleman, W. Ryan, S. P. Irwin, W. & J. Spink, W. R. Wadsworth, Simon Plewes, J. S. Rutherford, Gibson Cook, Isaac Warcup, Wm. Lukes, Laidlaw & Nicol, and A. V. De Laporte & Co., and others already associated with them, and all those who may hereafter become associated with them, shall be, and they are hereby constituted a body politic and corporate, by the name of the "Toronto Corn Exchange Association," and may, by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity; and, by that name, they and their successors shall have perpetual succession; and may have a common seal, and may change and alter the same at pleasure; may acquire for themselves and their successors, under any title whatsoever, property real and personal; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof, from time to time as occasion may require, for such price or prices, and on such terms or conditions as they may see fit; and may, should they see fit, acquire other real and personal estate for the purposes of this Act; may borrow money on the hypothecary security of the immovable property of the corporation, for such time and on such terms and at such rates of interest as they may see fit: Provided, always, the clear value of the real and personal estate together held by the said corporation at any one time, shall not exceed One Hundred Thousand Dollars; and provided also, that the said corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred by this Act, or which are necessary for carrying the same into effect.

Corporate name and general powers.

Proviso: value of real and personal estate limited.

2. The objects of the Association are hereby declared to be;— Objects of the Association.
 (1 To compile, record and publish statistics, and acquire and distribute information respecting the produce and provision trade of the various Provinces of the Dominion of Canada, to make connections in each of the said Provinces with a view to accomplish the said object in the most efficient manner, by the formation of Branch Associations or otherwise, and to promote the establishment and maintenance of uniformity in the business customs and regulations among the persons engaged in the said trades throughout the Dominion. (2). To provide and regulate a suitable building or room for a Corn Exchange and offices in the city of Toronto, and to encourage the centralization of the produce and the provision trades of the city thereat; to promote the establishment and maintenance of uniformity in business of its members and those dealing with them; to compile, record and publish statistics respecting the same; to promote the observance of such regulations and requirements as may be by by-law established, not being contrary to law; and to adjust, settle and determine controversies and misunderstandings between persons engaged in the said trades, or which may be submitted to arbitration as hereinafter provided,—to which ends the corporation is hereby empowered by vote of the majority at any annual, quarterly or special meeting of the Association, to make all proper and needful Powers of the corporation for the said objects. by-laws for its government; for the maintenance and due regulation of the Corn Exchange offices and property thereof; for the raising of capital, not exceeding in amount the aforesaid sum of one hundred thousand dollars, by the issue of transferable shares or otherwise; for the appointing of the conditions under which shares may be transferred or forfeited; for the employment of a Secretary and such clerks and other officers and servants as may be necessary, for regulating the mode of voting at any ordinary or general meeting; and to determine whether the presiding officer shall or shall not vote, or shall or shall not have a double or casting vote in case of a tie; and for all and any other purposes, within the powers conferred by this Act, and for the administration of their affairs generally.—By-laws. provided always, such by-laws are not contrary Proviso. to law;—and further, to amend and repeal such by-laws from time to time in manner provided by such by-laws; and generally shall have all needful corporate powers for the purposes of this Act.

3. The affairs, business and concerns of the corporation hereby created, shall be managed by a President, Vice-President, Secretary, Treasurer and seven or such other number of managers as may be provided by the by-laws, all of whom shall be members of the Association, and shall together constitute and be called the Committee of Management, and be elected annually at such time and place as may be provided by the by-laws: all vacancies which may occur in the said Committee by death or otherwise, shall be filled by the said Committee, and a majority of the number of the said Committee shall constitute a quorum for the transaction of Committee of Management. business.

Provisional
Board of
Management.

4. The said W. H. Howland, W. D. Matthews, J. E. Kirkpatrick, B. R. Clarkson, Wm. Gooderham junior, H. N. Baird, W. R. Wadsworth, S. W. Farrell, Thomas Flynn, and Henry J. Boulton, shall be the Committee of Management, until others under the provisions of this Act shall be elected in their place; and the Committee hereby appointed shall, until the said election, have all the powers assigned to the Committee of Management of the said corporation by this Act, and shall have power to open stock books, receive subscriptions of stock or shares, and to do all matters and things necessary for the full organization and working of the Association.

Liability of
Members or
shareholders
limited.

5. No member, office-holder or shareholder, shall in any manner be liable to, or charged with the payment of any debt or demand due by the Association, beyond the amount of his unpaid subscribed share or shares in the capital stock of the corporation.

Annual
meeting.

6. An annual meeting shall be held for the election of the Committee of Management (and for such other business as may be brought before such meeting) at such time and place, and under such regulations and notices as the by-laws of the corporation shall determine, and may be adjourned as decided at such meeting; but in case of any accident, failure or neglect to hold such general election, the corporation shall not thereby lapse or terminate, but shall continue and exist, and the old officers shall hold office until the next general election, or until such other period as may be provided for in the by-laws.

Proviso: in
case of failure
of election.

Who may be
admitted as
members.

7. The corporation may admit as members such persons, residents of Canada, as they see fit, and may expel any member for such reasons and in such manner as may be by by-law appointed.

Corporation
may appoint
arbitrators.

8. The corporation shall have power to provide by by-Law for the election or appointment by nomination of Arbitrators, members of the Association, to hear and decide controversies, disputes or misunderstandings relating to any commercial matter which may arise between members of the Association, or any persons whatsoever claiming by, through or under them, which may be voluntarily submitted for arbitration by the parties in dispute; but nothing shall prevent the parties in any case from naming members of the Association, other than members of the Committee of Management, as the Arbitrators to whom the matter shall be submitted.

Disputant may
nominate arbi-
trators.

Majority of
arbitrators to
decide.

9. Members and persons assenting to an arbitration by an instrument in writing, signed by them according to the form in the Schedule A to this Act, shall be understood to have submitted to the decision of the majority of the Arbitrators, who, under any by-law, or by nomination by the parties, or the submission, may be appointed to hear the case, and to decide upon the same.

10. The elected Arbitrators shall, after their election and before they act as Arbitrators, take and subscribe an oath before any Justice of the Peace, or any Commissioner appointed to receive affidavits in the Superior Courts (who are hereby empowered to administer such oaths) that they will faithfully, diligently and impartially perform their duties as Arbitrators, and will, in all cases to be submitted, give a true and just award according to the best of their judgment and ability, without fear, favor or affection, of or for any party or person whomsoever; and Arbitrators nominated by the parties shall, in each case before they act, take and subscribe a similar oath, in manner aforesaid; and such oath may be according to the form in Schedule B of this Act.

Arbitrators to be sworn.

Form of oath.

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

Powers of arbitrators, hearing a case.

Award.

12. The corporation shall at all times, when thereunto required by the Governor or by either of the Houses of Parliament, make a full return of its property, real and personal, and of its receipts and expenditure for such periods, and with such details and other information as the Governor or either of the Houses of Parliament may require.

Corporation to furnish returns.

13. Whenever the merchants engaged in the produce or provision trades in any city, town or village in Canada, desire to form a Branch Association in their respective cities, towns or villages, in connection with the head Association hereby incorporated, they may notify the Secretary of the head Association thereof, and of the names of their members and proposed officers; and so soon as they shall have obtained a certificate as hereinafter mentioned, they shall become entitled to the powers and privileges and subject to the regulations hereinafter contained in respect of Branch Associations.

Branch Associations.

14. The certificate of the Secretary of the head Association that a branch has become affiliated therewith may be in the form of Schedule D. to this Act, and may only be issued by order of the Committee of Management: Provided always, that no certificate shall be issued to any Branch Association unless and until the terms of payment for mutually furnishing trade statistics and information between the head Association and such Branch Association, shall be agreed upon for at least one year ensuing affiliation, and until the mode of settling and fixing the said terms of payment for the future shall be also agreed upon; and such terms

Form of certificate for Branch Association.

Proviso.

of

of payment shall be settled with reference in all cases to the actual cost of collecting and transmitting such information, and not with a view to such payments being a source of profit to the Association receiving them.

Certificate
may be
revoked.

15. Any certificate of affiliation may be at any time revoked and cancelled by the head Association by resolution passed at a general annual meeting, and thereupon the Branch Association whose certificate is so cancelled, shall cease to have any of the privileges by this Act conferred upon Branch Associations: Provided always, that the Committee of Management shall have given notice in writing of the intention to bring forward such resolution to the Secretary of the Branch Association at least three months before such annual meeting.

Proviso.

Representa-
tion of
Branch
associations.

16. Each Branch Association shall elect annually from among those of its members, who are ordinary members in good standing of the head Association, a President; and each person so holding the office of President of a Branch Association shall be *ex officio* an honorary Vice-President of the head Association. The other officers and members of Branch Associations shall be elected and admitted as may be provided by their by-laws.

Powers of
Branch asso-
ciations.

17. Every Branch Association shall have the right to collect the subscriptions of members thereof, and to apply the same to the renting of necessary rooms for meeting, to the payment of a Secretary, to the collection and distribution of trade statistics and information, and to any other legal purpose for the promotion of the interests of the produce and provision trades in the places where such Branch Associations may be established.

Disputes,
how settled.

18. All disputes or misunderstandings relating to any commercial matters which may arise between members of any of the Branch Associations, or between members of any Branch Association and members of the head Association, may be referred for settlement by a voluntary submission to Arbitrators appointed under this Act; and the provisions of this Act shall be binding upon the parties to such submission.

Mutual
information to
be furnished.

19. It shall be the duty of the head Association to furnish to each of the Branch Associations, and it shall be the duty of each Branch Association to furnish to the head Association, respectively, regular market reports and other information relating to the produce and provision trades upon terms of payment to be settled as hereinbefore provided.

Statements
from Branch
associations.

20. The Secretary of each Branch Association shall transmit annually, immediately after the annual meeting of such Branch Association, to the Secretary of the head Association a statement over his signature shewing the office-holders and the members for the current year.

21. In all respects not provided for by this Act the said Branch Association shall have full power to make all proper and needful by-laws, not contrary to law, for their own government and the regulation of their affairs, and shall have power to amend and repeal all such by-laws from time to time.

By-laws, for government of Branch associations.

22. In all cities, towns and villages in Canada where there are no Branch Associations under this Act and where Boards of Trade exist, it shall be lawful for any such Board of Trade to pass a resolution, at a special general meeting called for the purpose, declaring the desire of such Board to become affiliated with the head Association hereby incorporated; and after such resolution shall have been communicated to the Secretary of the head Association then such Board of Trade shall become entitled to the powers and privileges and subject to the regulations hereinbefore contained in respect of Branch Associations.

Affiliation of Boards of Trade.

SCHEDULE A.

TERMS OF SUBMISSION.

Know all men that we
of _____ and
of _____
having a difference as to our rights in a case touching _____
_____ have agreed and bound ourselves
to abide by and perform the award to be made under the Act
incorporating "The Toronto Corn Exchange Association," and we
hereby agree to submit our said differences and all matters con-
nected therewith;
To the Arbitrators appointed under the authority of the
said Act; (or
To _____ named by
the said _____ and to _____
named by the said _____ with power to
the said arbitrators to name a third.)

And we agree that the said award of the said Arbitrators, or of a majority of them, shall be final and conclusive to all intents and purposes between us; and we agree to pay such costs, fees and expenses as may be directed by such award.

In witness whereof we have hereto set our hands and seals, at Toronto, this _____ day of _____ 18

Signed, sealed and delivered in presence of

SCHEDULE B.

FORM OF OATH.—ARBITRATORS.

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

SCHEDULE C.

FORM OF OATH,—WITNESSES.

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

SCHEDULE D.

FORM OF CERTIFICATE OF APPLICATION FOR BRANCH ASSOCIATION.

This is to certify that the Branch Corn Exchange Association, of the _____ of _____ in the Province of _____ has complied with the requirements for affiliation with the Toronto Corn Exchange Association, and is now entitled to all the privileges and subject to all the conditions of a Branch Association under the Act of Incorporation.

In witness whereof the said Toronto Corn Exchange Association, has hereunto caused to be affixed their Corporate Seal at Toronto, this _____ day of _____ A.D., 18 _____

(Signed)	A. B.	(L. S.)
	President.	
(Signed)	C. D.	
	Secretary.	

CAP. XLVI.

An Act to incorporate the St. Catherines (Ontario)
Board of Trade.

[Assented to 14th June, 1872.]

WHEREAS James Taylor, James Norris, James Douglas, Preamble.
Henry Carlisle, P. B. Owens, H. H. Collier, J. Mills the younger, Thomas D. Mahon, J. B. McIntyre, J. C. Graham, Robert Lawrie, G. P. M. Ball, George Riley, R. McKinley, A. Jeffrey, F. Stinson, Sylvester Neelon, Harper Wilson, Henry Wilson, John W. Coy, R. Woodruff, John R. Munro, Lauchlin Leitch, J. B. Gillespie, R. Fitzgerald, Lucius S. Oille, D. Curtiss Haynes, William H. Brownlee, James Fitzgerald, P. Larkin, L. W. Chambers, J. C. Dawson, James D. Tait, B. C. Fairfield, A. Mitchell, David Couper, T. B. Bate, P. E. W. Moyer, James McLean, Calvin Brown, George Groves, D. R. Wilkie, J. Riordon, Reuben Wynne, John E. Cuff, Thomas McCarthy, A. G. Allen, A. Hutchison, and T. R. Merritt, residents in the Town of St. Catherines, in the Province of Ontario, have by their petition represented that they have, as a Board of Trade, associated themselves together for the purpose of providing such measures as they may deem important towards developing the general trade and commerce of Canada, and of the town of St. Catherines, Ontario, in particular; and have further represented that the said Association would be more efficient in its operations should an Act of Incorporation be granted conferring similar powers on them and their successors as now exists in Boards of Trade heretofore incorporated under Acts of the Parliament of Canada; and whereas it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said James Taylor, James Norris, James Douglas, Henry Carlisle, P. B. Owens, H. H. Collier, J. Mills the younger, Thomas D. Mahon, J. B. McIntyre, J. C. Graham, Robert Lawrie, G. P. M. Ball, George Riley, R. McKinley, A. Jeffrey, F. Stinson, Sylvester Neelon, Harper Wilson, Henry Wilson, John W. Coy, R. Woodruff, John R. Munro, Lauchlin Leitch, J. B. Gillespie, R. Fitzgerald, Lucius S. Oille, D. Curtiss Haynes, William H. Brownlee, James Fitzgerald, P. Larkin, L. W. Chambers, J. C. Dawson, James D. Tait, B. C. Fairfield, A. Mitchell, David Couper, T. B. Bate, P. E. W. Moyer, James McLean, Calvin Brown, George Groves, D. R. Wilkie, J. Riordon, Reuben Wynne, John E. Cuff, Thomas McCarthy, A. G. Allen, A. Hutchison, and T. R. Merritt, and such other persons residents in the town of St. Catherines, in the Province of Ontario, as are or shall be associated with the persons hereinbefore named, for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate by the name of "The St. Catherines (Ontario) Board of Trade," for the purposes mentioned in the preamble, and may

Corporate
name and gen-
eral powers.

may, by that name, sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate real or personal to acquire instead thereof: Provided always, that the clear annual value of the real estate held by the said corporation at one time shall not exceed Five Thousand Dollars; and provided also, that the said corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act, or may be necessary for carrying the same into effect, according to its true intent and meaning.

Proviso as to Property.
proviso:
Corporate powers limited to purposes of Act.

Application of funds of Corporation.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of Canada generally, and of the town of St. Catherines in particular, or as may be necessary to attain the objects for which the said corporation is constituted according to the true intent and meaning of this Act.

Domicile: service of process.

3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind addressed to the said corporation shall be held to be sufficient service of such notice or process on the corporation.

Council of the corporation.

4. For the management of the affairs and business of the said corporation, there shall be a council, to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President, Treasurer, and nine other members of the said Council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council: And such Council shall have the power to appoint a Secretary.

Secretary.

Provisional officers and members of Council.

5. The said James Taylor shall be President; the said James Norris shall be Vice-President; the said James Douglas the Treasurer; and the said Henry Carlisle, A. Jeffrey, P. B. Owens, R. McKinley, Sylvester Neelon, H. H. Collier, Harper Wilson, J. C. Graham and John Riordon, the other members of the Council, until the first election to be had under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

6. The members of the said corporation shall hold a general meeting every three months, that is to say, on the first Wednesday in the months of June, September, December and March, at some place within the town of St. Catherines, of which notice, naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper, or otherwise as may be thought necessary by the said Council; and at the general meeting on the first Wednesday in the month of March, the members of the said corporation, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the corporation, a President, a Vice-President, a Treasurer, and nine other members of the Council, who shall form the Council of the said corporation, and shall hold their office until others shall be elected in their stead at the next general meeting in the month of March as aforesaid, or until they shall be removed from office or shall vacate the same under the provisions of any by-laws of the said corporation: Provided always, that if the said election shall not take place on the first Wednesday in the month of March as aforesaid, the said corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain members until the election shall be had.

General Meetings and Elections.

Notice.

Term of office of Councillors.

Proviso, in case of failure of any election.

7. If any member of the said Council shall die or resign his office, or be absent for six months consecutively from the meetings of the said Council, it shall be lawful for the said Council, at any meeting thereof, to elect a member of the said Council in the place of the member so dying or resigning or being absent, and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum of them present at such meeting, and the member so elected shall hold office until the next annual election and no longer, unless re-elected.

Vacating seats in certain cases.

New members and their term of office.

8. At any annual or general meeting of the said corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of members present at such meeting shall be competent to do and perform all acts, which, either by this Act or by any by-law of the said corporation are or shall be directed to be done at any such general meeting.

Quorum at annual or General Meetings.

9. Any member of the said corporation intending to retire therefrom, or resign his membership, may at any time do so, upon giving to the Secretary, in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said corporation against him at the time of such notice.

Members resigning.

10. It shall be lawful for the said corporation, or the majority of them, present at any general meeting, to alter or enact such

Power of making or altering by-laws.

laws for certain purposes ; their effect.

by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion or retirement of the members and for the management of its Council, officers and affairs, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever, lawfully under its control: Provided that no by-law shall be made, altered or enacted by the said corporation without notice in writing thereof having been given by one member and seconded by another member at a previous general meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

Proviso: Notice to be given.

Members of the corporation, qualification of.

11. Each and every person then resident in the town of St. Catherines, Ontario, and being or having been a merchant, trader, mechanic, manager of a bank, accountant, insurance agent, director or officer of any financial institution, owner or master of a vessel, or master builder, shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said Council or of the said corporation, to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of two thirds of the members of the said corporation then present, he shall thenceforth be a member of the said corporation, and shall have all the rights and be subject to all the obligations which the other members possess, or are subject to: Provided always, that any person not being a merchant, trader, mechanic, manager of a bank, accountant, insurance agent, director or officer of any financial institution, owner or master of a vessel, or master builder, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Proviso: as to others on recommendation of Council.

Special general meetings, how called.

12. It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published in the said town of St. Catherines, one day previous to the said meeting, or by a circular letter signed by the Secretary of the said corporation addressed to each member, and mailed one day previous to the said meeting, to call a general meeting of the said corporation for any of the purposes of this Act.

Meetings of the Council how called &c.

13. It shall be competent for the said Council to hold meetings, from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may, by this Act or by the by-laws of the corporation be assigned to them; and such meetings of the Council shall be convened by the Secretary at the instance of the President or upon the request of any four members of the said Council: and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers

powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act, and in no other; and any seven or more members of the Council lawfully met (and of whom the President or Vice-President shall be one, or in case of their absence any seven or more members lawfully met) shall be a quorum, and any majority of such quorum may do all things within the power of the Council; and at all meetings of the said Council, and at all general meetings of the said corporation, the President, or in his absence the Vice-President, or if both be absent any member of the Council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of votes upon any division, have a casting vote.

Quorum.

President, and casting vote.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as shall seem to the Council best adapted to promote the welfare of the said corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose, in the manner hereinbefore provided.

Council to frame by-laws and submit them to corporation.

15. All subscriptions of members due to the said corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said corporation, shall be paid to the Treasurer thereof; and in default of payment, may be recovered in any action brought in the name of the said corporation; and it shall only be necessary in such action to allege that such person is indebted to the said corporation in the sum of money, the amount of such arrears, on account of such subscriptions, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this act.

Recovery of subscriptions, penalties, &c.

By suit.

16. On the trial or hearing of any such action, it shall be sufficient for the said corporation to prove that the defendant at the time of making such demand was or had been a member of the said corporation, and that the amount claimed by such corporation as subscription, penalty or otherwise, was standing unpaid upon the books of the said corporation.

Proof in such cases.

17. The meetings of the members of the Council shall be open to all members of the said corporation who may attend at the same, but they shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said Council or the said corporation, shall be entered in books to be kept for that purpose by the Secretary of the said corporation; and the entry thereof shall be signed by the President of the said Council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.

Meetings of Council to be open.

Minutes to be entered in books open to members.

Board of Arbitration.

18. At the same time and times as are hereby appointed for the election of the said Council, and in the same manner, it shall be lawful for the members of the said corporation to elect from their number twelve persons, who shall form a board which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the said Board, who may, either by the especial order of the said Board, or by virtue of any general rules adopted by them, or under any by-law of the said corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them, and such decision shall be binding upon the said Board and the parties making the submission; and any such submission shall be according to the form set forth in the schedule to this act, or in words to the same effect.

Powers, in cases submitted to them.

Form of submission.

Members of Board of Arbitration to be sworn.

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the said corporation, an oath that they will faithfully, impartially and diligently, perform their duties as members of the said Board of Arbitration, and this oath shall be kept among the documents of the said corporation.

Members of council may be arbitrators.

20. Any member of the Council of the said corporation may at the same time be a member of the said Board of Arbitration.

Powers of members acting as arbitrators.

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

Award.

Board of Examiners of Inspectors of articles subject to inspection; their powers and duties.

22. From and after the passing of this Act, it shall be lawful for the Council of the said corporation to appoint five persons to constitute a Board of Examiners for the town of St. Catherines, for the year commencing on the first Wednesday in March then next, who shall hold office for one year following, to examine applicants for the office of Inspector of flour and meal, or of any other article subject to inspection; and the said Council may do all such other acts, matters and things connected with the inspection of flour and meal, or any other article, and shall have as full power, and be subject to the same conditions as those conferred upon and required of the Council of any Board of Trade, by virtue of

of any Act respecting the inspection of flour and meal, or of any other article subject to inspection, and the said Examiners and Inspectors shall also be subject to all conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Acts.

23. Any person who may, by law, in other cases, make a solemn affirmation instead of taking an oath, may make such solemn affirmation, in any case, when by this Act an oath is required; and any person hereby authorized to administer an oath, may, in such cases as aforesaid, administer such solemn affirmation: and any person who shall wilfully swear or affirm falsely in any case in which an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful and corrupt perjury.

Affirmation
allowed in-
stead of oath.

Perjury.

24. Nothing in this Act shall affect any rights of Her Majesty, her heirs, or successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

Saving of
rights of the
Crown.

SCHEDULE.

FORM OF A SUBMISSION TO THE BOARD OF ARBITRATION.

Know all men, that the undersigned _____ and the undersigned _____ (if there be more parties, that is, more separate interests, mention them,) having a difference as to the respective rights of the said parties, in the case hereunto subjoined, have agreed and bound themselves under a penalty of _____ dollars, to perform the award to be made by the Board of Arbitration of the Board of Trade of the town of St. Catherines, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and affixed their seals at the town of St. Catherines, on the
day of _____ A.D., 18 _____

A.B., [L.S.]
C.D., [L.S.]
E.F., [L.S.]

FORM OF OATH.

TO BE TAKEN BY MEMBERS OF THE BOARD OF ARBITRATION.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of the town of St. Catherines; and that I will in all cases

cases in which I shall act as arbitrator, give a true and just award according to the best of my judgment and ability, without fear, favor or affection of or for any party or person whomsoever. So help me God.

CAP. XLVII,

An Act to incorporate the Board of Trade of the town of Chatham.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS James Lamont, R. Pegley, John D. Ronald, Charles Northwood, A. B. McIntosh, William McKeough, Rufus Stephenson, Robert Lowe, Augustus W. Smith, Joseph Northwood, John Smith, John B. Stringer, W. J. Howard, Edward Randall, D. K. McNaughton, William Northwood, Hugh Malcolmson, D. R. VanAllen, Robert N. Rogers, Thomas Cross, Thomas Bennett, J. J. Birdsey, Andrew Northwood, J. Marx, C. H. Rose, W. E. Gardiner, C. Hunter, William S. Ireland, Archibald Lamont, Phillip Coate, Peter E. McKerral, J. Morrish, Gilbert Taylor, Lubin Kent, John Hyslop, Salem Traxler, Herman J. Eberts, Samuel Barfoot, Thomas H. Taylor, Malcolm Lamont, Hector Lamont, John Wall, William Ball, H. F. Cumming, C. D. Williamson, A. G. Mess, Henry Weaver, A. B. Baxter, William Sutherland, Edwin Gammage, Grandison Boyd, Thomas Stone, Henry Smyth, James Higgins, John Northwood, E. Scane, J. J. Thompson, Edward Robinson, Duncan Lamont, John Morton, J. R. Ridley, D. Cameron, Henry Eberts, G. O. Freeman, C. E. Pegley, Robert S. Woods, R. O. Smith, George W. Husson, Thomas McCrossan, William Berry, J. W. Brunger, L. A. Blackburn, W. P. Baker, Charles P. Rolls, and R. O. Miller, residents in the town of Chatham, in the County of Kent, in the Province of Ontario, have, by their petition represented that they have associated themselves together for some time past, for the purpose of promoting such measures as they have deemed important, towards developing the general trade and commerce of Canada, and the town of Chatham in particular, and have further represented that the said Association would be more efficient in its operations should an Act of incorporation, conferring certain powers on them and their successors, be granted; and whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

In corporation.

1. The said James Lamont, R. Pegley, John D. Ronald, Charles Northwood, A. B. McIntosh, William McKeough, Rufus Stephenson, Robert Lowe, Augustus W. Smith, Joseph Northwood, John Smith, John B. Stringer, W. J. Howard, Edward Randall, D. K. McNaughton, William Northwood, Hugh Malcolmson, D. R. Van Allen,

Allen, Robert N. Rogers, Thomas Cross, Thomas Bennett, J. J. Birdsey, Andrew Northwood, J. Marx, C. H. Rose, W. E. Gardiner, C. Hunter, William S. Ireland, Archibald Lamont, Phillip Coate, Peter E. McKerral, J. Morrish, Gilbert Taylor, Lubin Kent, John Hyslop, Salem Traxler, Herman J. Eberts, Samuel Barfoot, Thomas H. Taylor, Malcolm Lamont, Hector Lamont, John Wall, William Ball, H. F. Cumming, C. D. Williamson, A. G. Mess, Henry Weaver, A. B. Baxter, William Sutherland, Edwin Gammage, Grandison Boyd, Thomas Stone, Henry Smyth, James Higgins, John Northwood, E. Scane, J. J. Thompson, Edward Robinson, Duncan Lamont, John Morton, J. R. Ridley, D. Cameron, Henry Eberts, G. O. Freeman, C. E. Pegley, Robert S. Woods, R. O. Smith, G. W. Husson, Thomas McCrossan, William Berry, J. W. Brunger, L. A. Blackburn, W. P. Baker, Charles P. Rolls, and R. O. Miller, and such other persons, residents of the town of Chatham, as are or shall be associated with the persons above named for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of "The Chatham Board of Trade," for the purposes mentioned in the preamble, and may, by that name, sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and by that name they and their successors shall have perpetual succession and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy, any estate whatsoever, real or personal, and alienate, sell, convey or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, to acquire instead thereof: Provided always, that the clear annual value of the real estate held by the said corporation, at one time, shall not exceed Five Thousand Dollars; and provided also, that the said corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act, or may be necessary for carrying the same into effect, according to its true intent and meaning.

Corporate name and general powers.

Proviso: real property limited.
Proviso; as to corporate powers.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of Canada generally, and of the town of Chatham in particular, or as may be necessary to attain the objects for which the said corporation is constituted, according to the true intent and meaning of this Act.

Application of funds of corporation.

3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind addressed to the said corporation, shall

Domicile and service of process.

shall be held to be sufficient service of such notice or process on the corporation.

Council, of whom to consist,

4. For the management of the affairs and business of the said corporation there shall be a Council, to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, a Vice-President, a Secretary, and twelve other members of the said Council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

Provisional President, Vice-President, and the members of the Council.

5. The said Augustus W. Smith shall be President; the said A. B. McIntosh shall be Vice-President; the said R. Pegley, the Secretary, and the said James Lamont, William McKeough, Hugh Malcolmson, John B. Stringer, John D. Ronald, Thomas Bennett, D. R. VanAllen, W. J. Howard, Charles Northwood, Robert Lowe, Rufus Stephenson and John Smith, the other members of the Council, until the first election to be had under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

Powers.

General meetings and election of officers and members of the Council.

6. The members of the said corporation shall hold a general meeting every three months, that is to say, on the second Monday in January, April, July and October, at some place within the town of Chatham, of which notice naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise as may be thought necessary by the said Council; and at the general meeting on the second Monday in the month of January, the members of the said corporation present or a majority of them, shall then and there elect, in such way as shall be fixed by the by-laws of the corporation, from among the members of the corporation, one President, one Vice-President, and the Secretary, and twelve other members of the Council, who, with the President, Vice-President and Secretary, shall form the Council of the said corporation, and shall hold their offices until others shall be elected in their stead, at the next general meeting in the month of January, as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any by-laws of the corporation: Provided always, that if the said election shall not take place on the second Monday in the month of January, as aforesaid, the said corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain members until the election shall be had.

Term of office.

Proviso: in case of failure of election.

Filling vacancies.

7. If any member of the said Council shall die or resign his office, or be absent for four months continuously, from the meetings of the said Council, it shall be lawful for the said Council, at any meeting thereof, to elect a member of the said corporation, to be

be a member of the said Council in the place of the member so dying or resigning or being absent; and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election and no longer, unless re-elected.

Term of office of member filling the vacancy.

8. At any annual or general meeting of the said corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of members present at such meeting shall be competent to do and perform all acts which, either by this Act, or by any by-law of the said corporation, are or shall be directed to be done at any such general meeting.

Majority of corporation to have full powers.

9. Any member of the said corporation intending to retire therefrom or resign his membership, may at any time do so, upon giving to the Secretary, in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said corporation against him at the time of such notice.

Retirement of members.

10. It shall be lawful for the said corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion or the retirement of members, and for the management of its Council officers and affairs, and for the guidance of the Board of Arbitration hereinafter mentioned, and all other by-laws in accordance with the requirements of this Act or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control: Provided that no by-law shall be made or enacted by the said corporation without notice in writing thereof having been given by one member and seconded by another member at a previous general meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

Power of making by-laws, for what purpose.

Proviso: notice of proposed by-laws.

11. Each and every person then resident in the town of Chatham, and being or having been a merchant, trader, mechanic, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation: and at any general meeting of the said corporation it shall be lawful for any member of the said Council or of the said corporation, to propose any such person as aforesaid as a candidate for becoming a member of the said corporation; and if such proposition shall be carried by a majority of two-thirds of the members of the said corporation, then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to: Provided always, that any

Who may become members of the corporation and how.

Proviso:
as to persons
not being
traders, &c.

any person not being a merchant or trader, mechanic, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Special gen-
eral meetings
of corporation.

12. It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published in the said town of Chatham, one day previous to the said meeting, or by a circular letter signed by the Secretary of the said corporation, to each member, and mailed one day previous to the said meeting, to call a general meeting of the said corporation for any of the purposes of this Act.

Meetings of
the Council.

13. It shall be competent to the said Council to hold meetings from time to time, and to adjourn the same when necessary, and, at the said meetings, to transact such business as may, by this Act, or by the by-laws of the corporation, be assigned to them; and such meetings of the Council shall be convened by the Secretary, at the instance of the President, or upon the request of any two members of the Council, and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act, and no other: and any five or more members of the Council, lawfully met (and of whom the President or Vice-President shall be one, or, in case of their absence, any five or more members lawfully met) shall be a quorum, and any majority of such quorum may do all things within the powers of the Council; and at all meetings of the said Council and at all general meetings of the corporation, the President, or in his absence the Vice-President, or if both be absent, any member of the Council then present who may be chosen for the occasion, shall preside, and shall, in all cases of equality of votes upon any division, have a casting vote.

Powers.

Quorum.

Who to pre-
side.

Casting vote.

Council to
frame by-
laws, and sub-
mit them to
corporation.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations, as shall seem to the said Council best adapted to promote the welfare of the said corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose, in the manner hereinbefore provided.

Recovery of
subscriptions,
&c.

15. All subscriptions of members due to the said corporation, under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said corporation shall be paid to the Secretary thereof; and in default of payment, may be recovered in any action brought in the name of the said corporation; and it shall only be necessary in such

By suit.

such action to allege that such person is indebted to the said corporation in the sum of money, the amount of such arrearage, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act.

16. On the trial or hearing of any such action, it shall be sufficient for the said corporation to prove that the defendant at the time of making such demand, was or had been a member of the said corporation, and that the amount claimed by such subscription, penalty or otherwise, was standing unpaid upon the books of the said corporation.

Proof in such case.

17. The meetings of the members of the Council shall be open to all members of the said corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said Council or the said corporation, shall be entered in books to be kept for that purpose by the Secretary of the said corporation; and the entry thereof shall be signed by the President of the said Council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.

Meetings of Council to be open.

Record thereof.

18. At the same time and times as are hereby appointed for the election of the said Council, and in the same manner, it shall be lawful for the members of the said corporation to elect from their number twelve persons, who shall form a board, which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned: and whenever any such parties shall agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the said Board, who may, either by the especial order of the said Board, or by virtue of any general rules adopted by them, or under any by-law of the said corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them, and such decision shall be binding upon the said Board and the parties making the submission; and any such submission shall be according to the form set forth in the schedule to this Act, or in words to the same effect.

Board of Arbitration.

Powers in cases submitted to them.

Form of submission.

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the said corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration; and this oath shall be kept among the documents of the said corporation.

Members of Board of Arbitration to be sworn.

Members of Council may be arbitrators.

20. Any member of the Council of the said corporation may at the same time be a member of the said Board of Arbitration.

Powers of members acting as arbitrators.

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

Award.

Oaths and affirmation.

22. Any person who may by law, in other cases, make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath may in such case as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Saving of rights of the Crown.

23. Nothing in this Act shall affect any rights of Her Majesty, her heirs or successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

SCHEDULE.

FORM OF A SUBMISSION TO THE BOARD OF ARBITRATION.

Know all men, that the undersigned and the undersigned (if there be more parties, that is, more separate interests, mention them,) having a difference as to the respective rights of the said parties, in the case hereunto subjoined, have agreed and bound themselves under a penalty of dollars, to perform the award to be made by the Board of Arbitration of the Board of Trade of the town of Chatham, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and affixed their seals at the town of Chatham, on the day of A.D., 18

A.B., [L.S.]
C.D., [L.S.]
E.F., [L.S.]

FORM OF OATH.

TO BE TAKEN BY MEMBERS OF THE BOARD OF ARBITRATION.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of the town of Chatham, and that I will in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any party or person whomsoever. So help me God.

CAP XLVIII.

An Act to incorporate the Board of Trade of the town of Lévis.

[Assented to 14th June, 1872.]

WHEREAS the Honorable J. G. Blanchet, Jacques Jobin, the Honorable D. E. Price, Samuel Bennett, P. C. Dumontier, Théodule Fois, Louis P. Demers, Flavien Roy, Joshua Thompson, Pierre Lefrançois, J. H. Simmons, Ed. Demers, J. B. Renaud, Etienne Samson, Pierre Roy, F. X. Lemieux, Ant. Carrier, B. Bennett, C. W. Carrier, John Buchanan, R. C. Tanguay, L. H. Fréchette, W. Simpson, Robert Demers, M. Cass, Thimolaus Beaulieu, J. C. Hamel, Mathias Grégoire, S. Thompson, Thomas Dunn, F. X. Thompson sen., I. Belleau, Chs. Darveau, F. X. Dion, Th. Boissinot, J. B. Michaud, J. A. Lessard, Benj. Huot, Henri Verrault, Charles Morency, Elie Lachance, John Dumontier, Arthur Murphy, Elzéar Bédard, Joseph Labadie, James Gibson, Louis Bégin, Louis Nadeau, Louis Bégin jun., F. X. Thompson jun., and Alfred Giroux, resident or interested in the town of Lévis, have, by their petition, represented that they have associated themselves together for many years past for the purpose of promoting such measures as they have deemed important towards developing the general trade and commerce of Canada and of the Town of Lévis in particular, and have further represented that the said association would be more efficient in its operations should an Act of incorporation conferring certain powers on them and their successors be granted; and whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said Honorable J. G. Blanchet, Jacques Jobin, the Honorable D. E. Price, Samuel Bennett, P. C. Dumontier, Théodule Foisy, Louis P. Demers, Flavien Roy, Joshua Thompson, Pierre Lefrançois, J. H. Simmons, Ed. Demers, J. B. Renaud, Etienne Samson, Pierre Roy, F. X. Lemieux, Ant. Carrier, B. Bennett, C. W. Carrier, John Buchanan, R. C. Tanguay, L. H. Fréchette, W. Simpson, Robert Demers, M. Cass, Thimolaus Beaulieu, J. C. Hamel, Mathias Grégoire, S. Thompson, Thomas Dunn, F. X. Thompson, sen., I. Belleau, Chs. Darveau, F. X. Dion, Th. Boissinot, J. B. Michaud, J. A. Lessard, Benj. Huot, Henri Verreault, Charles Morency, Elie Lachance, John Dumontier, Arthur Murphy, Elzéar Bédard, Joseph Labadie, James Gibson, Louis Bégin, Louis Nadeau, Louis Bégin jun., F. X. Thompson jun., Alfred Giroux and such other persons resident or interested in the town of Lévis, as are or shall be associated with the persons above named, for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of "The Lévis Board of Trade," for the purposes mentioned in the preamble, and may, by that name, sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may break, alter and change at their will and pleasure; and they and their successors, by their corporate name, shall have power to purchase, take, receive, hold and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time and as occasion may require, and other estate real or personal to acquire instead thereof: Provided always, that the clear annual value of the real estate held by the said corporation at one time shall not exceed Five Thousand Dollars.

Certain persons incorporated.

Corporate name and general powers.

Property.

Value of real estate limited.

Corporation restricted to its constituted object.

Domicile: service of process.

Council and officers.

2. The lands and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of Canada generally, and of the Town of Lévis in particular, or as may be necessary to obtain the objects for which the said corporation is constituted, according to the true intent and meaning of this Act.

3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind addressed to the said corporation, shall be held to be sufficient service of such notice or process on the corporation.

4. There shall be a Council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President, Secretary-Treasurer

treasurer and twelve other members of the Council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council. Council, and officers.

5. The said Samuel Bennett shall be President; the said P. C. Dumontier, Vice-President, the said Flavien Roy, Secretary-Treasurer; and the said Jacques Jobin, Ant. Carrier, J. H. Simmons, C. W. Carrier, Moses Cass, Thimolaus Beaulieu, Benj. Huot, Isidore Belleau, F. X. Lemieux, Joshua Thompson, T. Boissinot and John Buchanan, the other members of the Council, until the first election to be had under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act. Provisional members of Council and officers.

6. The members of the said corporation shall hold a general meeting every three months, that is to say, on the last Tuesday in January, April, July and October, at some place within the town of Lévis, of which notice naming the time and place shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise as may be thought necessary by the said Council: and at the general meeting of the last Tuesday in the month of April, the members of the said corporation present or a majority of them shall then and there elect in such way as shall be fixed by the by-laws of the corporation, from among the members of the corporation, one President, one Vice-President and the Secretary-Treasurer, and twelve other members of the Council, who, with the President, Vice-President and Secretary-Treasurer, shall form the Council of the said corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of April, as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any by-laws of the corporation: Provided always, that if the said election shall not take place on the last Tuesday in the month of April, as aforesaid, the said corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain in office until the election shall be had. General meeting of corporation. Election of officers and Council. Proviso, if no election be had.

7. If any member of the said Council shall die or resign his office, or be absent for four months continuously from the meetings of the said Council, it shall be lawful for the said Council, at any meeting thereof, to elect a member of the said corporation to be a member of the said Council in the place of the member so dying or resigning, or being absent; and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and Vacancies, and how filled. the

the member so elected shall hold office until the next annual election and no longer, unless re-elected.

Majority at meetings of corporation to have full powers.

8. At any annual or general meeting of the said corporation, whether for the purpose of electing members of the Council or for any other purpose, twelve members or more of the corporation shall constitute a quorum, and shall be competent to do and perform all acts which, either by this Act or by any by-law of the said corporation, are or shall be directed to be done at any such general meeting.

Resignation of members.

9. Any member of the said corporation intending to retire therefrom or resign his membership, may at any time do so, upon giving to the Secretary-Treasurer, in writing ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said corporation against him at the time of such notice.

By-laws may be made for certain purposes.

10. It shall be lawful for the said corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission, subscriptions and expulsion or the retirement of members, and for the management of its Council, officers and affairs, and fixing the date and place of the regular meetings of said Council, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable: and such by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control: Provided that no by-law shall be made or enacted by the said corporation without notice in writing thereof having been given by one member and seconded by another member, at a previous general meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

Proviso:—notice of proposed by-law.

Who may be members of corporation, and how.

11. Each and every person then resident in the town of Lévis, and being or having been a merchant, trader, mechanic, manager of a bank or insurance agent shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said Council or of the said corporation, to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to: Provided always, that any person not being a merchant or trader, mechanic, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation

Proviso as to members not being trader &c.

corporation in manner aforesaid, in case such person be recommended by the Council of the Board of Trade at any such meeting.

12. It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published in the said town of Lévis, one day previous to the said meeting, or by a circular letter signed by the Secretary-Treasurer of the said corporation, and mailed one day previous to the said meeting, to each member, or by notice sent to the residence or place of business of each of the members, to call a general meeting of the said corporation for any of the purposes of this Act.

Special general meetings of corporation.

13. It shall be competent for the said Council to hold meetings from time to time, and to adjourn the same when necessary; and, at the said meetings, to transact such business as may, by this Act, or by the by-laws of the corporation, be assigned to them: and such meetings of the Council shall be held in accordance with the by-laws of the said corporation, or shall be convened by the Secretary-Treasurer, at the instance of the President, or upon the request of any two members of the Council, and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act, and no other: and any five or more members of the Council, lawfully met, shall be a quorum; and any majority of such quorum may do all things within the powers of the Council, and at all meetings of the said Council and at all general meetings of the corporation, the President, or in his absence, the Vice-President, or if both be absent, any member of the Council then present who may be chosen for the occasion, shall preside, and shall, in all cases of equality of votes upon any division, have a casting vote.

Meetings of Council.

Powers.

Quorum.

Who to preside.

Casting vote.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as shall seem to the said Council best adapted to promote the welfare of the said corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose in the manner hereinbefore provided.

Council to frame by-laws, and submit them.

15. All subscriptions of members due to the said corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said corporation shall be paid to the Secretary-Treasurer thereof, and in default of payment, may be recovered in any action brought in the name of the said corporation; and it shall only be necessary in such action to allege that such person is indebted to the said corporation

Recovery of subscriptions, &c.

By suit.

corporation in the sum of money, the amount of such arrearage on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act.

Proof on trial.

16. On the trial or hearing of any such action, it shall be sufficient for the said corporation to prove that the defendant at the time of making such demand was or had been a member of the said corporation, and that the amount claimed, by reason of such subscription or otherwise, was standing unpaid upon the books of the said corporation.

Meetings of Council to be open.

17. The meetings of the members of the Council shall be open to all members of the said corporation, who may attend at the same, but who shall take no part in any proceeding thereat; and minutes of the proceedings at all meetings, whether of the said Council or the said corporation, shall be entered in books to be kept for that purpose by the Secretary-Treasurer of the said corporation; and the entry thereof shall be signed by the President of the said Council, or by the person who at the time shall preside over any such meeting, and such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.

Record thereof.

Affirmation substituted for oath in certain cases

18. Any person who may by law, in other cases, make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath may in such case as aforesaid administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Rights of the Crown saved.

19. Nothing in this Act contained shall affect the rights of Her Majesty, her heirs and successors, nor any other rights, except those expressly mentioned and affected thereby.

CAP. XLIX.

An Act to incorporate the Sorel Board of Trade.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the persons hereinafter mentioned, residents in the town of Sorel, in the district of Richelieu, have by their petition to the legislature represented that they have associated themselves together for many years past for the purpose of promoting such measures as they have deemed important towards developing the general trade and commerce of Canada, and the district of Richelieu and the town of Sorel in particular, and have further represented that the said association would be more efficient

efficient in its operations should an Act of incorporation conferring certain powers on them and their successors be granted; and whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. R. H. Kittson, C. Labelle, G. I. Barthe, G. H. Bramley, J. B. L. Précourst, L. A. Senecal, J. B. Brousseau, Ed. O'Heir, A. Hibbard, A. A. Taillon, C. Mongeon, N. F. Patenaude, N. Paulet, N. Arsenault, H. Piché, J. O. Chalut, A. Germain, H. R. Turgeon, M. Mathieu, L. Leduc, H. L. Bureau, E. G. Provost, Ed. C. Wurtele, Moise Beauchemin, A. Conlin, P. H. Wright, J. A. Chenevert, Jos. Duguay, G. Dragon, V. Beaulac, G. Peltier, G. A. Pontbriand, Jas. Sheppard, Jos. Rascony, Jules Chevallier, P. Bellefeuille, A. Johnston, James Morgan, A. Gagnon, L. H. LaFleur, C. Gill, C. Gelinas, E. Senecal, L. Senecal, William Foy, V. Gladu, William Lunan, William J. Lunan, and Alfred Charland, and such other persons resident in the town of Sorel or district of Richelieu, as are or shall be associated with the persons above named, for the purposes of this Act, in the manner hereinafter provided, and their successors shall be and are hereby constituted a body politic and corporate, by the name of "The Sorel Board of Trade," for the purposes mentioned in the preamble; and may by that name, sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may break, alter and change at their will and pleasure; and they and their successors by their corporate name, shall have power to purchase, take, receive, hold and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time and as occasion may require, and other estate real or personal to acquire instead thereof: Provided always, that the clear annual value of the real estate held by the said Corporation at one time shall not exceed Five Thousand Dollars.

Certain persons incorporated.

Corporate name and general powers.

Property.

Value of real estate limited.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of Canada generally, and of the town of Sorel and district of Richelieu in particular, or as may be necessary to obtain the objects for which the said corporation is constituted according to the true intent and meaning of this Act.

Corporation restricted to its constituted objects.

3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind addressed to the said corporation, shall be held to be sufficient service of such notice or process on the corporation.

Domicile. Service of process.

Council.

4. There shall be a Council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President, Secretary and eight other members of the Council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

Provisional members of Council and officers.

5. The said R. H. Kittson shall be President; the said Cyrille Labelle shall be Vice-President; and the said A. A. Taillon shall be Secretary; and the said G. I. Barthe, G. H. Bramley, J. Bte. L. Precourst, L. A. Senecal, J. B. Brousseau, Ed. O'Heir, L. Leduc and A. Hibbard, the other members of the Council, until the first election to be had under the provisions of this Act: and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

General meetings of corporation.

6. The members of the said corporation shall hold a general meeting every three months, that is to say, on the last Friday in June, September, December and March, at some place, within the town of Sorel, of which notice, naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise as may be thought necessary by the said Council: and at the general meeting in the month of June the members of the said corporation present, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the Corporation, from among the members of the corporation, one President, one Vice-President and the Secretary, and eight other members of the Council, who, with the President, Vice-President and Secretary, shall form the Council of the said corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of June, as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any by-laws of the corporation: Provided always, that if the said election shall not take place on the last Friday in the month of June, as aforesaid, the said corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain in office until the election shall be had.

Election of officers and Council.

Proviso: if no election had.

Vacancies, and how filled.

7. If any member of the said Council shall die or resign his office, or be absent for three months continuously from the meetings of the said Council, it shall be lawful for the said Council, at any meeting thereof, to elect a member of the said corporation to be a member of the said Council in the place of the member so dying or resigning or being absent; and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting; and the member so elected shall hold office until the next annual election and no longer, unless re-elected.

8. At any annual or general meeting of the said corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of members present at such meeting shall be competent to do and perform all acts which, either by this Act, or by any by-law of the said corporation, are or shall be directed to be done at any such general meeting.

Majority at meetings of corporation, to have full powers.

9. Any member of the said corporation intending to retire therefrom or resign his membership, may at any time do so, upon giving to the Secretary, in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said corporation against him at the time of such notice.

Resignation of members.

10. It shall be lawful for the said corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission, subscriptions and expulsion or the retirement of members, and for the management of its Council, officers and affairs, and for the guidance of the board of arbitrators hereinafter mentioned, and fixing the date and place of the regular meetings of the said Council, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control: Provided that no by-law shall be made or enacted by the said corporation without notice in writing thereof having been given by one member and seconded by another member at a previous meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

By-laws may be made for certain purposes.

Proviso:— notice of proposed by-law.

11. Each and every person then resident in the town of Sorel or in the district of Richelieu, and being or having been a merchant, trader, mechanic, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said Council or of the said corporation to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said corporation, then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to: Provided always, that any person not being a merchant or trader, mechanic, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Who may be members of corporation and how.

Proviso: as to members not being traders, &c.

12. It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published in

Special general meetings of corporation,

in

in the said town of Sorel, one day previous to the said meeting, or by a circular letter signed by the Secretary of the said corporation, and mailed one day previous to the said meeting, to each member, or by notice sent to the residence or place of business of each of the members, to call a general meeting of the said corporation for any of the purposes of this Act.

Meetings of council.

13. It shall be competent for the said Council to hold meetings from time to time, and to adjourn the same when necessary, and, at the said meetings to transact such business as may, by this Act or by the by-laws of the corporation, be assigned to them; and such meetings of the Council shall be held in accordance with the by-laws of the said corporation, or shall be convened by the Secretary, at the instance of the President, or upon the request of any two members of the Council; and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act and no other; and any six or more members of the Council, lawfully met, shall be a quorum; and any majority of such quorum may do all things within the powers of the Council: and at all meetings of the said Council and at all general meetings of the corporation, the President, or in his absence; the Vice-President, or if both be absent, any member of the Council then present who may be chosen for the occasion, shall preside, and shall, in all cases of equality of votes upon any division, have a casting vote.

Powers.

Quorum.

Who to preside

Casting vote.

Council to frame by-laws, &c.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations, as shall seem to the said Council best adapted to promote the welfare of the said corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose, in the manner hereinbefore provided.

Recovery of subscriptions, &c.

15. All subscriptions of members due to the said corporation under any by-law, all penalties incurred under any by-law by any person bound thereby and all other sums of money due to the said corporation; shall be paid to the Treasurer thereof, to be appointed as hereinafter provided, and in default of payment may be recovered in any action brought in the name of the said corporation; and it shall only be necessary in such action to allege that such person is indebted to the said corporation in the sum of money, the amount of such arrearage on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act.

By suit.

Proof on trial.

16. On the trial or hearing of any such action it shall be sufficient for the said corporation to prove that the defendant, at the time of making such demand, was or had been a member of the

the said corporation, and that the amount claimed by reason of such subscription or otherwise, was standing unpaid upon the books of the said corporation.

17. The meetings of the members of the Council shall be open to all members of the said corporation, who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said Council or the said corporation, shall be entered in books to be kept for that purpose by the Secretary of the said corporation; and the entry thereof shall be signed by the President of the said Council, or by the person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.

Meetings of Council to be open.

Record thereof

18. At the same time and times as are hereby appointed or the election of the said Council, and in the same manner, there shall be lawful for the members of the said corporation to elect from their number twelve persons, who shall form a board, which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned: and whenever any such parties shall agree to bind themselves; by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the said Board, who may, either by especial order of the said Board or by virtue of any general rules adopted by them, or under any by-law of the said corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them; and such decision shall be binding upon the said Board and the parties making the submission; and any such submission shall be according to the form set forth in the schedule to this Act, or in words to the same effect.

Board of arbitration.

Quorum.

Powers in cases submitted.

Form of submission.

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the said corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration, and such oath shall be kept among the documents of the said corporation.

Members of Board to be sworn.

20. Any member of the Council of the said corporation may at the same time be a member of the said Board of Arbitration.

Members of Council may be arbitrators.

21. The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be willing to be so examined,

Powers of arbitrators when hearing cases.

Award. examined, and shall give their award thereupon in writing, and their decision, or that of any two of them, given in such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

Establishment of library, &c. **22.** It shall likewise be lawful for the said corporation to establish and keep open to the public, in the said town of Sorel, a library and reading room, and to make by-laws in relation to the same, for facilitating the working and maintenance thereof, and for
Subscription. fixing the subscription to be paid by any person frequenting the same; and such person, whether he be or be not a member of the said corporation, shall be liable for the subscription so fixed, and to an action for the recovery of the same.

Treasurer and Assist.-Secretary. **23.** The Council of the said corporation may appoint, from among the members thereof, a Treasurer and also an Assistant Secretary to act in case of the absence or illness of the Secretary.

Oaths and affirmation. **24.** Any person who may by law, in other cases, make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required: and any person hereby authorized to administer an oath may in such case as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Corporation to be subject to like laws as other Boards of Trade. **25.** The said corporation shall be entitled to all the privileges and advantages possessed by, and shall be subject to all regulations affecting other Boards of Trade in Canada.

SCHEDULE.

FORM OF A SUBMISSION TO THE BOARD OF ARBITRATION.

Know all men, that the undersigned _____ and the undersigned _____ (if there be more parties, that is, more separate interests, mention them), having a difference as to the respective rights of the said parties, in the case hereunto subjoined, have agreed and bound themselves under a penalty of _____ dollars to perform the award to be made by the Board of Arbitration of the Board of Trade of the town of Sorel, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and affixed their seals at the town of Sorel, on the _____ day of _____ A.D., 18 _____

A.B., [L.S.]
C.D., [L.S.]
E.F., [L.S.]
FORM.

FORM OF OATH

TO BE TAKEN BY MEMBERS OF THE BOARD OF ARBITRATION.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of the town of Sorel, and that I will in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any party or person whomsoever. So help me God.

CAP. L.

An Act to incorporate "The Exchange Bank of Canada."

[Assented to 14th June, 1872.]

WHEREAS the persons hereinafter mentioned and others Preamble. have, by their petition, prayed that they might be incorporated for the purpose of establishing a bank in the City of Montreal, in the Province of Quebec; and whereas it is desirable to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Matthew Hamilton Gault, Thomas Caverhill, Alexander William Ogilvie, Thomas Tiffin, Edward Kirk Greene, William Rodden, Sir Alexander Tilloch Galt, M. P., and all such other persons as may become shareholders in the corporation to be by this Act created, and their assigns shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Exchange Bank of Canada." Incorporation. Corporate name.

2. The capital stock of the said bank shall be One Million of Dollars, divided into ten thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns. Capital and shares.

3. For the organization of the said Bank, and for the raising of the amount of the said capital stock, the persons hereinbefore mentioned shall be Provisional Directors thereof and they or the majority of them may cause stock books to be opened after public notice thereof has been given, upon which stock books shall and may be received and inscribed the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such stock books aforesaid shall be opened at Montreal aforesaid and elsewhere, at the discretion of the Provisional Directors, and shall be kept and remain open so long Provisional Directors for opening books, &c.
as

First general meeting and election of Directors.

as they shall deem necessary; and so soon as Five Hundred Thousand Dollars of the capital stock shall have been subscribed upon the stock books aforesaid and One Hundred Thousand Dollars thereof actually paid into some one of the chartered banks doing the business of banking in Canada, a public meeting shall be called of the subscribers thereof, by notice published in two newspapers of the said City of Montreal during at least two weeks; such meeting to be held in Montreal aforesaid, at such time as such notice shall indicate and specify: and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward direct the affairs of the said corporation, shall assume the charge of the stock books hereinbefore referred to, and shall remain in office until the second Tuesday in June which shall be in the year next after the year in which they are so elected, and until such time as their successors in office shall be duly and regularly elected; and immediately upon such election being held the functions of the said Provisional Directors shall cease.

Term of office.

Chief seat of business.

4. The chief place or seat of business of the said corporation shall be in the City of Montreal, in the Province of Quebec.

General Banking Act of 1871, 34 Vict., c. 5, to apply.

5. The Act passed during the last session of Parliament, to wit, the session of 1871, entitled "*An Act relating to Banks and Banking*" and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting in so far as such provisions may relate only to banking institutions already in existence or to banks *en commandite*.

Duration of this Act.

6. This Act shall remain in force until the first day of July, in the year of our Lord One Thousand Eight Hundred and Eighty-one.

Certificate of Treasury Board under 34 V., c. 5, must be obtained within 12 months.

7. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to banks and banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited.

CAP. LI.

An Act to incorporate the "Banque Ville-Marie."

[Assented to 14th June, 1872.]

Preamble.

WHEREAS Nazaire Villeneuve, Denis Emery Papineau, Pierre Aimé Fauteux, Alexis Dubord, John Lewis Cassidy, Louis Norbert Duverger, Léandre Fauteux, Casimire Fidèle Papineau

Papineau, all of the City of Montreal, Louis Archambeault of L'Assomption, George Caron of St. Léon, Anselme H. Pâquet, François Xavier A. Biron of St. Cuthbert, and Pierre St. Jean of the City of Ottawa have by their petition, prayed that they may be incorporated for the purpose of establishing a bank in the City of Montreal, in the Province of Quebec; and whereas it is desirable to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. Nazaire Villeneuve, Denis Emery Papineau, Pierre Aimé Fauteux, Alexis Dubord, John Lewis Cassidy, Louis Norbert Duverger, Léandre Fauteux, Casimir Fidèle Papineau, Louis Archambeault, George Caron, Anselme H. Pâquet, François Xavier A. Biron, Pierre St. Jean, and all such other persons as may become shareholders in the corporation to be by this Act created, and their heirs and assigns shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic by the name of "Banque Ville-Marie."

Incorporation.

Name.

2. The capital stock of the said Bank shall be One Million of Dollars, divided into ten thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

Capital and shares.

3. For the organization of the said Bank, and for the raising of the amount of the said capital stock, the persons hereinbefore mentioned shall be Provisional Directors thereof and they or the majority of them may cause stock books to be opened after public notice thereof has been given, upon which stock books shall and may be received and inscribed the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank : and such stock books aforesaid shall be opened in the City of Montreal aforesaid and elsewhere, at the discretion of the Provisional Directors, and shall be kept and remain open so long as they shall deem necessary and so soon as Five Hundred Thousand Dollars of the capital stock shall have been subscribed upon the stock books aforesaid and One Hundred Thousand Dollars thereof actually paid into some one of the chartered banks of Canada, a public meeting shall be called of the subscribers thereof, by notice published in two newspapers of the said City of Montreal during at least four weeks; such meeting to be held in Montreal at such time as such notice shall indicate and specify: and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward direct the affairs of the said corporation, shall assume the charge of the stock books hereinbefore referred to, and shall remain in office until the fifteenth day of January next following their election, and until such time as their successors in office shall be duly elected; and immediately upon such election being held the functions of the said Provisional Directors shall cease.

Provisional Directors.

Powers.

First general meeting.

Election of Directors.

Provisional Directors to retire,

Chief office. 4. The chief place or seat of business of the said corporation shall be in the City of Montreal.

Act 34 V. c. 5, to apply. 5. The Act thirty-fourth Victoria, chapter five, "*Relating to Banks and Banking*," and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting in so far as such provisions may relate only to banking institutions already in existence or to banks *en commandite*.

Certificate of Treasury must be obtained within 12 months. 6. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to banks and banking, passed in the thirty-fourth year of Her Majesty's Reign, chapter five, in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges thereby conferred shall be forfeited.

Duration of Act. 7. This Act shall remain in force until the first day of July, in the year of our Lord One Thousand Eight Hundred and Eighty-one.

CAP. LII.

An Act to incorporate the St. Lawrence Bank.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS John Charles Fitch, Francis Shanly, John Hoskin, Thomas Dick, Robert Hay, William F. Allen, Samuel Burden and others, have by their petition prayed that they might be incorporated for the purpose of establishing a bank in the City of Toronto, in the Province of Ontario, and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John Charles Fitch, Francis Shanly, John Hoskin, Thomas Dick, Robert Hay, William F. Allen, Samuel Burden and such other persons as may become shareholders in the corporation to be by this Act created and their assigns shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic by the name of "The St. Lawrence Bank."

Name.

Capital and Shares.

2. The capital stock of the said Bank shall be One Million Dollars, divided into ten thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock the persons hereinbefore mentioned by name shall be Provisional Directors thereof, and they or a majority of them may cause stock books to be opened after giving due notice thereof; upon which stock books shall and may be received the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank: and such books shall be opened at Toronto and elsewhere at the discretion of the Provisional Directors, and shall be kept open so long as they shall deem necessary: and so soon as Five Hundred Thousand Dollars of the capital stock shall have been subscribed upon the said stock books and One Hundred Thousand Dollars thereof actually paid into some one of the present chartered banks in Canada a public meeting shall be called of the subscribers thereof by notice published at least two weeks in two newspapers of the said City of Toronto; such meeting to be held in Toronto aforesaid at such time as such notice shall indicate: and at such meeting the subscribers shall proceed to elect seven Directors having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Wednesday in the month of July, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected; and immediately upon such election being had the functions of the said Provisional Directors shall cease.

Provisional
Directors.

Powers.

First meeting
of Share-
holders.Election of
Directors.Provisional
Directors to
retire.

4. The chief place or seat of business of the said corporation shall be in the City of Toronto.

Chief seat of
Bank.

5. The Act passed during the last Session of Parliament, intitled "*An Act relating to Banks and Banking*," and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting so far as such provisions relate only to banks already in existence or to banks *en commandite*.

Act 34 V., c.
5, to apply.

6. This Act shall remain in force until the first day of July, in the year of our Lord One Thousand Eight Hundred and Eighty-one.

Duration of
Act.

7. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to banks and banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which, this Act shall become, and be null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred shall be forfeited.

Certificate of
Treasury
Board must
be obtained
within 12 mos.

CAP. LIII.

An Act to incorporate the Bank of Hamilton.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the persons hereinafter named and others by their petition have prayed that they may be incorporated for the purpose of establishing a bank in the City of Hamilton, 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:—

Certain persons incorporated.

1. John Winer, Edward Jackson, Edward Gurney, James Turner, James M. Williams, M.P.P., D. B. Chisholm, Dennis Moore, Jacob Hespeler, Hon. S. Mills, C. Magill, M.P., John Stuart, A.T. Wood, Edward Martin, Anthony Copp, E. Hyman, Alexander Harvey, John Harvey, Donald McInnes and James Watson, and such others as shall become shareholders in the corporation hereby created and their respective executors, administrators and assigns shall be and they are hereby constituted and declared to be a corporation, body corporate and politic, in fact, by and under the corporate name of the "Bank of Hamilton," and as such shall have perpetual succession and a common seal, with power to break, change and alter the same at pleasure, and also with all other powers incident to and necessary for the purposes herein-after declared.

Corporate name and powers.

Capital and shares, &c.

2. The capital stock of the said Bank shall be One Million of Dollars, divided into ten thousand shares of one hundred dollars each: and its chief office shall be in the City of Hamilton.

Provisional Directors and their powers.

3. The said persons above named shall be Provisional Directors for the purpose of organizing the said Bank, and they or a majority of them may cause stock books to be opened at such times and places as they or a majority of them shall think expedient, after first giving two weeks' notice thereof in one or more newspapers published in the City of Hamilton, upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Bank, and such books shall be kept open at the discretion of the said Provisional Directors, or a majority of them, so long as they shall deem necessary.

First general meeting of shareholders.

4. Whenever Five Hundred Thousand Dollars of the capital stock of the said Bank shall have been subscribed, and One Hundred Thousand Dollars thereof shall have been *bonâ fide* paid into some one of the present chartered banks of Canada, it shall be lawful for the said Provisional Directors, or a majority of them, after giving three weeks' notice in one or more newspapers published in the said City of Hamilton, to call a public meeting of

of the Shareholders, to be held at such place in the said City of Hamilton as shall be mentioned in such notice, for the purpose of electing Directors and for other purposes connected with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank, and thereupon the duties of the Provisional Directors shall cease: and the Bank may thereupon issue its notes and carry on business, provided that if no more than one hundred thousand dollars shall then have been paid in upon such stock in manner aforesaid such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereof.

Election of Directors, &c.

Provisc.

5. The number of Directors of the said Bank shall be seven, subject to be increased or diminished from time to time by by-law to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act relating to Banks and Banking.*"

Directors.

34 V., c. 5.

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to banks in existence before the passing thereof, or to banks *en commandite*, or are inconsistent with this Act.

34 Vict., c. 5 to apply to the Bank.

7. This Act shall remain in force until the first day of July, in the year of our Lord, One Thousand Eight Hundred and Eighty-one.

Duration of this Act.

8. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which this Act shall become and be null and void and of no effect; and the Charter hereby granted, and all and every the rights and privileges hereby conferred shall be forfeited.

Certificate of Treasury Board must be obtained within 12 mos.

CAP. LIV.

An Act to incorporate the Halifax Banking Company.

[Assented to 14th June, 1872.]

WHEREAS William Pryor, Brenton Haliburton Collins, and Philip Carteret Hill, have by their petition prayed that they might be incorporated for the purpose of establishing a Bank

Preamble

in the City of Halifax, in the Province of Nova Scotia; and whereas it is desirable to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. William Pryor, Brenton Halliburton Collins, Philip Carteret Hill, and such other persons as may become shareholders in the corporation to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Halifax Banking Company," and the chief office of the Bank shall be in Halifax, in the Province of Nova Scotia.

Corporate name: chief office.

Capital stock and shares.

2. The capital stock of the said Bank shall be Five Hundred Thousand Dollars of lawful money of Canada, divided into twenty-five thousand shares of twenty dollars each.

Stock books may be opened.

3. For the purpose of raising the amount of the said capital stock the persons above named may cause such books to be opened at such times and places as they may deem expedient, and after giving public notice thereof may receive subscriptions for such stock; and as soon as the said stock shall be subscribed, and at least One Hundred Thousand Dollars thereof paid in, a meeting of such subscribers shall in like manner be called at such place in the said City of Halifax as may be deemed convenient, for the election of Directors, and for the organization of the Bank; and such election shall be made then and there by a majority of shares voted upon, by ballot: Provided, that at least one hundred thousand dollars shall be paid up in addition within two years from the date when the Bank commenced business.

First meeting of subscribers, Election of Directors.

Proviso.

Bank to be subject to general law.

4. The Bank shall be subject to any general regulations respecting banking now in force or which may hereafter be made by the Parliament of Canada, and shall have such powers and privileges as may be conferred by such regulations.

Duration of Act.

5. This Act shall remain in force until the first day of July, in the year of our Lord One Thousand Eight Hundred and Eighty-one.

Certificate of Treasury Board must be obtained within 12 months.

6. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to Banks and Banking passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect; and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

CAP. LV.

An Act to incorporate the Bank of Acadia.

[Assented to 14th June, 1872.]

WHEREAS the persons hereinafter named and others by their Preamble.
 petition have prayed that they may be incorporated for
 the purpose of establishing a bank in the Town of Liverpool,
 Nova Scotia, and it is expedient to grant the prayer of the said
 petition: Therefore Her Majesty, by and with the advice and
 consent of the Senate and House of Commons of Canada, enacts as
 follows:—

1. Stephen C. Tupper, Jabesh Snow, T. R. Pattillo, the elder, Certain persons incorporated
 James Sponagle, James Tupper, Thomas Rees and William Collins,
 and such others as shall become shareholders in the corporation
 hereby created and their respective executors, administrators and
 assigns, shall be and they are hereby constituted and declared to be
 a corporation, body corporate and politic, in fact, by and under the
 corporate name of the "Bank of Acadia," and as such shall have Corporate name and powers.
 perpetual succession and a common seal, with power to break,
 change and alter the same at pleasure, and also with all other
 powers incident to and necessary for the purposes hereinafter
 declared.

2. The capital stock of the said Bank shall be Five Hundred Capital and shares.
 Thousand Dollars, divided into five thousand shares of one
 hundred dollars each; and its chief office shall be in the Town of Chief office.
 Liverpool, in the Province of Nova Scotia.

3. The said persons above named shall be Provisional Directors Provisional Directors, their powers.
 for the purpose of organizing the said Bank, and they or a
 majority of them may cause stock books to be opened at such
 times and places as they or a majority of them shall think
 expedient, after first giving two weeks' notice thereof in one or
 more newspapers published in the City of Halifax and in a local
 newspaper; upon which stock books shall be recorded the sub-
 scriptions of such persons as shall desire to become shareholders
 in the said Bank; and such books shall be kept open at the discre-
 tion of the said Provisional Directors, or a majority of them, so
 long as they shall deem necessary.

4. Whenever the whole of the capital stock of the said Bank First general meeting of shareholders.
 shall have been subscribed, and One Hundred Thousand Dollars
 thereof shall have been *bond fide* paid, it shall be lawful for the
 said Provisional Directors, or a majority of them, after giving four
 weeks' notice in one or more newspapers published in the City
 of Halifax, and in the said Town of Liverpool, Nova Scotia, to
 call a public meeting of the shareholders, to be held at such place
 in the said Town of Liverpool, as shall be mentioned in such
 notice,

notice, for the purpose of electing Directors and for other purposes connected with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank, and thereupon the duties of the Provisional Directors shall cease; and the Bank may thereupon issue its notes and carry on business: Provided that if no more than one hundred thousand dollars shall then have been paid in upon such stock in manner aforesaid such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereafter.

5. The number of Directors of the said Bank shall be seven, subject to be increased or diminished from time to time by by-law to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, entitled "*An Act relating to Banks and Banking.*"

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to banks in existence before the passing thereof or to banks *en commandite*, or are inconsistent with this Act.

7. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and eighty-one.

8. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act, relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect; and the charter hereby granted and all and every the rights and privileges hereby conferred, shall be forfeited.

CAP. LVI.

An Act to incorporate the Bank of Saint John.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS Acalus Lockwood Palmer, Simeon Jones, John W. Nicholson, Thomas R. Jones, William H. Tuck and others, have prayed that they might be incorporated for the purpose of establishing a bank in the City of Saint John, in the Province

Province of New Brunswick : and whereas it is desirable to grant the prayer of their petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Acalus Lockwood Palmer, Simeon Jones, John W. Nicholson, Thomas R. Jones, William H. Tuck and such other persons as may become shareholders in the corporation to be by this Act created, and their assigns shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Bank of Saint John."

Incorporation.

Corporate name.

2. The capital stock of the said Bank shall be Five Hundred Thousand Dollars, divided into five thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns: and the holders of a majority of the shares of the said Bank, may at any time by resolution, increase the capital stock of the said corporation to any sum not exceeding two millions of dollars.

Capital and shares.

Increase of capital.

3. For the purpose of organizing the said Bank, and of raising the amount of the said capital stock, the persons hereinbefore mentioned shall be Provisional Directors thereof; and they or the majority of them may cause stock books to be opened after giving due public notice thereof; upon which stock books shall and may be received the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such books shall be opened at Saint John aforesaid, and elsewhere at the discretion of the Provisional Directors or a majority of them, and shall be kept open so long as they shall deem necessary : and so soon as Five Hundred Thousand Dollars of the capital stock shall have been subscribed upon the said stock books, and One Hundred Thousand Dollars thereof actually paid into some one of the present chartered banks in Canada, a public meeting shall be called of the subscribers thereof, by notice published for at least four weeks in two newspapers of the said City of Saint John, such meeting to be held in Saint John aforesaid, at such time as such notice shall indicate ; and at such meeting the subscribers shall proceed to elect five Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the second Tuesday in March, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected ; and immediately upon such election being had, the functions of the said Provisional Directors shall cease.

Provisional Directors and their powers.

Stock books.

First general meeting and election of Directors.

Term of office.

4. The chief place or seat of business of the said corporation shall be in the City of Saint John.

Chief place of business

Act 34 V. c.
to apply.

5. The Act of the Parliament of Canada, passed in the thirty-fourth year of the reign of her present Majesty, intituled "*An Act relating to Banks and Banking*," and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, except in so far as such provisions may relate only to banks already in existence or to banks *en commandite*.

Exception.

Duration of
Act.

6. This Act shall remain in force until the first day of July, in the year of our Lord One Thousand Eight Hundred and Eighty-one, and no longer.

Certificate
Treasury
Board to be
obtained
within 12
months.

7. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act, relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which this Act shall become, and be null and void and of no effect; and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

CAP. LVII.

An Act relating to the Central Bank of New Brunswick.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the bank corporation, known as "The President Directors and Company of the Central Bank of New Brunswick," has for some years past ceased its operations and business, and has paid off all bills and notes issued by the Bank, so far as they have been presented for payment; and the Directors of the said Bank, with the approval of the shareholders, are desirous of winding up and closing its concerns, and of distributing the surplus assets of the Bank among the shareholders; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Notice of closing the Bank to be published, and how.

1. A notice of the passing of this Act, and of the intended closing of the concerns of the Bank shall be published for twelve months in the *Royal Gazette* of the Province of New Brunswick, in the *Fredericton Reporter*, a newspaper published at the city of Fredericton, in the said Province, in the *Union Advocate*, a newspaper published at the Town of Newcastle, Miramichi, in the said Province, and in some one newspaper published in the City of Saint John, in the said Province, in which notice all persons holding any bills or notes of the said Bank, or having any just and legal claims or demands against the said Bank, shall be required to present the same within twelve months from the date of such notice to the President of the said Bank at the City of Fredericton.

2. After the expiration of such period and the full payment of all bills or notes, and just and legal claims and demands so presented, the President and Directors of the said Bank may forthwith make final distribution of the surplus of the funds realized from the assets of the said Bank among the stockholders, in proportion to their amount of stock,—first, however, deducting therefrom a sufficient sum to pay any debts not claimed, but appearing by the books of the Bank to be due, and which debts are not now barred by the statute of limitations.

Final distribution of assets.

3. When such distribution has been made, the stockholders of the said Bank shall be released from any further liability to the creditors of the Bank at law or in equity, or otherwise howsoever, in respect of any bills, notes, claims or demands whatsoever not so presented within such period as aforesaid : and all such bills, notes, claims and demands not so presented shall become void and of no effect : Provided, however, that nothing in this Act contained shall revive or be construed to revive any claim or debt against the said Bank now barred by the statute of limitations ; and whenever any claim or debt for the payment whereof part of the surplus funds has been reserved under the next preceding section becomes barred by the statute of limitations, the sum provided to pay such debt may be distributed in the manner provided by the said section as respects other moneys forming part of the said surplus fund.

Liability of stockholders to cease after a certain time.

Proviso : as to claims barred by Statute of Limitations.

CAP. LVIII.

An Act to incorporate the Maritime Bank of the Dominion of Canada.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS James Domville, Zebedee Ring, John W. Cudlip, James Nevins, Albert J. Smith, J. V. Troop, Charles H. Fairweather, and others, have by their petition prayed that they might be incorporated for the purpose of establishing a bank in the City of Saint John, in the Province of New Brunswick ; and whereas it is desirable to grant the prayer of their petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. James Domville, Zebedee Ring, John W. Cudlip, James Nevins, Albert J. Smith, J. V. Troop, Charles H. Fairweather and such other persons as may become shareholders in the corporation to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic by the name of the "Maritime Bank of the Dominion of Canada."

Incorporation.

Corporate name.

Capital and
shares.

2. The capital stock of the said Bank shall be One Million Dollars, with power to increase such capital stock to Two Million Dollars, such stock to be divided into shares of one hundred dollars each; which shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

Provisional
Directors.

3. For the purpose of organizing the said Bank, and of raising the amount of the said capital stock, the persons hereinbefore mentioned shall be Provisional Directors thereof, and they or the majority of them may elect a chairman, and cause stock books to

Stock books.

be opened after giving due public notice thereof; upon which stock books shall and may be received the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such books shall be opened at Saint John and elsewhere, at the discretion of the Provisional

First meeting
for election of
Directors.

Directors, and shall be kept open so long as they shall deem necessary; and so soon as Five Hundred Thousand Dollars of the capital stock shall have been subscribed upon the said stock books, and One Hundred Thousand Dollars thereof actually paid into some one of the present chartered banks in the Dominion of Canada, a public meeting shall be called of the subscribers thereof, by notice published for at least four weeks in two newspapers of the said City of Saint John; such meeting to be held in Saint John aforesaid, at such time and place as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the second Tuesday in March, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected; and immediately upon such election being had, the functions of the said Provisional Directors shall cease.

Term of
office.

President and
Vice-Presi-
dent.

4. The said Directors so chosen shall at their first meeting after their election, choose one of their number to be President, and another to be Vice-President of the said Bank.

Chief place of
business.

5. The chief place or seat of business of the said corporation, shall be in the City of Saint John aforesaid.

Act 34 Vict.
c. 5, to apply.

6. The Act passed in the thirty-fourth year of the reign of Her Majesty, Queen Victoria, intituled "*An Act relating to Banks and Banking*," and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, except in so far as such provisions may relate only to banks already in existence, or to banks *en commandite*.

Exception.

Duration of
Act.

7. This Act shall remain in force until the first day of July, which will be in the year of our Lord One Thousand Eight Hundred and Eighty-one, and no longer.

8. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act, relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which this Act shall become and be null and void, and of no effect; and the charter hereby granted and the rights and privileges hereby conferred, shall be forfeited.

Certificate of Treasury Board must be obtained within 12 months.

CAP. LIX.

An Act to incorporate the Superior Bank of Canada.

[Assented to 14th June, 1872.]

WHEREAS, Adam Crooks, John Shedden, S. Nordheimer, James Michie, A. H. Sibley, G. A. Kirkpatrick, A. M. Clark, W. Hessin, N. Rooney, R. F. McEwen, S. Mandlebaum, Thomas Dick, R. J. N. Chipman, C. J. Blomfield, Clarkson Jones, George Wilson and others have, by their petition, prayed that they may be incorporated for the purpose of establishing a bank in the City of Toronto, in the Province of Ontario, with branches elsewhere; and whereas it is expedient to grant the prayer of their 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. Adam Crooks, John Shedden, S. Nordheimer, James Michie, A. H. Sibley, G. A. Kirkpatrick, A. M. Clark, W. Hessin, N. Rooney, R. F. McEwen, S. Mandlebaum, Thomas Dick, R. J. N. Chipman, C. J. Blomfield, Clarkson Jones, George Wilson and such other persons as may become shareholders in the corporation to be by this Act created, and their assigns shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of the "Superior Bank of Canada."

Certain persons incorporated.

Corporate name.

2. The capital stock of the said Bank shall be One Million Dollars, divided into ten thousand shares of one hundred dollars each; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives or assigns.

Capital stock and shares.

3. The said Adam Crooks, John Shedden, S. Nordheimer, James Michie, A. H. Sibley, G. A. Kirkpatrick, A. M. Clark, W. Hessin, N. Rooney, R. F. McEwen, S. Mandlebaum, Thomas Dick, R. J. N. Chipman, C. J. Blomfield, Clarkson Jones and George Wilson, shall be Provisional Directors of the said Bank, and they or a majority of them may cause stock books to be opened after giving due notice thereof; upon which stock books shall and may be received,

First general meeting of shareholders.

received, the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such books shall be opened at Toronto and elsewhere at the discretion of the Provisional Directors, and shall be kept open so long as they shall deem necessary: and so soon as Five Hundred Thousand Dollars of the capital stock shall have been subscribed upon the said stock books, and One Hundred Thousand Dollars thereof actually paid into some one of the present chartered banks in Canada, a general meeting shall be called of the subscribers thereof by notice published for at least four weeks in two newspapers of the said City of Toronto, such meeting to be held in Toronto aforesaid, at such time as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven Directors (two of whom only may be aliens) having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Wednesday in the month of July, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected; and immediately upon such election being had the functions of the said Provisional Directors shall cease.

Provisional directors :
their powers.

Election of directors.

Chief place of business.

4. The chief place or seat of business of the said corporation shall be in the city of Toronto.

34 V., c. 5, to apply.

5. The Act passed during the last session of Parliament, intituled "*An Act relating to Banks and Banking*," and all the provisions thereof and of any Act that may be passed in the session amending the same, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting in so far as such provisions may relate only to banks already in existence, or to banks *en commandite*.

Exception.

Duration of Act.

6. This Act shall remain in force until the first day of July, in the year of our Lord One Thousand Eight Hundred and Eighty-one.

Treasury certificate must be obtained within twelve months

7. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act, shall become null and void and of no effect; and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

CAP. LX.

An Act to incorporate the Bank of Manitoba,

[Assented to 14th June, 1872.]

WHEREAS Donald A. Smith, James McKay, George Stephen, Sir Alexander Tilloch Galt and others, have by their petition represented that it will be conducive to the general prosperity of the Province of Manitoba, and greatly facilitate and promote its agriculture and commercial growth and its intercourse with the other Provinces of the Dominion, if a bank is established therein, and have prayed for incorporation under the name of "The Bank of Manitoba;" and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Donald A. Smith, James McKay, George Stephen, Sir Alexander T. Galt, K.M.G., the Honorable Marc Amable Girard, the Honorable John Sutherland, Henry Nathan (the younger), Robert Tait, John McTavish, Andrew McDermott and such others as shall become shareholders in the corporation hereby created, shall be and they are hereby constituted and declared to be a corporation, body corporate and politic, in fact, by and under the corporate name of the "Bank of Manitoba," and as such shall have perpetual succession and a common seal, and also all other powers incident to and necessary for the purposes hereinafter declared.

2. The capital stock of the said Bank shall be Five Hundred Thousand Dollars, divided into five thousand shares of one hundred dollars each; and its chief office shall be at Fort Garry, or within one mile thereof, in the Province of Manitoba.

3. Donald A. Smith, James McKay, Robert Tait, George Stephen, Sir Alexander T. Galt, John McTavish and Andrew McDermott, above named, shall be Provisional Directors for the purpose of organizing the said Bank; and they or a majority of them may cause stock books to be opened at such times and places as they or a majority of them shall think expedient, after first giving two weeks' notice thereof in one or more newspapers published in the City of Montreal, and in the Province of Manitoba; upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Bank, and such books shall be kept open at the discretion of the said Provisional Directors, or a majority of them, so long as they shall deem necessary.

4. Whenever the capital stock of the said Bank shall have been subscribed, and One Hundred Thousand Dollars thereof shall have been *bond fide* paid into some one of the present chartered banks

Preamble.

Certain persons incorporated.

Corporate name.

Capital stock and shares.

Provisional directors.

Stock Books.

First general meeting of shareholders and election of directors.

of Canada, it shall be lawful for the said Provisional Directors, or a majority of them, after giving three weeks' notice in one or more newspapers published in the City of Montreal, and in the Province of Manitoba, to call a public meeting of the shareholders, to be held at such place in Canada, as shall be mentioned in such notice, for the purpose of electing Directors and for other purposes connected with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank; and thereupon the duties of the Provisional Directors shall cease; and the Bank may thereupon issue its notes and carry on business.

Number of directors.

5. The number of Directors of the said Bank shall be seven, subject to be increased or diminished from time to time by by-law to be passed as provided in the twenty-eighth section of the Act of Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, entitled "*An Act relating to Banks and Banking.*"

34 Vic., c. 5
to apply.

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if the same were expressly incorporated with this Act, except in so far as such provisions may relate only to banking institutions already in existence, or to banks *en commandite*.

Duration of Act

7. This Act shall remain in force until the first day of July in the year of our Lord One Thousand Eight Hundred and Eighty-one.

Certificate of treasury board must be obtained within twelve months.

8. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act, relating to Banks and Banking, in default of which this Act shall become and be null and void, and of no effect; and the charter hereby granted, and all and every the rights and privileges thereby conferred, shall be forfeited.

CAP. LXI.

An Act respecting the Toronto Savings Bank.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS it is represented by the Trustees of the Toronto Savings Bank, that the said Bank has been in operation in the City of Toronto since One Thousand Eight Hundred and Fifty-four under the Act of the Legislature of the late Province of Canada, passed in the session held in the fourth and fifth years of Her Majesty's reign, and intituled "*An Act to encourage the establishment of, and to regulate Savings Banks in this Province,*" and the amendments thereto;—that the said in part recited Acts, were repealed by the Act of the Parliament

Parliament of Canada passed in the thirty-fourth year of Her Majesty's reign intituled "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec*," except that a saving clause contained in the second section thereof continued the said Acts in force as regards the said Savings Bank and certain others, until the end of the session of Parliament commencing next after the first day of January, One Thousand Eight Hundred and Seventy-two;—that the said Bank is under the patronage of His Grace the Archbishop of Toronto, and has proved an incentive to savings by the industrial poor, and a source of assistance to charities in the City of Toronto,—that it would be impossible either to make a change in the present constitution of the Bank, or wind up its affairs within the time limited as aforesaid, without serious injury to its affairs; and the said Trustees have prayed that an Act may be passed for an extension to the said Bank, of a further period of ten years; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act of the Legislature of the late Province of Canada, passed in the session held in the fourth and fifth years of Her Majesty's reign, intituled "*An Act to encourage the establishment of, and to regulate Savings Banks in this Province*," and the Act of the said Legislature passed in the session held in the twenty-seventh year of Her Majesty's reign, intituled "*An Act to amend the Act of 1841, relating to Savings Banks*," shall, as regards the Toronto Savings Bank aforesaid, remain in force and apply to the said Bank until the end of the session of Parliament commencing next after the first day of January in the year of our Lord One Thousand Eight Hundred and Eighty-two and no longer, notwithstanding anything to the contrary contained in the Act of the Parliament of the Dominion passed in the session held in the thirty-fourth year of Her Majesty's reign, intituled "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec*:"

2. Provided always, that the said Savings Bank shall not hereafter invest any money deposited or to be deposited with it, otherwise than in the stock or public securities of the Dominion, or of any of the Provinces of the Dominion, or in municipal debentures,—except only that the said Savings Bank may loan such moneys on the personal security of individuals or to corporate bodies, provided collateral securities to the amount of such loan, and of the nature of those on which it may invest money as aforesaid, or British or foreign public securities, or stock of some chartered bank in Canada, or stock in any incorporated building society, or bonds, or debentures, or stock of any other incorporated institution or company be taken by the said Savings Bank at the time when the loan is made, in addition to such personal or corporate security, and with power to sell such securities if the loan be not paid when due: and the said Savings Bank shall not make any loan directly or indirectly

34 V., c. 7.

The Acts of the late Province of Canada 4, 5, V., c. 32, and 27 V., c. 6 continued, as to the said Bank until the end of the session commencing next after 1st Jan., 1882.

34 V., c. 7.

In what securities the Bank may invest deposits.

As to loans on real estate.

indirectly on the security of real estate, or with reference to real estate, except only that nothing herein contained shall prevent the said Savings Bank from taking security upon real estate, in addition to such collateral securities as aforesaid, and subsequently to the making of the loan, and subsidiary to the security originally taken therefor.

Other investments to be called in.

3. The said Savings Bank shall, as soon as possible after the passing of this Act, call in and realize all such moneys as aforesaid, which at the time of the passing of this Act shall be invested or loaned in any other manner or on any other security than as required by the next preceding section.

Inspection of the Bank by Government officers.

4. Any officer of the financial Department, or other person appointed to visit and inspect Government Savings Banks, may visit and inspect the said Toronto Savings Bank, and shall have the same powers in so doing to investigate and report upon the business and affairs thereof, as any Inspector appointed by the Government to inspect Government Savings Banks or agencies for receiving deposits, has with respect to them, under the regulations in that behalf, made by the Governor in Council under the Act passed in the thirty-fourth year of Her Majesty's reign, chapter six.

CAP. LXII.

An Act to legalize a certain Agreement entered into between The Grand Trunk Railway Company of Canada and the Corporation of the Town of Galt, and for other purposes therein mentioned.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the Corporation of the Town of Galt and "The Grand Trunk Railway Company of Canada," by their respective petitions, have represented that they have respectively entered into the agreement set forth in the schedule to this Act, for the purposes in the said agreement mentioned; and that, on the part of the said Corporation of the Town of Galt, the Local Legislature of the Province of Ontario has legalized the said agreement; and whereas the said petitioners have prayed that an Act may be passed legalizing the said agreement so far as it relates to the said railway Company, and authorizing said Company to carry out all the provisions of the said agreement on their part; and The Grand Trunk Railway Company of Canada have also prayed for power to extend their line to the Village of Waterloo, in the County of Waterloo, in the said Province of Ontario; or for power to enter into an agreement with the Corporation of the said

said village as to the purchase or lease and working of the said extension; and whereas it is expedient to grant the prayer of the said petitions respectively: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said agreement in the schedule to this Act contained, in so far as it relates to the said “The Grand Trunk Railway Company of Canada,” and to the making thereof on their part is hereby legalized and confirmed. Agreement in schedule confirmed.

2. The Grand Trunk Railway Company is hereby authorized to carry out and perform the said agreement in the schedule to this Act set out, and the matters therein referred to which are to be carried out and performed by or on the part of the said Company, or which constitute conditions precedent to be performed by the said Company, whether as to building, acquiring right of way on either of the two surveys in the said agreement mentioned, or as to the working of the said extension: and in all, each and every particular in the said agreement mentioned and provided, and in so far as any act required to be done, or which may be done, by the said Company, in the premises in the said agreement or in this Act mentioned, all the parts, sections and provisions of the Railway Act, shall apply in favor of the said Company. G. T. R. Company empowered to carry out agreement. Railway Act to apply.

3. The Grand Trunk Railway Company of Canada may, for a nominal or other consideration, purchase, or from time to time lease for any number of years from the said Corporation of the Town of Galt, the extension mentioned in the said agreement with all and every of the lands, stations and appurtenances belonging or appertaining thereto, and on such terms and conditions as the Company may think fit. Company may purchase or lease the extension

4. The Grand Trunk Railway Company may, from time to time, enter into such other and further agreements respecting the said extension, in the said agreement mentioned, its construction and maintenance, and the working thereof; and may alter, vary or change the same, or may vary the provisions of the said agreement in the schedule to this Act set out, as respects the purchase or construction, or working of the said extension, as the said Corporation and the Company may agree upon. Provision as to future agreements.

5. The Grand Trunk Railway Company of Canada are hereby authorized to enter into an arrangement with the Corporation of the Village of Waterloo for the purchase, at a nominal consideration, or the leasing from time to time of the line between The Grand Trunk Railway Company’s present line in the Town of Berlin, and the said Village, which the said Corporation of the Village of Waterloo have been authorized to acquire and construct, or any part thereof, upon such terms and conditions as the said Company and the said Corporation may think fit. G. T. R. Company may purchase or lease branch to Waterloo.

Or may
construct the
same.

6. The Grand Trunk Railway Company may, if so agreed upon by and between the Company and the Corporation of the Village of Waterloo, construct the said connection upon such terms as to the construction and working of the said extension, as the said parties may agree upon.

Provision as
to future
agreement.

7. The Grand Trunk Railway Company may, from time to time, and as often as the Company and the Corporation think proper, vary, alter or change any agreement, lease or terms of purchase which may be made between them in respect of the construction, maintenance and working of the said extension.

Certain
enactments
to apply.

8. The provisions of all the Acts relating to the Grand Trunk Railway Company of Canada, and all the parts, sections and provisions of the Railway Act, shall apply to the said extensions from the Village of Doon to the Town of Galt, and from the Town of Berlin to the Village of Waterloo respectively, and to the Grand Trunk Railway Company in working the same, in all respects, so far as the said Grand Trunk Railway Company are concerned.

SCHEDULE.

This agreement, made the thirtieth day of November, One Thousand Eight Hundred and Seventy-one, between the Grand Trunk Railway Company of Canada, of the one part, and the Corporation of the Town of Galt, in the County of Waterloo, and Province of Ontario, of the other part.

Whereas the Corporation of the Town of Galt are desirous of forming a connection with the Berlin Branch of the said Grand Trunk Railway Company at the Village of Doon, in the said County of Waterloo; And whereas, on the fourth day of July last past, a by-law was passed by the said Corporation (the freeholders and householders by a majority having, by their votes, authorized the same) by the municipal council thereof, intituled "A By-law to raise, by way of loan, the sum of twenty-five thousand dollars for the purposes therein mentioned;" And whereas an agreement was entered into between C. J. Brydges, Esquire, as Managing Director of the Grand Trunk Railway, for such railway Company; and Adam Ker, Esquire, as Mayor of the said Corporation of the Town of Galt, to the following effect, namely:—

That so soon as the said Corporation of the Town of Galt, or any number of individuals appointed on their behalf, shall have obtained a charter authorizing the building and continuing of such railway connection from Doon to Galt; and the right of way through the intervening lands shall have been acquired and fenced in, together with whatever bridges, culverts and cattle guards, as are necessary, shall have been built and made, and the road-bed formed, and the necessary station buildings provided at Galt, said Grand Trunk Railway Company promise and covenant that, so

soon as the said work shall have been performed, and the said charter secured, they will, at their own cost, furnish the necessary ties and rails, and lay the track, and work or run the said railway branch at their own cost and expenses, and also that the said railway branch shall, when completed, be run by at least one passenger train each way per day between Galt and Toronto, and a sufficient number of freight cars or trains supplied equal to the accommodation and business requirements of the said Town of Galt.

And it is hereby further agreed between the said contracting parties hereto, that the Corporation of the Town of Galt may adopt either of the two surveys (designated as the "upper and lower levels") which have been made of the said branch line of road from Doon to Galt, which they may find to be the best suited to their interests.

In witness whereof, the said Grand Trunk Railway Company of Canada, and the Corporation of the said Town of Galt have hereunto caused to be affixed their respective seals, the day and year above written, opposite to which their duly authorized officers have subscribed their names.

(SD.) C. J. BRYDGES,
MANAGING DIRECTOR,
G. T. R. Co. SEAL

CAP. LXIII.

An Act to confirm an agreement made between the Grand Trunk Railway Company of Canada, and the International Bridge Company; and for other purposes.

[Assented to 14th June, 1872.]

WHEREAS the International Bridge Company incorporated Preamble. by an Act of the State of New York, and the International Bridge Company incorporated by an Act of the late Province of Canada, did under and in pursuance of a Statute of the State of New York aforesaid, and an Act of the Parliament of Canada, respectively passed for that purpose in due form, and according to the provisions of the said Statutes in that behalf, unite, consolidate and amalgamate their respective stock, property and franchises; and the said two Companies now form one corporation under the name of "The International Bridge Company," with all the rights, powers and privileges possessed by the said two Companies respectively: And whereas by an Act of the Parliament

Parliament of Canada, passed in the session held in the year one thousand eight hundred and seventy, intituled "*An Act respecting the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company,*" the Grand Trunk Railway Company of Canada were authorised to enter into an agreement with the International Bridge Company for the purpose of securing such annual rent as might be necessary to pay interest upon the cost of the International Bridge across the Niagara river at or near Fort Erie in the Province of Ontario, such annual rental being in lieu of the present cost of working and maintaining the present ferry and ferry works between Fort Erie and Buffalo; and it was thereby declared and enacted that the sum so agreed to be paid should form part of the working expenses of the Grand Trunk Railway Company under section twenty of "*The Grand Trunk Arrangements Act, 1862,*" (25 Vict, cap. 56)," and that any such agreements made between the Companies should be binding upon them: Provided that the sum so agreed to be paid by way of rent as aforesaid should not exceed the sum of twenty thousand pounds sterling per annum: And whereas an agreement bearing date the thirtieth day of June, one thousand eight hundred and seventy, hereto scheduled, has been made between the International Bridge Company and the Grand Trunk Railway Company of Canada, one of the objects of which is to provide for the granting of a lease of the Bridge to the Grand Trunk Railway Company of Canada for a period of nine hundred and ninety-nine years, and for the purchase of the same as in the said agreement expressed: And whereas it is expedient that the said agreement shall be confirmed subject as hereinafter provided: And whereas it is expedient that the Grand Trunk Company should be authorised to construct and maintain as part of their undertaking the lines of railway and approaches connecting their system of railways with the bridge: 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 for all purposes be cited as "*The Grand Trunk (International Bridge), Act, 1872.*"

Confirmation
of Agreement
of 30th June,
1870.]

2. The agreement, bearing date the thirtieth day of June, one thousand eight hundred and seventy, and made between the International Bridge Company (in this Act hereinafter called "*the Bridge Company*") of the first part, and the Grand Trunk Railway Company of Canada (in this Act hereinafter called "*the Grand Trunk Company*") of the second part, which agreement is set out in and forms the schedule to this Act, is, except as by this Act varied, hereby confirmed; and all the powers, provisions, stipulations, covenants and agreements, and all and singular other the matters in the said agreement contained, shall be valid and binding in favour of and upon both Companies, and shall in all respects have the same force and effect as though the same were and every of them was expressly embodied in this Act: Provided,
that

that nothing in this Act or in the said agreement forming the schedule to this Act contained, shall alter, affect, vary, or lessen any rights and privileges granted to or reserved in favour of the public or any other railway companies, in respect of the passage of the said bridge and the use of the machinery and fixtures thereof, and of the approaches thereto, or otherwise, by any Act of the State of New York, or of the legislature of the late Province of Canada. Proviso.

3. In accordance with the said agreement, the Bridge Company shall forthwith execute to the Grand Trunk Company, and the Grand Trunk Company shall accept a lease of the undertaking of the Bridge Company, with all its property, rights, privileges, franchises and incidents, on the terms set forth in the said scheduled agreement. Lease to be executed in terms of Agreement.

4. It shall be lawful for the Bridge Company, with the consent of the Grand Trunk Company, under its common seal, until the granting of the lease, to make such agreements with all or any other companies or persons for the use of the bridge, for the working of traffic over the bridge, or otherwise in relation to the said bridge, as they shall think fit; and the lease shall be subject to any agreements so made. Power to Bridge Company to make previous traffic Agreement.

5. Notwithstanding the provisions of this Act as to the leasing of the said bridge by the Grand Trunk Company, it shall be lawful for the Bridge Company at any time either before or after the granting of the lease (and irrespective of the term of three years prescribed in the eighteenth clause of the said agreement) to sell and for the Grand Trunk Company to buy the undertaking of the Bridge Company, with all its property, rights, privileges, franchises and incidents so leased as aforesaid; and thereupon the undertaking of the Bridge Company shall be vested in the Grand Trunk Company as part of its general undertaking, but subject and without prejudice as to the said bridge to the laws and jurisdiction of the State of New York affecting the same: and the Grand Trunk Company may at any time purchase or take transfers of all or any of the capital stock, shares and securities of the Bridge Company from the holders thereof for the time being, at such price or prices as shall be agreed upon between such holders respectively and the Grand Trunk Company; and, in default of agreement, the said respective holders shall and are hereby required to sell the same at such price as shall be settled by a single arbitrator, to be nominated (if not agreed upon) by the Chief Justice of the Queen's Bench in the Province of Quebec. Power to Grand Trunk Company to purchase Bridge, or stock in the same.

6. It shall be lawful for the Grand Trunk Company at any time to agree with the Great Western Railway Company of Canada for admitting that Company into participation with them of the benefits and obligations of the said lease, and of the said purchase, or either of them, on such terms as shall be then agreed; and thereupon the Great Western Railway Company shall have all the Power to Grand Trunk to admit Great Western of Canada to benefits of Agreement.

rights and benefits, and be subject to the obligations of the said lease or purchase, as the case may be, as if they had been originally parties jointly with the Grand Trunk Company to such lease or purchase, in such proportions as shall be agreed upon between them; and in case of such agreement all the provisions of this Act and of the said scheduled agreement as to the use and enjoyment of the said bridge by the Grand Trunk Company either as lessees or purchasers, or as to the exercise of any powers in relation thereto, shall enure and be applicable to the two Companies jointly as if the Great Western Railway Company had been made party jointly with the Grand Trunk Company to the said agreement, and specially named with them in the provisions of this Act.

Power to commute tolls, &c.

7. It shall be lawful for the Grand Trunk Company to agree with any Company, corporation or persons using or proposing to use the said bridge, as to the amount of tolls, rates or other remuneration to be paid for such use, and to commute the same at any fixed or variable amount, or for a payment or payments in gross, or for recurrent payments at fixed or variable periods, with power also at any time to agree for the absolute or partial redemption or extinction, or cesser of any such payment or payments, with further power from time to time by mutual consent to alter and vary the terms of any such agreement: Provided, however, that any moneys to be so paid and received shall be charged and chargeable and be applied only in the same manner as the tolls, rates, or payments in lieu of which the same may be substituted, would have been applicable had the same been levied and paid.

Proviso: as to application of money.

Approaches to Bridge to become by agreement part of Grand Trunk undertaking.

8. It shall be lawful for the Bridge Company at any time before such lease or purchase, and irrespective thereof, to grant and make and for the Grand Trunk Company to accept a transfer of the rights and powers of the Bridge Company to construct and maintain so much of the intended connecting lines of railway and approaches, now part of the bridge undertaking, as lies between the present terminus of the Grand Trunk system at Fort Erie and the bridge; and thereupon for the Grand Trunk Company to construct, complete and maintain the connecting lines and approaches so transferred, and to apply their corporate funds for that purpose; and the same when constructed shall become and be part of the undertaking of the Grand Trunk Company.

Power to advance money.

9. It shall be lawful for the Grand Trunk Company to advance to the Bridge Company, for the purpose of completing the bridge, such sums of money as they may think proper, not exceeding in the aggregate sixty thousand pounds sterling, and after the purchase the Grand Trunk Company may apply any part of its corporate funds to the purposes of the bridge as part of its general undertaking.

Act subject to confirmation of general meeting.

10. This Act shall not take effect unless and until submitted to a general meeting of the persons entitled to vote at the meetings of the Grand Trunk Company, and approved by bond and stockholders

holders present in person or by proxy at such meeting holding at least two-thirds in nominal amount of the bonds and stock capital of the Company represented at such meeting.

SCHEDULE.

This Agreement made the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy.

Between the International Bridge Company, of the first part, and The Grand Trunk Railway Company of Canada, of the second part.

Whereas the International Bridge Company, incorporated by the laws of the State of New York, and the International Bridge Company, incorporated under the laws of the late Province of Canada, heretofore did, under and in pursuance of a Statute of the State of New York, aforesaid, and a Statute of the Dominion of Canada, respectively passed for that purpose, in due form and according to the provisions of the said Statutes in that behalf, unite, consolidate and amalgamate their respective stock, property and franchises, and the said two companies now form one Corporation under the name of the International Bridge Company, with all the rights, powers and privileges, possessed by said two Companies respectively, and which said last mentioned Company is the party hereto of the first part :

And whereas the party of the first part is about to build a railway and carriage bridge across the Niagara River, from a point at or near the Village of Fort Erie, in the Province of Ontario, to a point at or near the City of Buffalo, in the State of New York, under the powers vested in them for that purpose by the several Statutes of the said State of New York, and also by the Statutes now in force in the Dominion of Canada :

And whereas the parties of the first part desire to raise the capital to build the said bridge :

And whereas the facilities which the said bridge would afford to the party of the second part for working their traffic across the said river would be far superior to those they now possess, and would greatly increase their traffic, and it is therefore a matter of great importance to the said party of the second part that the said bridge should be completed and made ready for use :

And whereas by an Act of the Parliament of the Dominion of Canada, passed in the session of the said Parliament, held in this present year, entitled "*An Act respecting the Grand Trunk Railway Company of Canada, and the Buffalo and Lake Huron Railway Company,*" the said, "The Grand Trunk Railway Company of Canada," the parties hereto of the second part, are authorized to
enter

enter into an agreement with the party hereto of the first part, for the purpose of securing such annual rent as may be necessary to pay interest upon the cost of the said bridge across the Niagara River at or near Fort Erie in the Province of Ontario, such annual rental being in lieu of the present cost of working and maintaining the present ferry and ferry works of the party of the second part between Fort Erie and Buffalo: And in the said Act it is also provided that the sum so agreed to be paid should form part of the working expenses of the party of the second part, under section twenty of "*The Grand Trunk Arrangements Act, 1862,*" (25 Vic. chap. 56.) and that any such agreement made between the parties hereto should be binding upon each and all of them: Provided always the sum so agreed to be paid by way of rent should not exceed the sum of twenty thousand pounds sterling per annum,—

Therefore, this agreement witnesseth,

That the said parties to this agreement covenant and agree each with the other and their respective successors and assigns as follows (that is to say):—

1. In this agreement the words "*The Bridge Company*" shall mean the party of the first part their successors and assigns. And the words "*The Grand Trunk Company*" shall mean the party of the second part their successors and assigns.

2. *The Bridge Company* shall proceed with the construction of and shall construct and complete a good substantial and complete stone and iron railway and carriage bridge across the Niagara River, from a point at or near Fort Erie, in the Province of Ontario, to a point at or near the City of Buffalo, in the State of New York, with railway tracks of the six feet gauge, of the five feet six inch gauge, and of the four feet eight and a half inch gauge, respectively, and with a carriage and footway; also with the draws, machinery, appliances, appurtenances and fixtures mentioned in and required by the Statutes now in force in the said State of New York, and also those that are in force in the Dominion of Canada, relating to the *Bridge Company*, and the said bridge, its location and construction, and its use: And that the same shall be complete, fit for use, and shall be open for railway traffic, on or before the first day of January, which will be in the year of our Lord one thousand eight hundred and seventy-two.

3. *The Bridge Company* will also make the necessary approaches and appliances on both sides of the river, and so as to enable the *Grand Trunk Company*, and others, to connect with the railways on the New York side of said river, the rails for which purposes are however, to be provided by the *Grand Trunk Company*, who are also to lay the same with the switches and other like works.

4. The site selected shall be subject to the approval of the *Grand Trunk Company*, and the plans and specifications for the said

said bridge, the design thereof, including the materials to be used, and also the location and plans for the approaches, shall be submitted to and approved of by the Grand Trunk Company before being finally adopted by the Bridge Company; and no departure from the location, design, plans or specifications (including materials proposed) of said bridge, its appurtenances, machinery, fixtures, draws, approaches, or any of them, shall be made, without the consent in writing of the Managing Director for the time being of the Grand Trunk Company, clearly and expressly authorizing such deviation or departure, being first had and obtained; and such consent shall be of no force or effect unless endorsed on the back of these presents, and signed by the said Managing Director.

5. The Bridge Company shall procure and pay for all lands required for the said bridge and its approaches and all its other purposes.

6. The Bridge Company shall and will pay all damages occasioned to any person or persons whomsoever by reason of the construction of the said bridge, or any piers, abutments, or other work whatsoever connected with the bridge or its construction, whether of a temporary or permanent character, and they shall maintain and keep the said bridge and works and its approaches and lands, free from any and every claim, lien or charge because of any damage or injury, direct or consequential, occasioned thereby to any person or persons.

7. In the agreement with the contractors for the construction of the said bridge, the Bridge Company will provide that no extras shall be allowed the contractor, and that the contract price fixed shall cover the whole cost of the completion of the bridge and its appurtenances to the entire satisfaction of the Managing Director for the time being of the Grand Trunk Company, and will also make provision for the payment, by the contractors, of interest on the bonds, and the guaranteed dividend on the preference shares or stock issued, as hereinbefore mentioned, up to the first day of January, one thousand eight hundred and seventy-two.

8. The said bridge and approaches, with all its fixtures, machinery and works, and their appurtenances, shall be maintained by the Bridge Company at their own cost and charges, for one year from the day the bridge is opened for traffic.

9. After the expiration of the said one year from the day on which said bridge is opened for traffic, and within which year the Bridge Company are to maintain the said bridge, &c., the Grand Trunk Company will maintain and keep said bridge in repair, and will save the Bridge Company from all claims for loss or damages to any person or persons by reason of the working of said bridge.

10. While the bridge is being constructed, the Grand Trunk Company shall have the right to appoint one or more engineers or agents, or both, to watch the progress of the work and the material being used, and shall have at all times free access to the works for the purpose of seeing that the material used is proper and the work carefully done; and if at any time any material provided or used, or any work done, or being done, is not to the satisfaction of said engineer or agent, on objection made the same shall be at once removed and the material and work shall be made and provided to the satisfaction of said engineer or agent, and in all things the whole work shall be made of a complete and substantial character and to the Grand Trunk Company's entire satisfaction.

11. Subject to confirmation by proper legislative sanction to be obtained for that purpose, the Bridge Company shall at once execute a lease of the said bridge, its approaches, machinery, fixtures, boats, appliances and appurtenances to the Grand Trunk Company, their successors and assigns, for the period of nine hundred and ninety-nine years from the date of this agreement, and said lease shall make over for the time aforesaid to the Grand Trunk Company, their successors and assigns, all the tolls, rights, powers and franchises of said Bridge Company.

12. In consideration of the foregoing covenants, the Grand Trunk Company hereby agree to pay, or cause to be paid to the Bridge Company, or the trustees hereinafter mentioned, an annual sum of twenty thousand pounds sterling, by half-yearly instalments, to commence from the 1st day of January, one thousand eight hundred and seventy-two, such annual sum being estimated as equal to the sum which it costs the Grand Trunk Company to work their present traffic across the said river including the cost of maintaining the boats and all the works of the present ferry, and to continue payable during nine hundred and ninety-nine years, subject to cesser in the event and on the conditions hereinafter expressed.

13. The Bridge Company having duly executed a mortgage to two trustees, representing the Bridge Company and the Grand Trunk Company respectively, of their property and undertaking, for the purpose of securing due payment of the bonds hereinafter mentioned, will forthwith, at the request of the Grand Trunk Company, issue in the form hereunder written, a series of bonds amounting in the aggregate to one million of dollars, to be secured by such mortgage.

14. The Bridge Company will also forthwith create preferential shares or stock of the Bridge Company of such aggregate amount as shall be required by the Grand Trunk Company, not exceeding three hundred and twenty-five thousand dollars of lawful money of Canada, and shall issue the same to such person or persons and in such proportional amounts as the Grand Trunk Company may indicate.

15. The said annual payment shall be applied in accordance with the provisions of a declaration of trust, bearing even date herewith, and which has been executed by the trustees of the said mortgage, and by the Bridge Company and the Grand Trunk Company respectively. If, and when by the application of the annual payment of twenty thousand pounds, in accordance with the provisions of the said declaration of trust, the whole of the said bonds, and any other bonds hereafter issued in the place of any of such bonds redeemed or satisfied, shall have been fully satisfied or discharged, the annual payment hereinbefore covenanted to be paid, shall thenceforth cease to be payable.

16. The cesser of the annual payment, as hereinbefore provided, shall not alter or affect the rights and powers then existing of the Grand Trunk Company in respect of the said bridge whether as lessees or otherwise.

17. In the event of no lease being authorised and granted as hereinbefore provided, all tolls and charges payable to the Bridge Company for the use of the said bridge, other than the said annual payment, shall after payment of all expenses in working and maintaining the bridge, its machinery, fixtures and works, and all charges and expenses for salaries, wages and the like, be accounted for and paid over to the trustees of the mortgage, and shall be applicable and applied in satisfaction, *pro tanto*, of the said annual payment, and if and when such payment shall have ceased to be payable, then to be dealt with as provided by this agreement.

18. At any time within three years from the date hereof the Grand Trunk Company shall have the right to purchase the capital stock or shares of the Bridge Company and all its securities then issued, and the Grand Trunk Company may pay therefor in cash, or they may pay for the same otherwise, if so agreed upon between the parties; and upon the said purchase by the Grand Trunk Company, all the property, privileges, powers, rights and franchises of the Bridge Company shall be vested in the Grand Trunk Company, and the undertakings of the two companies shall from thenceforth be one undertaking.

19. The parties hereto will apply to the respective legislatures of the State of New York and the Dominion of Canada, for an Act of each said legislature to confirm this agreement and the lease to be granted in pursuance thereof, with such additions or variations, if any, as may in the meantime be considered expedient, and as respects the application to the legislature of the Dominion of Canada for power to the Grand Trunk Company to create such securities as they may think proper, either to buy up the said stock and bonds of the Bridge Company, or upon which to raise the money required for that purpose. Such legislation shall be applied for as soon as conveniently can be, and as often as may be considered necessary, and both parties shall use their best exertions to procure the same.

20. Whether the said option of purchasing is or is not exercised by the Grand Trunk Company, in any case all other railway companies who, as the law now stands in the State of New York and in the Dominion of Canada, have the right to the use of the said Bridge when completed on payment of tolls, shall, notwithstanding said lease or said purchase, have all the said rights to the full extent now provided by the several Statutes in force in Canada and the State of New York relating to the Bridge Company, but in the said lease shall be introduced a clause providing that the tolls to be paid and received for said use shall be paid to and be received by the Grand Trunk Company, which Company; as to all Companies and persons paying tolls for the use of said bridge in any way, shall have rights and stand in place of the Bridge Company.

21. Upon the purchase as hereinbefore provided of the securities of the Bridge Company by the Grand Trunk Company, the sums which may have been paid for interest before the completion of the bridge may be added to and form part of the capital cost to the Grand Trunk Company of the purchase of the Bridge Company's said stock, bonds and securities, property, rights, powers and franchises.

In witness whereof the said parties to these presents have hereunto set their respective corporate seals on the day and year first above written.

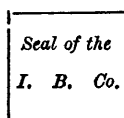
Signed, sealed and delivered }
in the presence of }

(Signed,) W. CROWTHER.

(Signed,) S. H. WALLIS.

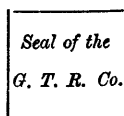
(Signed,)

C. J. BRYDGES,
President International Bridge Co.



(Signed,)

J. FERRIER,
Chairman Grand Trunk Railway Co



CAP. LXIV.

An Act respecting the Grand Trunk Railway and the Montreal and Champlain Railroad Companies,

[Assented to 14th June, 1872.]

WHEREAS the Montreal and Champlain Railroad Company ^{Preamble.} have under the provisions of an Act of the legislature of the late Province of Canada, twenty-seventh and twenty-eighth Victoria, chapter eighty-five, section five, sold to the Grand Trunk Railway Company of Canada the entire lines, assets, rolling stock, franchises, corporate property, shares and rights of the said Montreal and Champlain Railroad Company, for the sum of five hundred thousand dollars, upon the terms and conditions in the said clause expressed: And whereas the Grand Trunk Railway Company of Canada, for the purpose of enabling them to carry out and complete the terms of the said sale and purchase, desire to create a third mortgage upon the property, rights and franchises so sold, upon the terms and conditions hereinafter expressed; and also desire to have power to consolidate the said three mortgages upon the said Montreal and Champlain line, and in place thereof to create a mortgage upon the terms hereinafter expressed: And whereas the said two Companies have, by their respective petitions, prayed that an Act may be passed granting the powers required 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:—

1. In this Act the words "Champlain Company" shall mean ^{Interpretation.} The Montreal and Champlain Railroad Company, and the words "Grand Trunk Company" shall mean The Grand Trunk Railway Company of Canada.

2. It shall be lawful for the Grand Trunk Company, for the ^{Grand Trunk Company may create a mortgage on the Champlain Railway, and issue bonds thereunder.} purpose of raising the money to make the payments provided for in the said Act twenty-seventh and twenty-eighth Victoria, chapter eighty-five, section five, or otherwise satisfying the same, to create a third mortgage upon the entire lines, rolling stock, franchises, and corporate property so purchased from the Champlain Company, for a sum not to exceed five hundred thousand dollars, and bearing interest at the rate of not to exceed seven per centum per annum, and to issue, under the said mortgage, bonds in such sums as they may find most desirable, and with interest coupons attached, which bonds and coupons may be made payable at such times and in such places, and in Canadian or sterling money, as may be thought most expedient; and the said mortgage and the bonds issued thereunder, and the interest payable thereon, shall be a third charge and lien upon the whole of the lines, rolling stock, franchises, and corporate property so purchased, as authorized in

Rank of such
Mortgage.

in said fifth section of said Statute above mentioned : and the said third mortgage shall rank after the issue of bonds amounting to three hundred and seventy thousand dollars constituting the second mortgage of the said Champlain Company.

Grand Trunk
Company may
guarantee
mortgage and
sell bonds.

3. The said mortgage so to be created may be guaranteed by the Grand Trunk Company in such way and on such terms as the Grand Trunk Company may think proper, and the Grand Trunk Company may, by the sale or other disposition of said bonds, raise the said money and pay off the said sum of five hundred thousand dollars as heretofore agreed upon by and between the said Companies, or if the Companies think proper to so agree the said bonds or any part of them may be paid over to the Champlain Company in lieu of the money, on such terms as the Companies may fix and determine; and upon payment of the said sum either in cash, or bonds, if such mode of payment is accepted, all the property in the said fifth section and in the agreement which forms the schedule to the said Act in the recital to this Act mentioned shall be and become vested in the Grand Trunk Company in the manner and to the extent in the said Act authorized, subject to said third mortgage, in addition to the charges in the said Act specified, and to which, under the provisions of said Act, the same are to be subject.

Or pay them
to the
Champlain
Company by
agreement.

Grand Trunk
Company may
consolidate or
redeem all
charges upon
the Champlain
line, and create
a mortgage and
issue bonds.

4. The Grand Trunk Company may consolidate or redeem all the mortgages and liens charged upon the whole lines, rolling stock, franchises and corporate property so purchased from the Champlain Company as they respectively mature, or as the holders thereof and the Company may agree upon; and for that purpose the Grand Trunk Company may create a mortgage upon the said lines, rolling stock, franchises and corporate property, so purchased as aforesaid or any part thereof, for a sum not to exceed the sum of the aggregate of the mortgages and liens then in existence on said lines and property, bearing interest at a rate not to exceed seven per centum per annum, payable principal and interest in Canadian or sterling money; and may under said mortgage issue bonds with interest coupons attached, (the bonds and coupons to be payable as aforesaid in sterling or Canadian currency as in the mortgage expressed) in such sums and at such times and places as may be found most expedient; and with the said bonds the Grand Trunk Company, may if so agreed upon, take up and pay off the said liens and mortgages then existing as they mature, or they may sell the said bonds so to be issued as in this clause provided, and with the proceeds thereof pay off and redeem the said then existing liens and mortgages or any part thereof; or the Company may pay off said last mentioned mortgages as they mature, partly in cash and partly in bonds or otherwise as the Company and the respective holders thereof may agree, and as to the said Company and the holders may be considered most advantageous.

Application of
such bonds.

Grand Trunk
Company may
uarantee

5. The Grand Trunk Company may guarantee the payment of the interest upon the said mortgage and bonds so authorized to be issued

issued as last aforesaid and also the payment of the principal, upon such terms and conditions as they may fix and think proper, and the interest payable under the said mortgages respectively, mentioned in sections two, three and four of this Act shall form part of the working expenses of the Grand Trunk Company as defined in the "*Grand Trunk Arrangements Act, 1862,*" section twenty.

payment of interest.

6. For the purpose of giving full effect to the said purchase and in order to the creation of the said third mortgage and the issue and sale of the bonds, the issue of which is above provided for by the first section of this Act, the Directors of the said two Companies shall have power respectively to do all acts and in the name of the said respective Companies and with their respective seals to execute and complete all documents which may in law or equity be required to give full effect to the provisions and intention of the said Act twenty-seventh and twenty-eighth Victoria, chapter eighty-five, and to the completion of said sale, and as shall be found necessary in the premises.

Power to respective companies to execute necessary deeds.

7. The Grand Trunk Company shall be bound to discharge all the obligations and duties of the said Champlain Company imposed on them by the fifth section of the Act twentieth Victoria, chapter one hundred and forty-two.

Grand Trunk Company to discharge certain obligations of the Champlain.

CAP. LXV.

An Act to enable the Great Western Railway Company to extend and improve its connections.

[Assented to 14th June, 1872.]

WHEREAS the Great Western Railway Company, hereinafter styled "The Company," have petitioned that they should be enabled to aid in the building of certain works which will tend to improve their connections; and whereas it is expedient to give them the powers which they have asked by their 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. Subject to the priority of the loan capital, as settled and secured by the sixth section of "*The Great Western Railway Company's Financial Act, 1871,*" and the amount of terminable bonds or perpetual debenture stock now issued or which may be issued on the basis of capital to be raised by the said Act, The Company may agree for the loan of its credit by direct guarantee or traffic contract or otherwise to and with the International Bridge Company or the Detroit River Tunnel Company, or the corporation which

Subject to certain conditions, the Company may loan its credit to certain other Companies.

which may be created by reason of the amalgamation of either of said Companies with other Bridge or Tunnel Companies, or may agree as and for the purposes aforesaid to and with any other Railroad or Railway Company upon behalf of which by the Acts of Incorporation of The Company power and authority has been conferred to use its funds by way of loans or otherwise.

The Company may hold stock in certain other Companies.

2. The Company may hold stock or shares, or avail itself of any of the rights or powers given or reserved or purported to be given or reserved to The Company, or to any other Railway or Railroad Company, in the Detroit River Tunnel Company, the Grand Trunk Railway Company, or the International Bridge Company, or any of them, by any Acts of the late Province of Canada, or of the present or any previous session of the Parliament of Canada, whereby power is given to the said Tunnel, Railway, or Bridge Companies, or any of them, to agree with The Company, or whereby rights are reserved to The Company or other Railway or Railroad Companies in respect of the matters in such Acts severally specified, and the right to accept and exercise such powers or to enter into the agreements in the said Acts specified is hereby recognized.

Consent of two-thirds of the shareholders at a general meeting required.

3. No liability or expenditure shall be incurred or powers exercised under the two next preceding sections, unless the consent of two-thirds of the shareholders shall have been obtained at any half yearly general meeting in terms of the seventh section of the "*Great Western Railway Act, 1870*," or at a special general meeting if deemed expedient to be called for the purpose.

Exercise of certain rights confirmed.

4. The exercise by The Company of the rights and powers contained in the several Acts, the capital mentioned in each of which was consolidated by "*The Great Western Railway Company's Financial Act, 1871*," and therein recited, is hereby confirmed.

Works authorized as aforesaid to be part of G. W. Railway; which is a work for the general advantage of Canada.

5. The works authorized by the Acts mentioned in the next preceding section, shall be known as the Great Western Railway, and the Great Western Railway, besides being in virtue of statutory provisions of the legislature of the late Province of Canada, part of the main trunk line of railway throughout the whole length of that Province, and besides being a railway extending beyond the limits of the Province of Ontario, is, and the said works are, hereby declared to be for the general advantage of Canada; and the same shall continue to be subject to the provisions of "*The Railway Act*," forming chapter sixty-six of the Consolidated Statutes of Canada, except those contained in the sections between the second and the one hundred and twenty-fifth, both inclusive.

Time for certain work extended.

6. The time limited for the completion of the railway between Glencoe and Fort Erie is hereby extended for the further period of twelve months from such limitation.

7. The Act passed in the thirty-third year of the reign of Her Majesty, chaptered fifty, and intituled "*An Act to amend the Acts of incorporation of the Great Western Railway Company,*" may be cited as "*The Great Western Railway Act, 1870.*" Short title of 33 V., c. 50.

8. This Act may be cited as "*The Great Western Railway Act, 1872.*" And of this Act.

CAP, LXVI.

An Act to legalize and confirm the Lease to the Northern Railway Company of Canada of the Lines of Railway of the Northern Extension Railways Company.

[Assented to 14th June, 1872.]

WHEREAS by an Act of the Legislature of the Province of Ontario, passed at the now last session thereof, intituled "*An Act to amalgamate the Toronto, Simcoe and Muskoka Junction Railway Company and the North Grey Railway Company under the name of 'The Northern Extension Railways Company,'*" the said Companies were amalgamated into one Company, under the name of "*The Northern Extension Railways Company.*" And whereas, by an Act of the legislature of the Dominion of Canada, passed in the thirty-fourth year of Her Majesty's reign, chaptered forty-five, and intituled "*An Act to authorize the Northern Railway Company of Canada to make agreements for the leasing, using and working of the lines of railway of other Companies,*" the said The Northern Railway Company of Canada were authorized to lease and did lease the lines of Railway of the said The Toronto, Simcoe and Muskoka Junction Railway Company and the North Grey Railway Company respectively: And whereas, since the passing of the said Act, amalgamating the said two Companies, it has been deemed expedient to consolidate the said leases; And whereas the Northern Railway Company of Canada and the Northern Extension Railways Company have at special general meetings of their respective proprietors duly called and held for that purpose, approved of the consolidation of the said leases upon the terms and conditions contained in the indenture of lease set out in the schedule to this Act; And whereas The Northern Railway Company of Canada have presented a petition praying that an Act may be passed confirming the said consolidated lease, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The indenture of lease for the above named purpose contained in the schedule to this Act, and approved by the respective proprietors

Lease mentioned in the Preamble confirmed

proprietors of the Northern Railway Company of Canada and the Northern Extension Railways Company is hereby legalized and confirmed.

SCHEDULE.

THIS INDENTURE made the tenth day of April, in the year of our Lord one thousand eight hundred and seventy-two, between the Northern Extension Railways Company, hereinafter called the lessors, of the first part, and the Northern Railway Company of Canada, hereinafter called the lessees, of the second part :

1. Whereas by an Act of the Parliament of the Province of Ontario, thirty-three Victoria, chapter thirty, entitled "*An Act to incorporate the Toronto, Simcoe and Muskoka Junction Railway Company,*" the said Toronto, Simcoe and Muskoka Junction Railway Company were incorporated as a Railway Company for the purpose of constructing a railway from some point on the railway of the said lessees, within the County of Simcoe, to unite the waters of lake Simcoe with those of lakes Muskoka and Rosseau, through and within the Counties of Simcoe, Ontario and Victoria, with branches and extensions to the Georgian Bay :

2. And whereas by Act of the said Parliament of Ontario, thirty-four Victoria, chapter thirty-six, the North Grey Railway Company were incorporated as a Railway Company for the purpose of constructing a railway from some point on the Northern Railway of Canada at or near the Town of Collingwood, in the County of Simcoe, to the Village of Meaford, in the County of Grey, with power to extend the same to the Town of Owen Sound, in the said County of Grey :

3. And whereas by the said Acts it is amongst other things enacted that the said Railway Companies thereby respectively incorporated may enter into an agreement with the said lessees for leasing to them the railways of the said Companies, and that upon the execution of any lease the said lessees should be empowered to exercise all the rights and privileges conferred upon the said Companies by the said Acts in the working of the said railway :

4. And whereas by an Act passed by the said Parliament of Ontario, in the thirty-fifth year of the reign of Her Majesty Queen Victoria, entitled "*An Act to amalgamate the Toronto, Simcoe and Muskoka Junction Railway Company and the North Grey Railway Company under the name of the 'Northern Extension Railways Company,*" the said Toronto, Simcoe, and Muskoka Junction Railway Company and the said North Grey Railway Company were amalgamated and became one corporation under the name and style of the Northern Extension Railways Company :

5. And whereas under the provisions of the said Acts incorporating the Toronto, Simcoe and Muskoka Junction Railway Company

Company and the North Grey Railway Company, the said respective Companies entered into leases of their respective lines of railway upon certain terms and conditions :

6. And whereas the said recited Act, amalgamating the said Companies, authorized the said lessors to enter into any agreement for any period of time with any other railway company whose road is situate on the line of the said Company or whose line can connect therewith, for leasing the railway and works of the said lessors or any part thereof, and also to consolidate into one the said hereinbefore recited leases as may be necessary or expedient to effect and carry out the said amalgamation of the said leases :

And whereas the line of the said lessees does connect with the line of the said lessors :

7. And whereas it is the mutual interest of the said lessors and the said lessees to secure permanent connections between the existing line of the Northern Railway and the existing and projected lines of the said lessors, and to accelerate the construction and completion of the said projected lines, and to secure thereafter the efficient and profitable working thereof, the said lessees have agreed to enter into an arrangement with the said lessors to work their said lines for twenty-five years upon the terms and conditions hereinafter mentioned :

8. Now this Indenture witnesseth : Firstly, that the said lessors will forthwith, by all reasonable means and resources within their power and control, complete the said lines of railway from the points of junction with the Northern Railway upon a location and in accordance with maps, drawings and specifications, to be mutually agreed upon by the Directors of the Company of the lessors and the Canadian Board of Directors of the lessees, and in case of disagreement between the Board of Directors of the lessors and the Canadian Board, for the time being, of the lessees as to the completion of the said work, it shall be lawful for the Board of Directors of the lessors to nominate one indifferent arbitrator and the Canadian Board, for the time being, of the lessees to appoint another indifferent arbitrator, who, together with a third, to be chosen by them, shall decide as to the completion of the said works according to said maps, drawings and specifications, and shall have the necessary power to direct what is requisite to be done to render the same complete, according to the said maps, drawings and specifications ; and it shall and may be lawful for the said lessees, in the event of the said works being inefficiently or incompletely constructed, to supply any defects or omissions therein existing, according to the opinion of the said arbitrators, and to charge the costs thereof against the said lessors, and to deduct the same out of any moneys payable to the said lessors hereunder :

9. Secondly:—In pursuance of the powers mentioned in the above recited Act, the said lessors do hereby agree to lease unto the said lessees the whole of the said railway from Barrie to Gravenhurst in the one direction, and from Collingwood to Meaford in another direction, and such branches and extensions thereof as may thereafter be constructed under the powers of the said recited Act, and as may be accepted by the said lessees under the provisions as to the leasing of such branches or extensions hereinafter contained, and to place the said lessees in possession thereof from time to time, as and when completed as aforesaid, so that the said lessees may work the same in such manner as they may deem most profitable and advantageous, and shall collect, receive and take the tolls, fares, receipts and earnings in respect thereof:

10. To have and to hold possession of the said lines of railway from Barrie to Gravenhurst, and from Collingwood to Meaford, when completed as aforesaid, and the extensions and branches thereof, when completed by the lessees as aforesaid, (subject to certain running powers of the Midland Railway Company, between the Narrows and Lake St. John hereinafter mentioned) for the period of twenty-five years, to commence and take effect from the date hereof:

11. Yielding and paying half yearly to the said lessors such sum, during the first five years of the said term, as shall amount to thirty-five per cent of the gross receipts arising from the traffic carried by the said lessees over the said railways of the lessors, and during the next five years of the said term, forty per cent. of the said gross receipts, and during the remaining portion of the said term, forty-five per cent. of the said gross receipts:

12. Provided always, and it is hereby understood and agreed that the said lessors shall not be entitled to receive, nor shall the said lessees be bound to pay any portion whatever of the said gross receipts, unless and until the said lines of the said lessors shall have been completed and placed in running order from the Barrie Junction to the station in or nearest to the Village of Orillia; nor shall the lessors be entitled hereunder to receive any portion of the said gross receipts beyond the said last mentioned station, unless and until the said line of the said lessors shall have been completed and placed in running order from the said last mentioned station to the station at or nearest to Lake St. John; nor shall the said lessors be entitled hereunder to receive any portion of the said gross receipts of the said line beyond the said station at or nearest to Lake St. John, unless and until the said line of the said lessors shall have been completed and placed in running order from the said last mentioned station to the station in or nearest to the Village of Washago; nor shall the said lessors be entitled to receive hereunder any portion of the gross receipts of the line beyond the said station in or nearest to the Village of Washago, unless and until the line of the said lessors shall have been

been completed and placed in running order from the said last mentioned station to the station in or nearest to the Village of Gravenhurst: And provided also that the said lessors shall not be entitled to receive hereunder any portion of the gross receipts arising from traffic upon the extension from Collingwood, unless and until the said line of the said lessors shall have been completed and placed in running order from the said last mentioned place to the station in or nearest the Village of Meaford:

13. Provided always, and it is hereby understood and agreed, that if there shall be established any intermediate stations upon the sections above set forth of the said lines of the said lessors, and that the said lessors shall complete and place in running order their said lines to such intermediate stations in continuous connection with the portions of their said lines at that time being worked by the said lessees, then the said lessees may elect as to whether they shall take possession of and work such portions so completed and set in running order: and if the said lessees shall elect to take possession of and work such portions, then the said lessors shall be entitled to their portions hereunder of the gross receipts arising from the traffic upon such portions of said sections so elected to be worked by the said lessees.

14. Such portions of the said gross receipts as aforesaid shall be applied by the said lessors:—

First. In payment of the interest of the mortgage bonds authorised to be issued under the said recited Act, or any amendments thereto, by the said lessors:

Second. In payment of the expenses connected with the management of the affairs of the said lessors, provided that after the year one thousand eight hundred and seventy-two the said expenses shall not exceed in any one year the sum of fifteen hundred dollars:

Third. In payment of dividends to shareholders.

15. That the issue to be made of debentures or bonds upon the security of the said railway under the powers of the said recited Acts, and any amendments thereto, shall be made from time to time with the sanction of the Canadian Board of the said lessees, and not else; and that the issue thereof upon the security of the said line, shall not exceed in the whole a sum equivalent to twelve thousand dollars per mile for every mile actually constructed or under contract for construction.

16. That the interest of the said debentures so to be issued by the lessors, shall be made payable at the offices and agencies of the lessees; and the lessees hereby agree to pay, at their offices and agencies as aforesaid, and as the same shall fall due, the interest of all debentures so issued, not however exceeding in the whole, a sum equivalent to nine thousand dollars (\$9,000) per
16½ mile

mile for every mile of the said railways actually constructed, or under contract for construction, now or hereafter leased to the lessees under the terms of this indenture: Provided, nevertheless, that should it be hereafter deemed expedient in the interests of the lessors and lessees, in order to meet the demands of an increasing traffic, the lessees may, with the sanction of their Board of Directors, agree to pay the interest of any further debentures issued, but not exceeding in the whole with the previous issue a sum equivalent to twelve thousand dollars (\$12,000) per mile for every mile of the said railways constructed or under contract for construction, now or hereafter leased to the lessees under the terms of this indenture; and such interest shall be a charge in the nature of a rental upon the earnings of the line of railway of the lessees, and be recognized and included in the working expenses thereof, subject to the provisions and conditions for re-payment by the lessors hereinafter contained.

17. That the production by the lessees from time to time of the interest coupons of the said debentures, shall be taken and received by the lessors, in payment or part payment of the portion of gross receipts to be paid to the lessors as rental for the said lines of railway as aforesaid.

18. In the event of the said proportions of the gross receipts being insufficient in any one year to pay the interest upon the said mortgage bonds and the said expenses of management, the deficiency shall be advanced and paid by the said lessees, who shall be entitled to retain the amount so advanced out of any surplus over the current dividend and management expenses thereafter coming to the said lessors hereunder; and until such advances shall be repaid, the said lessees shall be entitled to charge the said lessors with interest thereupon at the rate of six per cent. per annum.

19. The said lessees do hereby agree and become bound to provide the necessary locomotive engines, rolling stock and other equipment requisite for the proper and efficient working of the said road so soon as the same shall have been completed as before specified; and shall also supply all the fuel and other material and things required for the same; and shall also, during the continuance of these presents, work the said road and efficiently keep in order and maintain the same.

20. That the said lessees shall have, during the continuance of this lease, entire control and management of the said road herein leased, as well as in regard to the regulating and settling from time to time the amount and rates of tolls, fares, freights and other charges to be paid, collected and taken thereon and the mode of collecting and receiving the same, as also all other matters and things in any way touching or concerning or incident to the using, operating and working of the said railway, and the development of its traffic; and all the charter powers of the said lessors

so far as the same can be transferred and are applicable, shall relate and extend to working of the said line and said branches or extensions during the term of this lease : it is, however, distinctly understood and agreed that the tariff for passengers and freight over the said road of the lessors shall be relatively the same as that in operation from time to time upon and over the railway or the said lessees :

21. Provided, however, that the said lessees shall not be entitled, during the months of November, December, January and February in each year to levy or receive upon cordwood conveyed over the line of the lessors, and over the line of the said lessees, from the line of the lessors to the City of Toronto, more than the then tariff rate chargeable by the lessees for the carriage of lumber over the line of the lessees,—it being understood and agreed that the stations at Barrie and Collingwood belong for the purpose of this clause to the line of the lessees.

22. The said lessees shall keep and make separate and accurate accounts of the traffic and receipts over the said road of the said lessors ; and on the first day of the months of April and October in each year, or at such other convenient date as may be mutually agreed upon by the parties hereto, the said lessors and the said lessees shall severally appoint an auditor to examine the same, who shall, if they deem it necessary, have free access to and liberty to investigate, inspect and take copies of the books and vouchers of the said lessees at any station or office on either line so far as they relate to the traffic in this lease referred to ; and in the event of any difference arising in the adjustment of such half yearly accounts between the said two auditors, they shall appoint some third person as referee between them, and the decision of such referee shall be binding on all parties ; and in computing the earnings upon such traffic as may be common to both roads, the rate charged thereupon shall be credited to each road in proportion to the respective mileage over which the said rate shall have been charged.

23. In the event of the said lessees constructing any new or additional works or improvements, or re-constructing the then existing works of the said road upon a higher or more permanent standard than required by the original specifications hereinbefore referred to, the said lessees shall be entitled, provided that the specifications for the same shall have been first approved, and the additional works sanctioned by the said Board of Directors of the lessors, to charge the additional or extra amount so expended as an advance of additional capital to the said lessors, which amount shall be ascertained at the close of each year, and thereafter the same shall bear interest at the rate of six per cent., and may be retained by the said lessees out of any moneys coming to the said lessors under this lease, after the payment of the interest upon the said mortgage bonds, and the expenses of management as aforesaid : and, at the expiration or other sooner determination
of

of this lease, the principal so expended, or the unpaid balance thereof shall be repaid to the said lessees, who shall be entitled, until payment thereof, to retain possession of the said road, or in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

24. In the event of the Canadian Board of the lessees requesting the sanction of the lessors to any new or additional works or improvements upon the ground that the same are essential to the proper working of the traffic of the line of the lessors, and shall prepare and present specifications and estimates for the same, and the lessors shall thereupon refuse or neglect to sanction the same, then it shall be lawful for the lessees to appoint one indifferent person who, together with another to be appointed by the lessors, who, together with a third to be chosen by them shall decide whether the proposed works are essential to the proper working of the traffic of the said lines, and whether the same, if constructed by the lessees, shall be chargeable against the lessors in manner hereinbefore mentioned.

25. In the event of the railway of the lessees being purchased by, leased to or amalgamated with any other company, the lessors shall have the liberty to give six months notice to the lessees, and thereby determine this lease and the provisions thereof; and upon such determination of this lease it shall be the duty of the lessees or their assigns to grant and allow immediately thereafter full running powers and facilities over the line of the said lessees for the engines and rolling stock of the said lessors, and for the proper working of the traffic of the line of the lessors over the line of the lessees upon such terms and conditions and arrangements as may be mutually agreed upon.

26. And in case of disagreement as to such terms, conditions and arrangements, then it shall be lawful for the lessors to appoint one indifferent person who, together with another, to be appointed by the lessees or their assigns, who, together with a third, to be chosen by them, shall settle and determine the said terms conditions and arrangements.

27. The said lessees hereby agree to furnish the Directors and the chief officers of the company of the lessors with free transit over and upon the railway of the lessees and the line of the lessors hereby leased; the lessees agree to maintain the said lines of railway from the time of the completion thereof and the transfer of possession to the lessees, during the whole of the said term, in good order, and to deliver the same at the expiration of the said term to the said lessors, in as good plight and condition as the same shall be received by the lessees at the commencement of the said term, reasonable wear and tear excepted.

28. It is hereby agreed between the said lessors and lessees, that in case of the construction of any branch lines to or from the lines of the railway of the lessors, or in case of any future extensions

sions of the lines of the lessors beyond either Gravenhurst or Meaford, then in case the lessees at a special general meeting to be held for that purpose, shall decide to include and work any such branches or extensions under the terms of this lease, then the same shall be applied, as nearly as the circumstances of the case may permit, to the leasing of such branches and extensions, but not otherwise: and if after the lessees shall have so decided to include and work such extensions, the lessors and lessees fail to agree as to the terms and conditions of the lease of the said extensions, then it shall be lawful for the lessors and lessees each to appoint one indifferent arbitrator who, together with a third, to be chosen by them, shall decide as to the terms of the said lease, having regard to the provisions hereof, so far as may be possible.

29. And it is hereby agreed between the parties hereto, in respect of all the provisions herein contained for arbitration, in case of disputes between the said lessors and the said lessees, that the decision of the majority of the arbitrators shall be binding; and that should either of the parties in any such case refuse or neglect to appoint a referee or arbitrator within twenty days after notice in writing, for that purpose, from the other party, then the decision of the referee or arbitrator appointed by the party so giving notice shall be binding on both parties.

30. The said lessees hereby expressly agree to indemnify and hold harmless the said lessors from and against any loss, injury or damage, directly or indirectly suffered by the lessors in respect of anything arising out of the exercise of the running powers or use of the lines of the lessors by the said lessees hereunder.

31. The said lessees hereby expressly agree that they will not, during the subsistence of this lease and the user by them hereunder of the lines and branches or extensions of the lessors, enter into any agreement or understanding for the aiding, establishing or constructing, or the working by them, when established or constructed, of any lines of traffic which shall be directly competitive with the lines of railway of the said lessors, except with the consent of the said lessors.

32. And whereas an order has been passed by the Lieutenant-Governor of Ontario, in Council, dated the twenty-sixth day of March, one thousand eight hundred and seventy-two, to grant aid to the lessors for the construction of their line from Washago to Gravenhurst, upon condition that the said lessors shall agree to do what may be necessary to give the Midland Railway Company running powers over that portion of the line of the lessors lying between the Narrows near the Village of Atherley and the point of intersection of the tramway at Lake St. John, on terms to be settled by an arbitration constituted as in the said Order in Council set forth:

33. And whereas it is of great importance to the lessors and lessees, that such aid should be given towards the construction of the line of the lessors from Washago to Gravenhurst:

34. The said lessees hereby agree with the said lessors to allow the said Midland Railway Company such running powers over the said portion of the line of the said lessors as may be settled by the said arbitration or otherwise under the said Order in Council and in all respects to abide by and submit to the rights that may be so awarded to the said Midland Railway Company in respect of such running powers :

35. Provided that the amount of the payments adjudged by the said arbitration to be paid to the said lessors by the said Midland Railway Company, for the exercise of such rights, shall be apportioned and divided between the said lessors and the said lessees in such system and manner that of the sum of such payments there shall be credited to the said lessors whatever portion thereof shall be found due to capital services and to the said lessees whatever portion thereof shall be found due to revenue services.

36. And whereas by an order passed by the Lieutenant-Governor of Ontario, in Council, dated the twenty-sixth day of March, one thousand eight hundred and seventy-two, certain aid has been granted to the Midland Railway Company for the construction of their line from Orillia to Munday's Bay, on the condition that the said Midland Railway Company shall agree to do what may be necessary to give the said lessors running powers over the said portion of the line of the said Midland Railway Company on terms to be settled by arbitration :

37. It is hereby agreed by and between the parties hereto, that in the event of the said running powers being acquired by the said lessors, then that all the user rights and powers so acquired by the said lessors, so far as the same can be worked in common connection with the working and traffic of the lines of the said lessors, shall enure and pass to the said lessees upon terms to be agreed upon between the said lessors and the said lessees analagous and as far as possible consistent with the principles of the terms of this lease.

38. And in case of the non-agreement of the said lessors and the said lessees as to the apportionment and division of the amount of the payments to be paid by the Midland Railway Company in respect of their running powers over the said portion of the line of the said lessors, or of the terms on which the rights in respect of the running powers of the said lessors over the said portion of the line of Midland Railway Company, are to enure and pass to the lessees, then in either such case it shall be lawful for the said lessors to nominate one indifferent arbitrator and for the said lessees to nominate another indifferent arbitrator who, together with a third, to be chosen by them, shall decide as to the said division or terms, and the decisions of such arbitrators shall be binding upon the said lessors and the said lessees so long as the particular arrangements of payment by the said Midland Railway Company

Company for its running powers upon the said portion of the line of the said lessors, and of the said lessees for their running powers on the said portion of the line of the said Midland Railway Company, shall subsist.

In witness whereof the said parties hereto have caused to be hereunto affixed their respective corporate seals on the day and year first above written.

[L.S.]	(Signed)	FRANK SMITH, President.
[L.S.]	(Signed)	JNO. E. FOREMAN, Secretary.
[L.S.]	(Signed)	JNO. BEVERLEY ROBINSON, President Northern Railroad.
[L.S.]	(Signed)	THOS. HAMILTON, Secretary.

We, Thomas Hamilton, Secretary of the Northern Railway Company of Canada, and John E. Foreman, Secretary of the Northern Extension Railways Company, hereby certify that the above is a true copy of the original lease and agreement between the Northern Railway Company and the Northern Extension Railways Company, dated the tenth day of April, one thousand eight hundred and seventy-two, and executed by the respective companies; and we also certify that the said lease is the same as the draft-lease approved and ordered to be executed at the special general meetings of the Northern Railway Company and the Northern Extension Railways Company, on the fifth and fourth days of April respectively.

[L.S.]	THOMAS HAMILTON, Secretary.
[L.S.]	JOHN E. FOREMAN, Secretary.

CAP. LXVII.

An Act to amend "The St. Lawrence and Ottawa Railway Act."

[Assented to 14th June, 1872.]

WHEREAS the St. Lawrence and Ottawa Railway Company ^{Preamble,} and certain persons have, by their petitions, represented that in pursuance of the authority conferred on the Company by the St. Lawrence and Ottawa Railway Act, the Company have constructed and are now working, a portion of the extension of their line from

a point on their said railway, to the River Ottawa, near the Chaudière Falls, and that the petitioners find that the rapidly increasing wants of the Provinces of Ontario and Quebec, in the Ottawa country, require additional facilities of transport and traffic: and have prayed that an Act may be passed authorizing the extension of their railway, and for other purposes; And whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short Title. **1.** This Act may be cited for all purposes as “The St. Lawrence and Ottawa Railway Company Amendment Act, 1872.”

Interpretation **2.** In this Act, the term “The Company,” means the St. Lawrence and Ottawa Railway Company.

“Main Railway.” The term “The Main Railway,” means the railway line of the St. Lawrence and Ottawa Railway as constructed from the Town of Prescott, to Metcalfe Street in the City of Ottawa.

“Chaudière Extension.” The term “Chaudière Extension,” means the extension of the railway authorized by the fourteenth section of the Act of the Parliament of Canada, known as “*The St. Lawrence and Ottawa Railway Act.*”

“Pembroke Extension.” The term “Pembroke Extension” means the extension of the railway, hereinafter authorized, to the Town of Pembroke.

“North Western Extension.” The term “North Western Extension,” means the extension of the railway hereinafter authorized to Lake Nipissing, or French River, or to the Georgian Bay, and thence to Sault Ste. Marie, or any other point on Lake Superior.

Certain powers conferred on the Company. **3.** The Company shall have full power and authority to lay out, make, construct, work and maintain a double or single track of railway, of iron or steel, of such width as the Company may see fit, as follows:—

As to Pembroke Extension. **1.** The Pembroke Extension, from a point on the main railway of the Company, or on the Chaudière Extension, to a point at or near Portage du Fort or La Passe, in the Province of Quebec, and thence to or near the Town of Pembroke, in the County of Renfrew, with power to cross the River Ottawa at the said points, and to erect a bridge over the same.

As to North Western Extension. **2.** The North Western Extension from the terminus of the Pembroke Extension lastly hereinbefore mentioned, to any point on Lake Nipissing or French River, or upon the Georgian Bay, and from thence to Sault Ste. Marie or to some point on Lake Superior.

4. The Company may also construct, work and maintain, from any point on the Chaudière Extension, or Pembroke Extension, a line of railway to the Village of Aylmer, in the Township of Hull, in the Province of Quebec. Branch to Aylmer.

5. The capital stock of the Company is hereby increased to an amount, in excess of the sum of one million five hundred thousand dollars authorized by the fourth section of "*The St. Lawrence and Ottawa Railway Act*," not exceeding two million dollars, so that the total amount of the capital stock shall be three and one-half millions of dollars, of which the sum of seven hundred and eighty-nine thousand nine hundred and nine dollars and twenty cents by the said fourth section of the St. Lawrence and Ottawa Railway Act constituted the paid up stock of the Company, is hereby constituted the preference stock of the Company; and except in respect to such preference stock, the provisions of the said fourth section of the St. Lawrence and Ottawa Railway Act shall apply to the capital stock as hereby increased. Capital Stock increased. As to preference stock.

6. For the making and construction of the North Western Extension, and of any line authorized by this Act, the Company may increase its capital stock as authorized by the nineteenth sub-section of the seventh section of "*The Railway Act, 1868*." Power further to increase capital stock.

7. But nothing in this Act contained shall in any way vary, lessen or diminish or permit or authorize the Company to vary, lessen or diminish the first security charge or lien of the deed of trust of eighteenth April, one thousand eight hundred and sixty-seven, for fifty thousand pounds sterling, in and upon the railway, its lands, rights, privileges, franchises and appurtenances, tolls and revenues, rolling-stock, plant and machinery and lands and premises mentioned in the sixth section of "*The St. Lawrence and Ottawa Railway Act*" or the second security, charge or lien of and under a certain deed of mortgage of fifteenth April, one thousand eight hundred and seventy-two, for fifty thousand pounds sterling, upon the railway, and the tolls, revenues and other properties thereof,—which said two charges or incumbrances of fifty thousand pounds sterling each are, with the priority as between themselves herein mentioned, the first securities, charges or liens, mortgages or pledges on the railway, its lands, tolls, revenues or other property, and prior to the preference stock, and without the necessity of any registration or filing of the said deed of trust or deed of mortgage aforesaid, or of the certificates or bonds issued under either of the said deeds. Certain securities not to be affected.

8. The future annual earnings of the Company shall be distributed in the rank and priority following:— Earnings of the Company how distributed.

1. In the payment of working expenses ;
2. In payment of the interest at eight per cent. per annum, and of a sinking fund of one per cent. per annum, on the sum of fifty thousand

thousand pounds sterling, secured by the deed of trust of the eighteenth day of April, one thousand eight hundred and sixty-seven ;

3. In payment of the interest at seven per cent. per annum, and of a sinking fund of one per cent. per annum, on the further sum of fifty thousand pounds sterling, secured by the mortgage from the Company to Trustees, dated the fifteenth day of April, one thousand eight hundred and seventy-two ;

4. In payment of a dividend not exceeding eight per cent. per annum upon the preference stock : As the Company may from time to time determine.

Company may receive grants in aid.

9. It shall be lawful for the said Company to receive, either by grant from the Government of Canada, or of any Province of Canada, or from any private individuals or corporations, as aid in the construction of the said railway, any lands, or any other real or personal property, or any sums of money, either as gifts, or in payment of stock, and legally to dispose of and alienate such lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Company to sell lands not required by them.

10. The Company shall sell and dispose of any lands heretofore granted or given to or acquired by them for purposes connected with the main railway or the Chaudiere Extension, and which may not now or at any time hereafter be required for such purposes, and may execute all necessary instruments of sale and transfer thereof.

Power to erect Buildings, &c.

11. The Company shall have power and authority to erect and maintain all necessary and convenient buildings, stations, depots, warehouses, elevators, wharves and fixtures, and from time to time to alter, repair or enlarge the same, as the increasing traffic may require ; and to purchase and acquire stationary or locomotive engines, and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passenger and freight or elevating business of the said railway ; and also to make use of, for the purpose of the said railway, the water of any stream or watercourse over or near which the railway passes, doing however, no unnecessary damage thereto, or anything to impair the usefulness of such stream or water-course : and shall have full power and authority to erect docks, slips and piers in the River St. Lawrence at or near the terminus of their railway at the Town of Prescott, for the convenience and accommodation of vessels, and for improving the facilities for ferriage by the company across the River St. Lawrence : and shall also have full power and authority to connect any of the works herein mentioned with any point on the main railway by means of any line or lines of railway for such purposes.

To make use of streams.

To make Docks, &c.

To connect their works.

12. The power to borrow money conferred by the twelfth subsection of the seventh section of "*The Railway Act, 1868*," may be exercised by the Company in the issue of bonds under the seal of the Company, and made and signed by the President or Vice-President of the Company, and countersigned by the Secretary, and with or without interest coupons; and such bonds shall, without registration or filing of the same, or formal conveyance, or instrument of hypothec, mortgage or pledge or registration or filing of the same, be and be taken as an hypothec, mortgage and pledge, according to the rank and priority which may be therein mentioned, upon the railway and undertaking, and the real and personal property, franchises, tolls and revenues of the Company then existing and thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders of bonds of the same issue, rank and priority upon the railway and undertaking, and all and every the property of the Company hereinbefore mentioned; subject, however, to the provisions of the seventh section of this Act, and to the preference stock of the Company.

Power to borrow money under Sec. 7, of Railway Act, how to be exercised.

Registration not requisite.

Mortgage of bond holders.

13. It shall be lawful for the Company to enter into any agreement with any other railway company which at any time hereafter may construct and work any railway touching at any point on the main railway or any extension thereof, for the use and enjoyment of the line of such railway company and its appurtenances, or any part thereof, or for the lease of the main railway or any extension or any part of either to such railway upon such terms as may be agreed upon.

Agreements with other Railway Companies.

14. The Company may, under agreement, join with any other railway company, in constructing such portion of the Pembroke Extension or North Western Extension hereby authorized, as shall be common to both Companies; and for that purpose, may contribute out of its stock to such common railway,—and may issue joint debentures for any balance of the cost of construction thereof, creating such liens and charges thereon as shall be designated in such debentures; and may agree with such Company as to the mode of using such common railway, and of building a second track thereon; and may make all requisite arrangements for the management of such common railway, and for subsequently dividing their property in such common railway,—all such agreements and arrangements to be established from time to time by deed.

Arrangements with other Companies for making or running lines of railway.

15. The Company are also hereby authorized and empowered to contract and agree with any railway company for the purchase, transfer or amalgamation of their line of railway or undertaking, with the appurtenances and privileges thereto belonging, or in any manner appertaining, upon such terms and conditions, and with such restrictions as the Company may deem expedient.

Amalgamation with other Companies.

Consent of shareholders to be first had.

16. No liability or expenditure shall be incurred or powers exercised under the three next preceding sections, without the consent of a majority of two-thirds of the stockholders present in person or by proxy at a special general meeting to be called for that purpose.

Recital.

17. And whereas it may be necessary for the Company to possess gravel pits and quarries and lands containing deposits of gravel, stone or brick clay, at convenient places along their line of railway, or any extension thereof, for constructing and keeping in repair, and for carrying on the business of the said railway; and as such gravel pits, quarries, or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found: it is therefore enacted, that it shall be lawful for the Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy, along the line of the said railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons or bodies politic, to give, grant, sell or convey unto, and to the use of, or in trust for the Company, their successors and assigns; and it shall and may be lawful for the Company to establish workshops on any of such lots or blocks of land, and the Company shall, from time to time, by deed of bargain and sale, or otherwise, grant, bargain, sell or convey any portions of such lands, not necessary to be retained for gravel pits, quarries, sidings, branches or workshops, or not necessary for effectually repairing, maintaining and using, to the greatest advantage, the said railway and other works connected therewith.

Company may purchase lands for gravel pits, quarries, &c.

And sell the same when no longer required,

Arbitration where price cannot be agreed upon;

Railway Act to apply.

What rights may be acquired.

18. Where stone, gravel or any other materials is or are required for the construction or maintenance of said railway, or any part or any extension thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate, or which are required for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, on such owner: and the Company may thereupon proceed and ascertain the compensation by arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway: and all the provisions of "*The Railway Act, 1868*," as varied and modified by this Act, as to the service of said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties for whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the Company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right

to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Right of way to gravel pits, &c.

19. Where gravel, stone or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the Company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the said lands on which said material shall be found, whatever the distance may be; and all the provisions of "*The Railway Act, 1868*," and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the Company may think proper: and the powers in this and the next preceding section, may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway. Railway Act to apply.

20. It shall be lawful for any other Railway Company whose railway comes to or near the Township of Hull in the Province of Quebec, or to or near the City of Ottawa in the County of Carleton in the Province of Ontario, or to or near any bridge erected elsewhere by the Company, to connect such other railway with any bridge which the Company may erect over the River Ottawa or elsewhere, or with some branch railway or line leading to the said bridge, and to cause their engines and carriages to pass with their freight and passengers over and along the said bridge and branch railway or either of them, and to discharge and receive passengers and freight at any station or depot of the Company, and for the Company to allow such other Railway Company so to do, upon such terms and conditions as the two Companies shall agree upon; and if the gauge of the railways of the two Companies be different, then the Company may (notwithstanding any clause fixing the gauge of their railway) so arrange the lines of rails thereon, and upon the branch or line leading thereto from the railway of the other Company, that the engines and carriages of such other Railway Company may pass over the said bridge and along the said branch, and into and out of any such station or depot as aforesaid; and the terms and conditions to be so agreed upon may extend to the payment by such other Railway Company to the Company of a fixed sum once for all, or of an annual sum, or of sums payable from time to time and proportioned to the number of carriages or passengers or the quantity of freight conveyed over the said bridge, and the services performed, or the accommodation afforded in respect thereof for such other Railway Company: Provided, always, that it shall also be lawful for the Company to agree with the Directors of such other Railway Company as aforesaid, that either Company shall receive and convey for the other, passengers and freight between the said bridge and any station or depot of either

either Company, and in the carriages of either Company, or shall perform any other service for the other Company, upon such terms and conditions as the Companies respectively shall agree upon; and any agreement made by any companies respectively under this section shall be binding upon such Companies during the time for which it shall be made, but it shall not be compulsory on any company to make or renew any agreement under this section. And if the Companies cannot mutually agree as to the terms of any arrangements under this section, it shall be referred to arbitration under the provisions of "*The Railway Act, 1868*," referring to lands and their valuation, and the award thereunder made shall be binding upon both Companies.

Directors may
delegate their
powers to a
Committee.

21. The Board of Directors may, by resolution, appoint the whole or any of their number to be an executive committee in Canada of the whole Board, and may delegate to such committee all or any of the powers of the Board, subject to such restrictions and in such manner as they shall think fit. The Directors may also appoint one of their own number to be a paid Managing Director, and may delegate to him such of the powers of the Board as they may think fit.

Duplicate seal.

22. A duplicate seal of the Company, to be marked Seal A, may be kept at the office of the Company in Canada, and may be used for the purpose of being affixed to any documents requiring the seal of the Company in Canada; and all documents sealed with the Seal A, shall be as valid and effectual to all intents and purposes as if the same had been sealed with the seal of the Company in England.

Greater width
allowed for
roadway.

23. Notwithstanding anything contained in "*The Railway Act 1868*," the Company shall have the right to take, under the provisions of the said Act, for the main railway, or any extension thereof, such greater width of roadway as shall be requisite for the purpose of establishing screens on each side thereof, by trees or otherwise, against the accumulation of snow by drifting.

"Working
Expenses"
defined.

24. The expression "working expenses," when used in this Act, shall henceforth mean and include all expenses of maintenance of the main railway and of the several extensions thereof and of any line authorized by this Act, and the maintenance of the stations, sidings, buildings, works, warehouses, elevators, appliances and conveniences belonging thereto, and of the rolling and other stock and moveable plant used in the working thereof, and also such rents or annual sums as may be paid in respect of warehouses, wharves or other property, including land leased to or held by the Company; and also all expenses of and incident to working the railway and the traffic thereon, including stores or consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also all salaries or wages of persons employed in or about the working of the railway and traffic, and all

all secretarial and establishment expenses, including Directors' fees, agency, legal and all other incidental working expenses whatsoever.

25. So much of the eighteenth section of "*The St. Lawrence and Ottawa Railway Act*," as incorporates with that Act the several therein mentioned clauses of an Act of the legislature of the late Province of Canada known as "*The Railway Act*," as in the said eighteenth section mentioned, and an Act of the said late Province known as "*The Railway Act Amendment Act of 1860*," and an Act passed in the legislature of the said Province of Canada, in the twenty-fourth year of Her Majesty's reign, intituled "*An Act to explain and amend the Railway Act*," is hereby repealed, saving all matters and things heretofore done or performed thereunder; and from and after the passing of this Act, the provisions of "*The Railway Act, 1868*," from section five to section twenty-two both inclusive, being Part First of that Act, and any Acts of the Parliament of Canada amending the same, shall, except in so far as the same may be varied by "*The St. Lawrence and Ottawa Railway Act*," and without prejudice to the rights, privileges and powers vested by the said eighteenth section of "*The St. Lawrence and Ottawa Railway Act*" in the Company apply to the main railway, and to the Chaudière Extension, the Pembroke Extension, and the North Western Extension, and any other line or lines which may be made or constructed under the authority of this Act, and all rights, privileges and powers now vested in the Company in respect to the main railway, are hereby extended to any extension or line authorized by this Act.

Part of s. 18 of 31 V., c. 20,, repealed.

Certain provisions of the Railway Act 1868, incorporated.

26. The Pembroke Extension shall be commenced within three years from the passing of this Act, and shall be completed within seven years therefrom; and the North Western Extension shall be commenced within five years from the passing of this Act, and shall be completed within ten years therefrom.

Time limited for extensions.

27. The power conferred by this Act to erect a bridge or bridges over or across the River Ottawa, shall not be exercised by the Company until the Governor in Council has by proclamation declared that on, from and after a day to be therein named, such power may be exercised.

Proviso, as to bridge over river Ottawa.

CAP. LXVIII.

AN Act to amend the Act incorporating the Canada Central Railway Company.

[Assented to 14th June, 1872.]

Preamble. WHEREAS the Canada Central Railway Company have by their petition represented that it is desirable that they should be permitted to vary to some extent the line of route indicated by their charter, and that they should be authorized to continue their railway to a point at or near Sault Ste. Marie, and have prayed that an Act be passed amending their Act of incorporation in these respects: And whereas it is expedient that the prayer of their said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said Company is hereby authorized to continue its line of railway from the Village of Renfrew to such point as may be found advantageous directly south of the Town of Pembroke, but not more than seven miles south thereof on such line as may be adopted as affording a more direct route westward, and greater engineering facilities than that indicated by the Act of incorporation of the said Company; and such point shall be considered and known as the Pembroke terminus: Provided always that if the Kingston and Pembroke Railway Company should forfeit the right to exact payment of the bonuses voted in their favor by the County of Renfrew and the Town of Pembroke respectively or of any part thereof and if the said County and Town shall transfer the said bonuses or such part thereof or vote like amounts in aid of the Canada Central Railway Company, then the power hereby granted of diverging from the Town of Pembroke shall cease and determine.

A certain change of line authorized.

Proviso.

2. The said Company is hereby authorized to construct a branch line from any point on its existing line, between Ottawa and Carleton Place, to any point at or near the Village of Arnprior; and to extend its line beyond Lake Huron to such point at or near Sault Ste. Marie as may be fixed upon by the Company.

Line may extend to Sault Ste. Mary.

3. The Company may, under agreement, join with any other railway company, in constructing such portion of the line, hereby authorised, as shall be common to both companies; and for that purpose, may contribute out of its stock to such common railway,—and may issue joint debentures for any balance of the cost of construction thereof, creating such liens and charges thereon as shall be designated in such debentures; and may agree with such company as to the mode of using such common railway; and of building a second track thereon,—and may make all requisite arrangements for the management of such common railway, and for subsequently dividing their property in such common railway

Company may join any other in constructing portions of lines:

railway. All such agreements and arrangements shall be established from time to time by deed; which deed, however, shall have no force or effect until approved by the shareholders at a special meeting called for the purpose.

By deed approved by shareholders,

4. The provisions of "*The Railway Act, 1868*," are hereby made applicable to and incorporated with this Act.

Railway Act to apply.

CAP. LXIX.

An Act to grant certain additional powers to the Ottawa, Vaudreuil and Montreal Railway Company.

[Assented to 14th June, 1872.]

WHEREAS the Ottawa, Vaudreuil and Montreal Railway Company have, by their petition, represented that it would be advantageous to them, and facilitate the completion and working of their line, if they were empowered to connect the same with any railway that may, at any time, be constructed from the City of Montreal in the direction of Grenville, north of the River Ottawa; and for that purpose to construct a bridge over the said river, at some point below L'Orignal; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble

1. The said Company shall have power to construct a branch from some point on their line below L'Orignal, to connect with any railway that may be constructed between the City of Montreal and Grenville, at any point in either of the Counties of Argenteuil or Two Montains, or upon the Island of Montreal; and, for that purpose, to construct a railway bridge over the waters of the River Ottawa, at the most convenient point for crossing the same.

Power to construct Branch Line and Bridge over the Ottawa,

2. The said Company shall not commence the said bridge, over the River Ottawa, or any work thereto appertaining, until they shall have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge and works shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always, that the said bridge shall be constructed so as not to obstruct the navigation of the said river, and bridge shall have a double swing opening in the main channel of the the river, which swings shall be of the width of eighty feet each, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river, and the said swings

Plans, &c., to be approved by Governor in Council.

Proviso: as to construction of the said bridge and passage of vessels.

shall at all times during the season of navigation be opened when actually required for the passage of vessels, and shall otherwise be tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessel; and if at any time any steamboat or other vessel shall be detained for an unreasonable length of time, through any fault or negligence of the Company or its servants, the Company shall be liable to pay the owners of such vessel or of the cargo or freight thereof, all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions.

Bridge not to be erected until after Proclamation permitting it.

3. The power conferred by this Act to erect a bridge or bridges over or across the River Ottawa shall not be exercised by the Company until the Governor in Council has by proclamation declared that on, from and after a day to be therein named, such powers may be so exercised.

CAP. LXXI.

An Act to amend the St. Francis and Megantic Railway Act.

Preamble.

WHEREAS the St. Francis and Megantic International Railway Company have by their petition asked that the Act incorporating said Company may be amended, so as to enable said Company to increase their capital stock, and to issue their bonds to a larger amount than is now permitted by their charter, and to have power to establish a telegraph line on their road; 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, enacts as follows:—

Capital may, by vote of shareholders, be increased to \$2,000,000, and bonds for \$1,000,000 may be issued.

1. The Directors of the St. Francis and Megantic International Railway Company, upon being thereto authorized by a vote of a majority of the shareholders present at any annual meeting whereof notice shall have been given as hereinafter mentioned, may increase the capital stock of said Company to a sum not to exceed in the whole two millions of dollars, and under the provisions of the thirteenth section of "*The St. Francis and Megantic Railway Act*," and in the manner and for the purposes therein mentioned, issue their bonds for any amount required for the purpose of prosecuting their works permitted by their charter, provided the whole sum represented by such bonds shall not exceed one million of dollars.

Two weeks previous notice of meeting for either purpose to be given.

2. Whenever it is intended to ask authority from the shareholders of said Company to increase the capital stock of the Company, or to issue bonds beyond the amount now permitted by their

their charter, a notice stating that such proposition will be made to the shareholders at their annual meeting shall be inserted for at least two weeks in one or more newspapers published in the City of Montreal and the Town of Sherbrooke, prior to the time when such annual meeting will take place.

3. The St. Francis and Megantic International Railway Company may, whenever their Directors consider it necessary for their purposes to do so, erect, establish and operate an electric telegraph on the line of their road, and make arrangements to connect the same with other railway or telegraph companies, and such telegraph may be used by the public for general purposes under such rules and regulations as the Company may adopt.

CAP. LXXI.

An Act respecting the Canadian Pacific Railway.

[Assented to 14th June, 1872.]

WHEREAS by the terms and conditions of the admission of British Columbia into union with the Dominion of Canada, set forth and embodied in an address to Her Majesty, adopted by the Legislative Council of that Colony, in January, 1871, under the provisions of the one hundred and forty-sixth section of "*The British North America Act, 1867*," and laid before both the Houses of the Parliament of Canada by His Excellency the Governor General, during the now last session thereof, and recited and concurred in by the Senate and House of Commons of Canada during the said session, and embodied in addresses of the said Houses to Her Majesty under the said section of the British North America Act, and approved by Her Majesty and embodied in the Order in Council admitting British Columbia into the union under the said Act, as part of the Dominion of Canada, from the twentieth day of July 1871,—it is among other things provided, that the Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, east of the Rocky Mountains towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further, to secure the completion of such Railway within ten years from the date of the union;—The Government of British Columbia agreeing to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said railway, a similar extent of public lands along the line of railway throughout its entire length in British Columbia, not

Preamble.
Recital:
Agreement
with British
Columbia as
to Pacific
Railway.

to

Resolution of
House of
Commons.

to exceed, however, twenty miles on each side of the said line, as may be appropriated for the same purpose by the Dominion Government from the public lands in the North West Territories and the Province of Manitoba, subject to certain conditions for making good to the Dominion Government from contiguous lands, any lands within the said limits which may be held under pre-emption right or Crown grant, and for restraining the sale or alienation by the Government of British Columbia, during the said two years, of lands within the said limits;—And whereas, the House of Commons of Canada resolved during the said now last session, that the said railway should be constructed and worked by private enterprise and not by the Dominion Government; and that the public aid to be given to secure that undertaking, should consist of such liberal grants of land, and such subsidy in money, or other aid, not increasing the present rate of taxation, as the Parliament of Canada should thereafter determine; and it is expedient to make provision for carrying out the said agreement and resolution: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Canadian
Pacific Rail-
way. Name,
course and
line.

1. A railway, to be called "The Canadian Pacific Railway," shall be made in conformity with the agreement referred to in the preamble to this Act, and such railway shall extend from some point on or near Lake Nipissing and on the south shore thereof, to some point on the shore of the Pacific Ocean, both the said points to be determined by the Governor in Council, and the course and line of the said railway between the said points to be subject to the approval of the Governor in Council.

How to be
made and
worked.

Capital of
Company.

Time limited
for construc-
tion.

Proviso:
deposit of ten
per cent of
capital.

2. The whole line of the said railway shall be made and worked by private enterprise, and not by the Dominion Government, and by one company having a subscribed capital of at least ten million dollars, and approved of and agreed with by the Governor in Council in the manner hereinafter mentioned, and shall be *bonâ fide* commenced within two years from the twentieth day of July, one thousand eight hundred and seventy-one, and completed within ten years from the said day; and subject to the said provision as to commencement and completion, the company shall further be bound to commence and complete at such time or times as the Government may prescribe, any portion or portions of the railway lying between points on the line thereof to be defined in the Order or Orders in Council to be made from time to time in that behalf: Provided always that ten per cent. of the capital of the company shall be paid up and deposited, in money or Government securities, in the hands of the Receiver General of Canada, before any agreement is concluded between the Government and the company, and shall remain in his hands until otherwise ordered by Parliament; but if after the payment into the hands of the Receiver General by any company of the said deposit, such contract should not be finally executed, the Governor in Council shall order the said deposit to be returned.

3. The land grant to be made to the company constructing and working the said railway, to secure the construction of the same, and in consideration thereof, shall not exceed in the whole fifty million acres; but subject to this limitation, it may, in the Provinces of Manitoba and British Columbia and the North West Territories, be equal to but shall not exceed what would be contained in blocks not exceeding twenty miles in depth, on each side of the said railway, alternating with other blocks of like depth on each side thereof to be reserved by and for the Dominion Government, for the purposes of this Act, and to be sold by it, and the proceeds thereof applied towards reimbursing the sums expended by the Dominion under this Act: and the lands to be granted to the company may be laid out and granted in such alternate blocks, in places remote from settlement and where the Governor in Council may be of opinion that such system is expedient, and to be designated in and by agreement between the Government and the company; but no such grant shall include any land then before granted to any other party, or on which any other party has any awful claim of pre-emption or otherwise, or any land reserved for school purposes; and the deficiency arising from the exception of any such lands shall be made good to the company by the grant of an equal extent from other wild and ungranted Dominion lands: Provided that, so far as may be practicable, none of such alternate blocks of land as aforesaid shall be less than six miles nor more than twelve miles in front on the railway, and the blocks shall be so laid out as that each block granted to the company on one side of the railway shall be opposite to another block of like width reserved for the Government on the other side of the railway: And provided further, that if the total quantity of land in the alternate blocks to be so granted to the company, should be less than fifty million acres, then the Government may, in its discretion, grant to the company such additional quantity of land elsewhere as will make up with such alternate blocks, a quantity not exceeding fifty million acres; and in the case of such additional grant, a quantity of land elsewhere equal to such additional grant shall be reserved and disposed of by the Government for the same purposes as the alternate blocks to be reserved as aforesaid by the Government on the line of the railway, and such additional lands granted to the company and reserved for the Government shall be laid out in alternate blocks on each side of a common front line or lines, in like manner as the blocks granted and reserved along the line of the railway: And the Governor in Council may, in his discretion, grant to the company the right of way through any Dominion lands.

Land grant.

Extent.

Lands granted to be in alternate blocks.

Proviso.

Proviso: as to frontage on railway.

Proviso; if alternate blocks granted do not amount to 50,000,000 acres.

Right of way.

In the Province of Ontario, the land grant to the company for the purposes aforesaid, shall be such as the Government of the Dominion may be enabled to make, under any arrangement with the Government of the Province of Ontario.

Lands in Ontario.

The lands to be granted to the company under this section, may be so granted from time to time as any portion of the railway is proceeded

When and in what proportion lands may be granted.

proceeded within quantities proportionate to the length, difficulty of construction or expenditure upon such portion, to be determined in such manner as may be agreed upon by the Government and the company.

Subsidy in money to company.

Amount limited.

Loan authorized.

4. The subsidy or aid in money to be granted to the said company shall be such sum not exceeding thirty millions of dollars in the whole, as may be agreed upon between the Government and the company, such subsidy to be granted from time to time by instalments as any portion of the railway is proceeded with, in proportion to the length, difficulty of construction, and cost of such portion:—And the Governor in Council is hereby authorized to raise by loan in the manner by law provided such sum not exceeding thirty million dollars as may be required to pay the said subsidy.

Gauge of railway, grades, &c.

5. The gauge of the railway shall be four feet eight inches and a half, and the grades thereof, and the materials and manner of and in which the several works forming part thereof shall be constructed, and the mode of working the railway, including the description and capacity of the locomotive engines and other rolling stock for working it, shall be such as may be agreed on by the Government and the company.

Completion and working of sections of the railway.

6. The Government of Canada and the company may agree upon the periods within which any definite portion or portions of the railway shall be completed: and whenever any portion of the railway exceeding twenty miles is completed, the Governor in Council may require the company to work the same for the conveyance of passengers and goods at such times and in such manner as may have been agreed upon with the company or provided in their charter.

Transport of Her Majesty's officers, war material, &c.

7. Her Majesty's naval or military forces, and all artillery, ammunition, baggage, provisions or other stores for their use, and all officers and others travelling on Her Majesty's naval or military or other service and their baggage and stores, shall at all times, when the company shall be thereunto required by one of Her Majesty's Principal Secretaries of State, or by the Commander of Her Majesty's Forces in Canada, or by the Chief Naval Officer on the North American Station on the Atlantic, or the Valparaiso Station on the Pacific Ocean, be carried on the said railway on such terms and conditions, and under such regulations as the Governor in Council shall from time to time make, or as shall be agreed upon between the Government of Canada, and one of Her Majesty's Principal Secretaries of State.

Cost of survey made by Government to be part of subsidy.

8. The company shall allow as part of the subsidy aforesaid, the cost of the survey made in the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, by the Government of Canada, for the purpose of ascertaining the best line for the said railway.

9. If there be any company incorporated by the Parliament of Canada with power to construct and work a railway from Lake Nipissing to the Pacific Ocean, on a line approved by the Governor in Council under this Act,—then, if such company have the amount of subscribed capital hereinbefore mentioned, and be in the opinion of the Governor in Council able to construct and work such railway in the manner and within the time hereinbefore prescribed, and there be no provision in their Act of incorporation preventing an agreement being made with and carried out by such company under this Act and in conformity with all the provisions thereof,—the Governor in Council may make such agreement with the company, and such agreement shall be held to be part and parcel of its Act of incorporation, as if embodied therein, and any part of such Act inconsistent with such agreement shall be null and void.

Government may agree with a company incorporated for the construction of the railway.

10. If there be two or more companies incorporated by the Parliament of Canada, each having power to construct and work a railway over the whole or some part of the line between Lake Nipissing and the Pacific Ocean approved by the Government, but such companies having together power to construct and work railways over the whole of such line, and having together a subscribed capital of at least ten million dollars,—then the directors of the several companies may at any time within one month after the passing of this Act, agree together that such companies shall be united and form one company, on such terms and conditions as they may think proper, not inconsistent with this Act; and such agreement shall fix the rights and liabilities of the shareholders after such union, the number of directors of the company after the union, and who shall be directors until the then next election, the period at which such election shall take place, the number of votes to which the shareholders of each company shall be respectively entitled after the union, and the provisions of their respective Acts of incorporation and by-laws, which shall apply to the united company; and generally such agreement may contain all such stipulations and provisions as may be deemed necessary for determining the rights of the respective companies and the shareholders thereof after the union.

If more than one are so incorporated.

Companies may unite, and in what manner.

11. Whenever any agreement of amalgamation shall have been made under the next preceding section, the directors of each of the companies which it is to affect shall call a special meeting of the shareholders of the company they represent, in the manner provided for calling general meetings, stating specially that such meeting is called for the purpose of considering the said agreement and ratifying or disallowing the same; and if, at such meeting of each of the companies concerned, respectively, three-fourths or more of the votes of the shareholders attending the same, either in person or by proxy, be given for ratifying the said agreement, then it shall have full effect accordingly, as if all the terms and clauses thereof, not inconsistent with this Act, were contained in

Agreement to unite to be submitted to shareholders of respective companies.

Proviso.

an Act of the Parliament of Canada: Provided that no such agreement shall have any effect unless it be ratified as aforesaid within three months after the passing of this Act, and be also ratified and approved by the Governor in Council before either or any of the companies have commenced work upon its railway.

United companies to form one company.

12. From and after the ratification of the agreement for their union, the companies united shall be one company, and the subscribers and stockholders of each shall be deemed subscribers and stockholders of the company formed by the union, according to the terms of the agreement, which shall have force and effect, in so far as it is not inconsistent with this Act, or with law, as if embodied in an Act of the Parliament of Canada; and the corporate name of the company shall be such as provided by the agreement, subject to the provision hereinafter made.

Agreement may be made with company so formed.

13. The Government of Canada may in its discretion agree with the company so formed by the union of two or more companies, for the construction and working of the railway in accordance with this Act, in like manner as with a company originally incorporated for the construction of the whole line of the railway:—Provided that with whatever company such agreement is made, the name of such company shall thereafter be “The Canadian Pacific Railway Company,” and the chief place of business of the company shall be in the City of Ottawa.

Corporate name and chief seat of business.

Company may surrender its Act of incorporation and accept a charter.

14. The company with which such agreement as aforesaid is made may, with the consent of the Governor in Council, surrender its Act or Acts of incorporation, and accept instead thereof a charter to be granted by the Governor embodying the agreement, so much of this Act, and such of the provisions of its Act or Acts of incorporation and of the Railway Act, modified as mentioned in the next following section, as may be agreed upon by the Government and the company, and such charter, being published in the *Canada Gazette*, with any Order or Orders in Council relating to it, shall, in so far as it is not inconsistent with this Act, have force and effect as if it were an Act of the Parliament of Canada.

If there is no incorporated company, governor may grant a charter.

15. If there be no company, either incorporated originally for the construction of the whole line of railway or formed out of two or more companies as aforesaid for that purpose, or if the Government cannot or does not deem it advisable to agree with any such company for the construction and working of the whole line of railway under this Act, or is of opinion that it will be more advantageous for the Dominion and will better ensure the attainment of the purposes of this Act, that a company should be incorporated by charter as hereinafter provided,—then, if there be persons able and willing to form such company, and having a subscribed capital of at least ten million dollars, secured to the satisfaction of the Governor in Council, and ready to enter into such

Conditions on which to be granted.

such agreement,—the Governor may grant to such persons and those who shall be associated with them in the undertaking, a charter embodying the agreement made with such persons, (which shall be binding on the company) and so much of this Act and of the Railway Act (as the said Act is modified by any Act of the present session, with reference to any railway to be constructed under such Act, on any of the lines, or between any of the points mentioned in this Act) as may be agreed upon by the Government and the company; and such charter being published in the *Canada Gazette* with any Order or Orders in Council relating to it, shall, in so far as it is not inconsistent with this Act, have force and effect as if it were an Act of the Parliament of Canada: Publication of charter and its effect. Provided that one of the conditions of the agreement and of the charter shall be, that at least ten per cent of the capital shall be paid into the hands of the Receiver General, in money or Government securities, within one month after the date of the charter, and shall remain in his hands until otherwise ordered by Parliament. Proviso.

16. The Government of Canada may further agree with the company with whom they shall have agreed for the construction and working of the said railway, for the construction and working of a branch line of railway, from some point on the railway first hereinbefore mentioned, to some point on Lake Superior in British territory, and for the construction and working of another branch line of railway from some point on the railway first mentioned, in the Province of Manitoba, to some point on the line between that Province and the United States of America,—the said points to be determined by the Governor in Council: and such branch lines of railway shall, when so agreed for, be held to form part of the railway first hereinbefore mentioned, and portions of “The Canadian Pacific Railway:” and in consideration of the construction and working of such branches a land grant in aid thereof may be made to the company to such extent as shall be agreed upon by the Government and the company: Agreement for construction of branches. Provided that such land grant shall not exceed twenty thousand acres per mile of the branch line in Manitoba,—nor twenty-five thousand acres per mile of the branch line to Lake Superior. To form part of the railway.

17. The Governor may from time to time appoint such officers or persons as he may see fit, to superintend the construction of the said railway, and the works connected with it, for the purpose of ensuring the faithful performance of the agreement between the Government and the company constructing them, and the observance of all the provisions of the charter of such company. Officers to superintend construction of railway.

18. The company shall from time to time furnish such reports of the progress of the work, and with such details, as the Government may require. Reports by the Company.

19. The expression “the Government,” or “the Government of Canada” in this Act, means the Governor in Council, and any- Interpretation. thing

Agreements
with the
Government.

thing authorized to be done under this Act by the Governor, may be done by him under an Order in Council; and any agreement made by the Government with any railway company, may be made with a majority of the directors *de facto* of such company, and being certified as so made, by the signature of the President *de facto* of the company, shall be held to be made by the company and have effect accordingly.

CAP. LXXII.

An Act to incorporate the Inter-oceanic Railway Company of Canada.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS, by the terms and conditions of the union of British Columbia with Canada, the Government of Canada agreed to secure the commencement simultaneously within two years from the date of the union, of the construction of a railway from the Pacific Ocean towards the Rocky Mountains, and from such point as might be selected east of the Rocky Mountains towards the Pacific Ocean, to connect with the railway system of Canada; and further to secure the completion of the said railway within ten years from the date of the union;

And whereas the Parliament of Canada, passed a resolution declaring that the said railway should be constructed and worked by private enterprise, and not by the Government of Canada; and that public aid should be given to secure the completion of such railway, to consist of liberal grants of lands, and subsidies in money, or other aid, as the Parliament of Canada might determine;

And whereas it is highly expedient that a great national Inter-oceanic Railway, aided and subsidized by Parliament, should be managed, controlled and worked in the interest of the Dominion, and as far as possible, by persons who are residents of Canada and subjects of Her Majesty;

And whereas the persons hereinafter mentioned, residents of Canada, and subjects of Her Majesty, are desirous of associating themselves together as a company for the purpose of constructing the said railway; and, by their petition, have prayed to be incorporated and invested with such powers as may enable them effectually to carry out the undertaking; and it is expedient to grant their prayer:

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

1. The Honorables D. L. Macpherson, William McMaster, Frank Smith, George W. Allan, Joseph Edouard Cauchon, Thomas Ryan, David E. Price, John McMurrich, E. W. Cumberland, Esquire, The Honorables John Simpson, James Macdonald, Clement Francis Cornwall, C. S. Gzowski, Esquire, The Honorable John Carling, H. S. Howland, Esquire, Noah Barnhart, Esquire, John Crawford, M.P., Robert A. Harrison, M.P., John Turner, Esquire, Thomas N. Gibbs, M. P., Alexander P. Fulton, Esquire, The Honorable J. B. Robinson, Angus Morrison, M.P., The Honorable James Skead, A. Walsh, M.P., George P. Riédout, Esquire, William Thomson, Esquire, Robert Hay, Esquire, J. C. Hespeler, Esquire, George H. Simard, Adolphe Tourangeau, David Torrance, John Thomas Molson, Andrew Thomson, John Molson, John Starr, Thomas Kenny, M. H. Gault, Joseph Mackay, William Elliot, Esquires, Lewis Moffat, Esquire, John Macdonald, Esquire, William Fraser, Esquire, George Laidlaw, Esquire, Thomas C. Chisholm, Esquire, Francis Shanly, Esquire, John Boyd, Esquire, W. H. Cochrane, Esquire, R. W. Elliot, Esquire, The Honorables Thomas R. Jones, W. A. Henry, W. B. Vail, William Muirhead, D. McDonald, Walter Shanly, M. P., William Gooderham, Esquire, Edward N. Harris, Esquire, John Birrell, Esquire, Adam Brown, Esquire, Thomas Dick, Esquire, John Shedden, Esquire, D. D. Calvin, Esquire, John Robertson, Esquire, C. H. Fairweather, Esquire, Stephen J. King, Esquire, James Donville, Esquire, J. Spencer Thompson, M. P., Isaac Burpee, Esquire, A. Jardine, Esquire, William W. Turnbull, Esquire, J. C. Binney, Esquire, A. De Cosmos, M. P., Alexander Rocke Robertson, Esquire, The Honorable George Anthony Walkem, J. Israel Wood Powell, Esquire, M. W. I. Drake, Esquire, Edwin Russell, Esquire, Robert Wallace, M. P., Thomas Scatcherd, M. P., William Gooderham, Junr., Esquire, Jas. G. Worts, Esquire, Wm. H. Howland, Esquire, John Walker, Esquire, John Gordon, Esquire, A. R. McMaster, Esquire, C. J. Campbell, Esquire, A. P. Green Dodge, Esquire, James Michie, Esquire, W. H. Gibbs, Esquire, Jos. D. Ridout, Esquire, W. McGiverin, Esquire, David Thompson, M.P., D. A. Macdonald, M. P., John Pickard, M. P., J. L. Blois Deveber, Esquire, J. Walter Scrammel, Esquire, William Elder, Esquire, Alexander Gibson, Esquire, John Gibson, Esquire, Thomas Temple, Esquire, A. J. Randolph, Esquire, W. Townsend, Esquire, S. S. Hall, Esquire, Thomas Temple, Esquire, Robert Robertson, Esquire, James Raymour, Esquire, or any of them, together with all such persons as shall become shareholders of the company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, and by the name, style and title of the "Inter-oceanic Railway Company of Canada;" and, by that name, they and their successors shall and may have continued succession; and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever: and they and their successors may and shall have a common seal, and may

Incorporation.

Corpora
name and
general
powers.

may change and alter the same at their will and pleasure : and also they and their successors, by the same name of the "Inter-oceanic Railway Company of Canada" shall be in law capable of taking, purchasing and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, selling, conveying or otherwise departing there-with, for the benefit and on the account of the said Company, from time to time as they shall deem expedient or necessary.

Railway Act
to apply.

2. "*The Railway Act, 1868*," so far as the provisions contained therein are applicable to the undertaking authorized by this Act, and in so far as they are not inconsistent with or contrary to the provisions of this Act, are hereby incorporated with this Act

Lines of
railway and
works of the
company.

3. The said company, and their agents and servants, may lay out, construct, equip, maintain and work a continuous double or single track iron or steel railway, of such width or gauge as may be directed by any Act of the present session, and also a telegraph line throughout the entire length of the said railway, with the proper appurtenances, from a point at or near Lake Nipissing, in the Province of Ontario, to the waters of the Pacific Ocean, in the Province of British Columbia; with power to extend the said railway to Victoria or Nanaimo, or some other point in Vancouver Island, and along or across the said island to Barclay Sound, or to such other point on the coast of said island as may be found expedient; and to construct branch lines from the main line, to the River St. Mary, at some point between Lake Huron and Lake Superior, and from the main line to some point on Neepigon Bay or Thunder Bay, and from or near Winnipeg River to the Lake of the Woods, and from Fort Garry or Winnipeg to Pembina, or to any other point on the south boundary line of the Province of Manitoba, and from any point on the main line in British Columbia to any point on the boundary line of that Province, so as to connect with the railway system of the United States of America; and to construct a railway bridge across the said River St. Mary, and across Johnson's Straits. The said company shall also have power and authority to build, own and operate steam and other vessels in all Canadian lakes, rivers and waters lying between Lake Nipissing and the Pacific Ocean and on the waters of the Pacific Ocean, and to build wharves and harbors thereon, and shall be entitled to charge fares and freight for passengers and goods carried on board such vessels.

Branches to St.
Mary's River,
&c.

Bridges.

Owning
vessels.

Line to be
approved by
Governor in
Council.

4. The course and line of the said railway, and the termin thereof shall be fixed and determined by the Company, subject to the approval of the Governor in Council.

Materials
from public
lands, and
extra width
of lands.

5. It shall be lawful for the Company to take from any public lands adjacent to or near the line of the said railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out, and appropriate to the use of the Company, a greater extent of lands,
for

for stations, depôts, workshops, buildings, side-tracks, wharves, harbours and roadway, and for establishing screens against snow, than the breadth and quantity mentioned in "*The Railway Act, 1868*," but such land shall only be taken by the Company, under grant of the Governor in Council as hereinafter provided. Proviso.

6. The buildings, right of way, permanent way, rolling stock and earnings of the Company, and all property thereof, except the land granted or to be granted by any government in aid of the said railway, shall be exempt from taxation in any Province hereafter to be constituted from the territory of the Dominion for fifty years after the completion of the said railway, under any law, ordinance or by-law of any provincial, local or municipal authority, to any other or greater extent than if the same were the property of the Dominion,—the said railway being in fact a public work constructed mainly at the expense of the Dominion for the benefit of all the Provinces thereof. As to taxation on property of company.

7. And as respects the said railway, the eighth section of "*The Railway Act, 1868*," relating to *Plans and Surveys*, shall be subject to the following provisions: Railway Act altered as to plans and surveys.

It shall be sufficient that the map or plan and book of reference for any portion of the main line, or of any supplemental line of the said railway, not being within any district or county for which there is then a Clerk of the Peace, be deposited in the office of the Minister of Public Works of Canada, and any omission, misstatement or erroneous description of any lands therein may be corrected by the Company, with the consent of the Minister and certified by him; and the Company may then make the railway in accordance with such certified correction:

The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places deviations not exceeding twenty-five miles from the line shown on the deposited map or plan, shall be allowed without any formal correction or certificate; and any further deviation that maybe found expedient may be authorized by order of the Governor in Council; and the Company may then make their railway in accordance with such authorized deviation:

The map or plan and book of reference made and deposited in accordance with this section, shall avail as if made and deposited as required by the said "*Railway Act, 1868*," for all the purposes of the said Act, and of this Act: and any copy of, or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada:

It shall be sufficient that a map or profile of any part of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the said Minister of Public Works:

The

The Company may, in making the map or plan of any portion of their railway, adopt and use for the purposes of this Act, that survey and plan of such part made by the Government of Canada in the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, and the levels and other particulars ascertained by such survey, without making any new survey and plan of such portion:

Governor may grant right of way.

The Governor in Council, may in his discretion, grant to the said Company the right of way (of such width as he may think fit) over any unimproved lands of the Dominion, or any lands required for stations or other necessary purposes of the Company, in the Province of Manitoba or British Columbia, or in the North West Territories.

Aid to the company by grants of lands.

8. It shall be lawful for the Company to take, receive and hold a grant or grants of public lands, along the line of railway, and also in the territories of the Dominion, or from the Government of any Province, or from any municipality in Canada, in aid of the construction of the railway, and to survey and subdivide the same in such manner as they shall see fit, and to lease, mortgage, sell or grant the said lands or any part thereof, upon such terms and conditions, and for such price in money, bonds, stock of the Company or other securities, as the Directors of the Company may from time to time determine, subject to any agreement which may be made between the Company and the Government of Canada, or any Provincial Government, or any municipality in Canada, respecting the said grant or grants of land.

Company may receive grants from Government, &c., on conditions to be agreed upon.

9. It shall be lawful for the Company to accept and receive from the Government of Canada, or from the Government of any Province, or from any municipality in Canada, a subsidy or aid in money or bonds, or securities, payable in such manner, at such times, on such conditions, and at such places in Canada or elsewhere as may be agreed upon between the Company and the Government of Canada, or the Government of any Province, or any municipality in Canada, or as may be prescribed and directed by any Act of Parliament authorizing the Government to grant a subsidy, or as may be provided in any agreement between the Company and the Government, which may be lawfully made respecting the said subsidy; and the provisions of any Public Act passed during the present session, respecting the Canadian Pacific Railway, shall apply to this Act, and to the railway thereby authorized to be constructed in so far as shall be necessary to enable the Company to make any such agreement with the Government of Canada as shall be authorized by such Act, and to carry out and perform all the terms and conditions of such agreement, and all the provisions, terms, and conditions contained in the said Act, in so far as they apply to the said railway, either in its construction or working. And the said Company and the Board of Directors thereof for the time being whether provisional or elected, are hereby authorized

authorized to make and execute such agreement, depositing with the Receiver General such sum of money as may be required by such Public Act, and in the event of being unable to agree with the Government of Canada in respect of such construction and working, such Directors shall have the right to receive from the Receiver-General of Canada the said deposit therein provided for.

10. The Company may at any time, with the approval of the Governor in Council, enter into an agreement of amalgamation with any other incorporated Railway company or companies authorized to construct and work a railway, between the points or termini specified herein, or between intermediate points; and they may, after such agreement of amalgamation approved as aforesaid, continue and act according to the terms thereof, as one company, and shall thereafter be and be recognized and known as one company, and shall be liable for all the debts, and shall do and perform all the contracts, stipulations and agreements which any or either of the amalgamated companies would have been liable to pay, or compellable to perform if no such amalgamation had taken place. And the said amalgamated Company may have and exercise all the rights, privileges, powers and franchises, and may take and hold all grants of land, and may receive all subsidies or money in aid, which it shall be lawful for the Government of Canada, or for the Government of any Province, or for any municipality, to give and grant, or which any or either of the amalgamated companies, could or might have used, exercised, taken, held or received, under their separate Act or Acts of incorporation.

Company may amalgamate with other companies.

11. The capital stock of the said Company shall be ten millions of dollars to be held in shares of one hundred dollars each, which shall in all respects be deemed personal property, and the shares of the said capital stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same to any other person or persons; but no assignment or transfer shall be valid and effectual, unless it be made with the consent of the Directors, and registered in the books to be kept by the said Company for that purpose: But the Company shall afterwards have power by a by-law, duly approved by the shareholders at a special meeting thereof, called for the purpose, to increase the capital stock of the Company until the same shall amount to fifty millions of dollars; such increase to be effected in the manner and upon the terms prescribed by such by-law.

Capital stock and shares.

Provision for increase.

12. The Honorables D. L. Macpherson, William McMaster, John Simpson, Frank Smith and John Carling, Walter Shanly, M.P., David Thompson, M.P., F. W. Cumberland, M.P., D. D. Calvin, and J. G. Worts, Esquires. W. H. Howland, Esquire, Adam Brown, Esquire, the Honorables David E. Price, J. Thibodeau, Clement Francis Cornwall, and David Torrance, Esquire, Andrew Thomson, Esquire, the Honorable James Macdonald, John Starr, Esquire, Thomas Kenny, Esquire, Edwin Russell, Esquire, C. H. Fairweather,

Provisional Directors.

Quorum and powers.

Fairweather, Esquire, N. J. Randolph, Esquire, John Boyd, Esquire, and the Honorable John Sutherland, (a majority of whom, present in person or by proxy held by another Provisional Director, shall constitute a quorum for the transaction of business), shall be and are hereby constituted a Board of Provisional Directors of the Company, until other Directors shall be appointed under the provisions of this Act; and shall have power and authority to elect a President and Vice-President from amongst their number, and to add to their number, to appoint a Secretary, to make agreements as hereinbefore provided, to open books of applications for stock, to call a general meeting of shareholders for the election of other Directors, as herein-after provided, and generally to do such other acts as shall be necessary for procuring the election of a Board of Directors by the shareholders and for effectually placing the enterprize under their control.

Stock books to be opened and where.

13. The Provisional Directors shall cause books for applications for stock to be opened at Halifax, in Nova Scotia; at St. John, in New Brunswick; at Quebec and Montreal, in Quebec; at Ottawa, Toronto and London, in Ontario; at Fort Garry, in Manitoba; and at Victoria, in British Columbia; and the time and place of the opening of such books shall be published for two weeks in the Official Gazette, in each Province, and in some prominent newspaper in each of the said Provinces.

10 per cent. to be paid on application for stock.

14. No application shall be received unless the applicant shall have previously paid into one of the chartered banks of the Dominion to the credit of the Provisional Directors, an amount not less than ten per centum upon his application; and the certificate of the deposit of the same, or a duplicate thereof, shall be lodged with the agent appointed to receive such application.

Allotment of stock.

15. As soon as ten millions of dollars have been subscribed, the Provisional Directors shall proceed to allot the same to the applicants, and may allot the same to such persons and in such amounts as may appear to them most conducive to the success of the Company; and the ten per centum paid by any applicant on shares not allotted to such applicant shall be returned to him: Provided always, that so far as the said applications may admit, forty per cent. shall be allotted in the Province of Ontario, thirty and a half per cent. in the Province of Quebec, ten and a half per cent. in the Province of Nova Scotia, eight per cent. in the Province of New Brunswick, six per cent. in the Province of British Columbia, and five per cent. in the Province of Manitoba: and provided further, that if in any Province the amounts applied for do not reach the proportion so reserved for it, then the Provisional Directors may allot the deficiency to any applicant or applicants who may apply for the same, and who shall previously pay the deposit required in the manner hereinbefore provided.

Proviso: proportion of stock reserved in the first instance for each Province.

Proviso: if stock so reserved be not taken.

16. When and so soon as ten million dollars of the capital stock shall have been allotted, and ten per centum paid thereon, as hereinbefore provided, the Provisional Directors, or a quorum of them, shall call a meeting of the shareholders, at such time and place in the City of Ottawa, as they shall decide, giving at least one month's notice thereof in the *Canada Gazette*, and in some newspaper published in each of the Provinces of the Dominion; at which general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than eleven nor more than seventeen Directors, in the manner and qualified as hereinafter provided: and the shareholders at the first general meeting shall provide, by resolution, for the number of Directors to be elected at the meeting, which said number of Directors shall constitute a Board of Directors, and shall hold office until others are elected in their stead.

First meeting of shareholders and election of directors.

To determine the number of directors.

17. On the first Tuesday in May, in each year thereafter, or on such other day as may be appointed by a by-law of the Company, at the principal office of the Company, there shall be held a general meeting of the shareholders of the Company, at which meeting they shall elect such a number of Directors for the ensuing year as shall be provided for in the by-laws of the Company; and public notice of such annual meeting shall be given at least one month before the day of election in the manner hereinbefore provided for the first meeting of shareholders for the election of Directors. Each Director shall be a holder of at least two hundred and fifty shares of the said stock. The election of Directors shall be by ballot, and the persons so elected shall form the Board of Directors: Provided that the President of the Company, and a majority of the Directors shall reside in Canada and be subjects of Her Majesty.

Annual general meeting.

Qualification of Directors.

Proviso.

18. The Directors elected by the shareholders under this Act shall have power to make such by-laws and rules for the government of the Company not inconsistent with law or with the provisions of this Act, as they may think most expedient, and to alter the same at their pleasure; but such by-laws shall only have force and effect until the next following annual meeting of shareholders, unless they are confirmed at such meeting.

Directors may make by laws subject to confirmation.

19. The chief place of business of the Company shall be at the City of Ottawa, but other places at which the Directors or committees of the Directors may meet and transact business, may be fixed by the by-laws of the Company.

Chief place of business.

20. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened for any other purpose, the Directors may convene such meeting by advertisement, in manner hereinbefore mentioned, in which advertisement the business to be transacted at such meeting

Special general meetings.

ing shall be expressly stated ; and such meeting may be held at the Company's office in Canada, or such other place in Canada as the Directors shall appoint.

Votes, proxies,
ties, &c.

21. In the election of Directors under this Act, and in the transaction of all business at shareholders' general meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and which he shall have held in his own name two weeks prior to the time of voting ; and he shall be entitled to vote either in person or by proxy ; but no person but a shareholder shall be permitted to vote or act as such proxy ; and no officer of the Company, except he be a Director, shall hold a proxy for that purpose. All questions proposed for the consideration of the shareholders shall be determined by the majority of votes : the Chairman elected to preside at any such meeting of the said shareholders shall vote as a shareholder only, unless there be a tie, in which case (except as to the election of a Director) he shall have a casting vote ; and where two or more persons are joint holders of shares, one only of such joint holders shall be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly.

Joint holders
of shares.

Vacancies
among Direc-
tors, how
filled.

22. Whenever a vacancy shall happen in the Board of Directors by death or resignation, or by reason of any Director declining or neglecting, without the consent of the Board, to act for a period of three months after his election, such vacancy may be filled up by the majority of Directors for the time being appointing some shareholder duly qualified under the seventeenth section of this Act to supply the vacancy so occurring : nevertheless, any acts done by the surviving directors or the majority of the acting Directors without having the vacancy filled up, shall not be deemed invalid ; and a majority of the Directors present in person, or by proxy held by another Director, shall form a quorum of the Board, and may exercise all the powers of the Directors : and the Directors shall have power to dispose of such part of the stock of the said Company as may remain to be disposed of, or may from time to time be added to or fall to the general stock either by forfeiture or otherwise, on such terms and conditions and to such parties as they may think most likely to promote the interests of the of the said Company.

Quorum.

To dispose of
stock not taken
or forfeited.

Calls when
and how to be
made.

23. The Directors may, at any time, call upon the shareholders for such instalments upon each share, which they, or any of them, hold in the capital stock of the Company, and in such proportion as they may see fit ; except that no such instalment shall exceed ten per cent on the subscribed capital, and that sixty days' notice of each call shall be given in such manner as the Directors shall think fit ; and such calls shall not be made more frequently than once in sixty days.

24. The owner or owners of one or more shares in the said Company shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons, and at such time and place, as the said Directors shall, from time to time, appoint and direct,—of which sixty days' notice at least shall be given as aforesaid, or in such other manner as the said proprietors or their successors shall by any by-law direct or appoint.

Payment of calls.

25. The Directors may use and affix or cause to be used and affixed the common seal of the said Company to any document which, in their judgment may require the same; and any act or deed bearing such seal and signed by the President or the Vice-President, and countersigned by the Secretary, shall be held to be the act and deed of the Company: the Directors shall have power to appoint or discharge all and every officer and servant of the Company; and they shall require from the Treasurer to be appointed, such bonds as may be deemed proper, and from time to time may increase the amount thereof; and to make by-laws for the government and control of the officers and servants of the Company, and to fix the salary or allowance to be made to them respectively; and shall have power to make and frame all other by-laws, rules and regulations for the management of the affairs of the Company in all its details and particulars; also for establishing the rule of voting for the Directors of the Company, and the same also to change at any time, modify or repeal;—which by-laws, rules and regulations shall be submitted for approval, rejection or alteration by the shareholders at the next general meeting or at a special meeting to be called by the said Directors for such special purpose, and in conformity with any by-law providing for such special meeting: and any copy of the by-laws of the said corporation, or of any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the said corporation affixed to it, shall be received as *prima facie* evidence of such by-law in all Courts in the Dominion of Canada.

Common seal.

Officers and servants.

By-laws and for what purposes.

Proof of by laws.

26. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and all such promissory notes made or endorsed, or such bills of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary or Treasurer of the Company, under the authority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange so made, may be made redeemable in the stock of the Company; or in lands, or in both, at the option of the Company; and for this purpose the Directors shall have the power to increase the capital stock of the Company as may be required to redeem such notes or bills of exchange; and in no case shall it be necessary to have the seal of the Company affixed to any promissory note or bill of exchange.

How the Company may become parties to promissory notes.

exchange; nor shall the President or Vice-president or Secretary or Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein required: Provided, however, that nothing in this section shall be construed to authorise the Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso,

Company may issue debentures, and make them a charge on lands.

Discharge of lands sold.

Provision for redemption.

How bonds shall be executed.

Board of trustees for management of lands.

27. The Directors of the Company are hereby authorised and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company or on any, either, or all of them, or upon any of the various sections of the road, and the appurtenances, tolls and revenues thereof, and whether the lands expressed in general terms to be mortgaged thereby, shall then be in possession of the Company or not, (as may be expressed by said bonds or debentures), without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form and for such amount and payable at such times and places as the Directors from time to time may appoint and direct: and until the appointment of a Board of Trustees as hereinafter provided, the payment to the Treasurer of the Company or to any other person appointed for the purpose by any *bond fide* purchaser of any lands appertaining to the Company, of the purchase money thereof, and the acquittance by such Treasurer or other person so appointed of such purchase money, shall operate as a discharge of such mortgage in respect of the lands so paid for; and until other provision be made therefor, the Treasurer of the Company, or other person so authorised, shall keep all moneys so received, separate and apart from the ordinary funds of the Company; and the moneys so received shall be used in buying or purchasing all or any of the outstanding bonds or debentures of the Company, provided that the same can be obtained at a rate not exceeding ten per cent premium; but in case the same cannot be obtained at such rate, the said money so received shall be invested from time to time in the Government securities of Canada, Great Britain or the United States, for the formation of a fund for the redemption of the bonds or debentures at maturity. The bonds or debentures shall be signed by the President or Vice-President and Secretary, and shall have the corporate seal of the Company affixed thereto: Provided that the amount of such bonds or debentures shall not exceed forty thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Act.

28. The Company may by by-law, duly passed as herein enacted, provide for the creation of a Board of Trustees (of whom one may be appointed by the Governor in Council,) such board to be formed (with that exception) from the bondholders and shareholders of the Company, in such number and with such powers as to the general management and disposition of the lands of the Company,

Company, and of any subsidies, moneys, or securities that may be vested in them as hereinafter enacted, as shall be provided by such by-law. But such by-law shall have no force or effect till approved of by the Governor in Council.

29. The Company may, with the approval of the Governor in Council, (or it may be part of their agreement with the Government that they shall) transfer to the said Board of Trustees, all public lands granted to the Company for the purpose of aiding them in their undertaking (or the grants of such lands may, with the consent of the Company, be made directly to such Trustees), to be held and disposed of by such Trustees for the benefit and assurance of the holders of the bonds or debentures of the Company, upon such trusts, and with such powers of sale, investment and application of proceeds, and otherwise, as the Company may think best adapted to secure the due payment of the interest and principal of such bonds and debentures, and as the Governor in Council may approve as being so.

Lands may be transferred to such trustees.

30. The Company may further with the approval of the Governor in Council, vest with the said Board of Trustees for the general purposes of the Company, the whole or any part of the subsidies to be received in money or securities, or the capital to be obtained from the shareholders; and may, in the deed of assignment for such purpose, provide specifically for any of the engagements of the Company in addition to the security otherwise provided; and may also settle the mode of investment of any such funds and the interest accruing thereon; and may direct such Trustees to hold the whole or any part of the funds so arising as security for the fulfilment of the engagements of the Company with the Government: Provided always that the proceeds derived from lands sold shall in no case be diverted from the redemption of the mortgage bonds of the Company as hereinbefore provided.

Money subsidies may also be vested in trustees.

Provido.

31. As the bonds of the Company are from time to time redeemed by the proceeds of the lands sold, it shall be lawful for the Company by and with the consent of a majority of the Board of Trustees, to re-issue an equivalent amount of bonds; subject to such limitation and with such rank, as may be settled in the assignment to the Trustees, having regard to the value of the lands remaining unsold.

Issue of new bonds in place of those redeemed.

32. The decision and action of a majority of the said Board of Trustees shall be held to be the decision and action of the Board, and such majority may lawfully do whatever the said Board could do.

Majority of trustees to represent board.

33. In case of the lands not being vested in Trustees as hereinbefore provided, the Company shall have the management of the lands granted by any Government in aid of their undertaking,

Management of lands if not vested in Trustees.

taking,

taking, and of the sale thereof and matters therewith connected, and may retain twenty per cent. of the gross proceeds thereof to cover the expenses of such management and sale.

Interest on shares during construction.

34. The Company may allow and pay to the shareholders, interest on the amount of their paid up capital at the rate of six per cent. per annum, during the construction of the railway and works; except that, whenever any section of not less than two hundred and fifty consecutive miles in length shall be completed and equipped for traffic, such interest shall cease to be paid except out of the net earnings of the railway upon an amount of stock equal to the cost of such section, less such portion of the bonded debt of the Company as may be considered applicable to such section, having regard to the length in mileage of such section relatively to the whole length of the railway.

Arrangements with other companies.

35. The Directors of the Company elected by the shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other incorporated railway company, for the purpose of making any branch or branches to facilitate a connection between the Company and such other incorporated railway company of Canada or the United States, and they may enter into arrangements for the mutual interchange of traffic with all railway companies completing their lines to the lines of the Company; may lease such railway or railways or amalgamate therewith, or make running arrangements, and generally may enter into such agreements as will secure uniform and complete railway connection with the system of railways now or hereafter existing in Canada or the United States.

Detailed accounts to be laid before Parliament.

36. The Company, after the opening of the road or any part thereof to the public, shall annually submit to the Parliament of Canada, within thirty days after the opening of each session thereof, a detailed and particular account attested by the President and Secretary of the Company, of all moneys by them received and expended under and by virtue of this Act, with a classified statement of the tonnage of freight and the number of passengers conveyed over the said road; and no further provisions which Parliament may hereafter make with regard to the form or details of such account or the mode of attesting or rendering the same shall be deemed an infringement of the privileges hereby granted to the Company.

Directors may vote by proxy.

37. Any Director may appoint another Director to be his proxy, and to vote for him at meetings of the Board, but no Director shall act as proxy for more than one other Director. The appointment may be as follows, or to the like effect :

Form.

"I appoint _____ one of the Directors of the Canada Pacific Railway Company, to be my proxy as a Director of

and of the shareholders thereof, kept at the principal office of the Company in Canada (such duplicates being authenticated by the signature of the Secretary of the Company) may be transmitted to and kept by the agent for the time being of the Company in London, or, in case of the formation of a London Board, by the Secretary to such Board.

Provisions with respect to telegraphs constructed by the Company.

41. The Company may undertake the transmission of messages for the public by any line of telegraph they may construct on the line of their railway, and collect tolls for so doing: and, if they think proper to undertake such transactions, they shall be bound to transmit such messages in the order in which they are received, on pain of all damages sustained by any person by the non-transmission of his message in such order: except that any message in relation to the administration of justice, the arrest of any criminal, or the discovery or prevention of crime shall always be transmitted in preference to any other message or despatch, if required by any person employed in the administration of justice, or in the police, or thereunto authorized by the Minister of Justice: and any operator on any such line of telegraph divulging the contents of any private message, shall be held guilty of a misdemeanour, and shall be liable to be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding three weeks, or both, in the discretion of the court before which the conviction is had.

Penalty on operators divulging messages.

As to provisions of Railway Act respecting incumbrances.

42. The provision made in sub-sections thirty, thirty-one and thirty-two, of section nine of "*The Railway Act, 1868*," as to incumbrances on lands acquired by a Company, shall apply to lands acquired by the Company in the Provinces of Manitoba and British Columbia; and as respects lands in places where there is no court into which the compensation can be paid, the payment thereof to the party from whom the lands are taken, shall discharge the incumbrances (if any) upon such lands or compensation, as if paid into court.

Certain officials to act as County Judges.

43. In the Provinces of British Columbia and Manitoba, any Judge of a County Court or of the Supreme Court shall have all the powers given by the said Act to a County Judge, and in any place where there is no such Judge, or County Judge, or no Judge who can act in the case, any Justice of the Peace shall have all the said powers.

Notices.

44. As respects places not within any Province, any notice required by the said Act to be given in the *Official Gazette* of the Province, may be dispensed with.

Materials from wild lands of the Crown.

45. The Company may take from wild lands of the Dominion adjacent to, or near the line of the said railway, all stone, timber, gravel and other materials necessary or useful for the construction of their railway; and may lay out, and appropriate to their use, a greater extent of land, whether public or private, for stations, depots, workshops, buildings, side tracks, wharves, harbours and roadway,

roadway, than that mentioned in "*The Railway Act, 1868*,"—such greater extent taken in any case being allowed by the Governor in Council, and shown on the maps or plans deposited with the Minister of Public Works.

46. And, whereas, it may be necessary for the Company to possess gravel pits and quarries and lands containing deposits of gravel, stone or brick clay, as well as lands for stations and other purposes, at convenient places along their line of railway, for constructing and keeping in repair and for carrying on the business of their railway, and as such gravel pits, quarries or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; therefore, the said Company may purchase, have, hold, take, receive, use and enjoy, along the line of the said railway, or separated therefrom, and if separated therefrom, then, with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons or bodies politic, to give, grant, sell or convey unto and to the use of, or in trust for the said Company, their successors and assigns: and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and, from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands, not necessary to be retained for gravel pits, quarries, sidings, branches, wood-yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage, the said railway and other works connected therewith.

Land for gravel pits, quarries, &c.

Stations and workshops.

Sale of lands not required.

47. Deeds and conveyances of lands to the Company for the purposes of this Act, (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form of Schedule A to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same, all Registrars of deeds in their respective counties, districts or localities, shall register in their registry books such deeds and conveyances at length, upon the production and proof of the due execution thereof without any memorial or duplicate, and shall minute the enregistration or entry on any such deed; and the Registrar shall receive from the Company, for all fees on every such enregistration and for a certificate of the same, fifty cents and no more; and such enregistration shall be valid in law, any statute or provision of law to the contrary notwithstanding.

Form of conveyances to the Company and registration thereof.

48. The Justices of the Peace for any county or district in British Columbia assembled in general or quarter sessions, shall have the powers vested by section forty-nine of "*The Railway Act, 1868*," in the Justices so assembled in the Province of Ontario, as to the appointment of Railway Constables and in places where there are no such sessions, any two Justices of the Peace in either of the said Provinces, or in any place not within any province, shall have the powers given by the said section to any two Justices of

Appointment of special constables.

of

of the Peace in Ontario, for the dismissal of any such constables; and where there is no Clerk of the Peace, the record of the appointment of a constable shall be dispensed with.

Trial and punishment of offenders against Penal clauses of Railway Act.

49. Any felony, or misdemeanor in contravention of the "PENAL CLAUSES" of "*The Railway Act, 1868,*" committed in the Provinces of Manitoba or British Columbia, shall be tried, punished, and dealt with in such Province, by and before the court or tribunal having cognizance of felonies and misdemeanors respectively (as the case may be), and punished in the manner provided by the said Act; and, if committed in any place not within any Province, may be tried, punished and dealt with by any court having like jurisdiction in British Columbia, Manitoba or Ontario; in any of which Provinces the offender may be arrested and dealt with as if the offence had been committed there; or he may be arrested in the territory where the offence is committed, and committed by any Justice of the Peace for such territory for trial at such court, and in such county, district, or place in either of the said Provinces, as the Justice may think most convenient, and to the common gaol whereof he may commit such offender, and authorize his being conveyed by any constable; and if the punishment to which he is sentenced be imprisonment in the penitentiary and there be no penitentiary in the Province, such imprisonment shall be in the common gaol for the place where he is convicted: and any offence against the said "Penal Clauses," or any other section of the said Act thereby cognizable before a Justice or Justices of the Peace, shall be cognizable before a Justice or Justices of the Peace for the place where the offence is committed: and if any pecuniary penalty be imposed and there be no party entitled to receive it under the said Act, it shall be paid to the Receiver-General, to the credit of the Railway Inspection Fund.

Company not to commence construction until after proclamation.

50. The Company shall not have power to acquire any land or to commence the construction of the Railway hereby authorized until after such day as shall be fixed by Proclamation of the Governor in Council.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A.B., in consideration of _____ paid to me by the Inter-Oceanic Railway Company of Canada, the receipt whereof is hereby acknowledged, grant bargain, sell and convey unto the said Inter-Oceanic Railway Company of Canada, their successors and assigns, all that tract or parcel of land (*describe the land*), to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal, this _____ day of _____
 one thousand eight hundred and _____
 Signed, Sealed and Delivered } A.B. L.S.
 in presence of _____

C.D.
 E.F.

CAP. LXXIII.

An Act to incorporate the Canada Pacific Railway Company.

[Assented to 14th June, 1872.]

WHEREAS the construction of a line of railway through British Territory, across the continent of North America, which, in conjunction with existing railways, would afford uninterrupted railway communication between the Atlantic and Pacific seaports of the Dominion of Canada, is a work of vast importance, not only to the political and commercial interests of Canada, as tending to the closer union of its several Provinces, but also to the British Empire at large, as affording rapid and direct communication through British Territory with her Australian and Asiatic possessions, and opening up for colonization an almost unlimited extent of fertile country; and whereas the persons hereinafter named, have formed themselves into an association for the purpose of constructing the said line of railway, and have prayed, by petition, to be incorporated as a Company, and to be invested with the powers necessary for the purpose, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sir Hugh Allan, Sir Edward Kenny, the Honorable James Skead, the Honorable John J. C. Abbott, the Honorable Asa B. Foster, the Honorable David Christie, the Honorable Gédéon Ouimet, the Honorable John J. Ross, Donald A. Smith, William Nathan the elder, E. R. Burpee, Andrew Allan, Donald McInnes, Louis Beaubien, Charles F. Gildersleeve, Jean Baptiste Renaud, Edward Kersteman, and Eugène Chinic, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the name of the "Canada Pacific Railway Company," and the words "The Company" when used in this Act, shall mean the Canada Pacific Railway Company hereby incorporated.

2. "The Railway Act, 1868," so far as the provisions therein are applicable to the undertaking authorized by this Act, and in so far as they are not inconsistent with or contrary to the provisions of this Act, are hereby incorporated with this Act.

3. The said Company, and their agents and servants, may lay out, construct, equip, maintain and work a continuous double or single track iron or steel railway, of such width or gauge as may be directed by an Act of the present session, and also a telegraph line throughout the entire length of the said railway, with the proper appurtenances, from a point at or near Lake Nipissing, in the

the Province of Ontario, to the waters of the Pacific Ocean, in the Province of British Columbia; with power to extend the said railway to Victoria or Nanaimo, or some other point in Vancouver Island, and along or across the said island to Barclay Sound, or to such other point on the coast of said island as may be found expedient; and to construct branch lines from the main one, to the River St. Mary, at some point between Lake Huron and Lake Superior, and from the main line to some point on Neepigon Bay or Thunder Bay, and from or near Winnipeg River to the Lake of the Woods, and from Fort Garry or Winnipeg to Pembina, or to any other point on the south boundary line of the Province of Manitoba, and from any point on the main line in British Columbia to any point on the boundary line of that Province, so as to connect with the railway system of the United States of America; and to construct a railway bridge across the said River St. Mary, and across the Johnson's Straits. The said company shall also have power and authority to build, own and operate steam and other vessels in all Canadian lakes, rivers and waters lying between Lake Nipissing and the Pacific Ocean, and on the waters of the Pacific Ocean, and to build wharves and harbours thereon, and shall be entitled to charge fares and freight for passengers and goods carried on board such vessels.

Branches to
St. Mary
River, &c.

Bridges.

Owning
vessels.

Line to be
approved by
Governor in
Council.

4. The course and line of the said railway, and the termini thereof shall be fixed and determined by the Company, subject to the approval of the Governor in Council.

Materials
from public
lands, and
extra with
ands.

5. It shall be lawful for the Company to take from any public lands adjacent to or near the line of the said railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out, and appropriate to the use of the Company, a greater extent of lands for stations, depôts, workshops, buildings, side-tracks, wharves, harbours and roadway, and for establishing screens against snow, than the breadth and quantity mentioned in "*The Railway Act, 1868*;" but such land shall only be taken by the Company, under grant of the Governor in Council, as hereinafter provided.

As to taxation
on property
of Company.

6. The buildings, right of way, permanent way, rolling stock and earnings of the Company and all property thereof, except the lands granted or to be granted by any government in aid of the said railway, shall be exempt from taxation in any Province hereafter to be constituted from the territory of the Dominion for fifty years after the completion of the said railway, under any law, ordinance or by-law of any Provincial, local or municipal authority, to any other or greater extent than if the same were the property of the Dominion,—the said railway being in fact a public work constructed mainly at the expense of the Dominion for the benefit of all the Provinces thereof.

7. And as respects the said railway, the eighth section of "*The Railway Act, 1868*," relating to *Plans and Surveys*, shall be subject to the following provisions :

Railway Act
altered as to
plans and
surveys.

It shall be sufficient that the map or plan and book of reference for any portion of the main line, or of any supplemental line of the said railway, not being within any district or county for which there is then a Clerk of the Peace, be deposited in the office of the Minister of Public Works of Canada, and any omission, misstatement or erroneous description of any lands therein may be corrected by the Company, with the consent of the Minister, and certified by him ; and the Company may then make the railway in accordance with such certified correction :

The eleventh sub-section of the said eighth section of the *Railway Act* shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any province, and in such places deviations, not exceeding twenty-five miles from the line shown on the deposited map or plan, shall be allowed without any formal correction or certificate; and any further deviation that may be found expedient may be authorized by Order of the Governor in Council ; and the Company may then make their railway in accordance with such authorized deviation :

The map or plan and book of reference made and deposited in accordance with this section, shall avail as if made and deposited as required by the said "*Railway Act, 1868*," for all the purposes of the said Act, and of this Act: and any copy of or extract therefrom certified by the said Minister or his Deputy, shall be received as evidence in any court of law in Canada :

It shall be sufficient that a map or profile of any part of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the said Minister of Public Works :

The Company may, in making the map or plan of any portion of their railway, adopt and use for the purposes of this Act, that survey and plan of such part made by the Government of Canada in the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, and the levels and other particulars ascertained by such survey, without making any new survey, and plan of such portion :

The Governor in Council, may in his discretion, grant to the said Company the right of way (of such width as he may think fit) over any unimproved lands of the Dominion, or any lands required for stations or other necessary purposes of the Company, in the Province of Manitoba or British Columbia, or in the North West Territories.

Governor in
Council may
grant right of
way.

Aid to the company by grants of land.

8. It shall be lawful for the Company to take, receive, and hold a grant or grants of public lands, along the line of railway, and also in the territories of the Dominion, or from the Government of any Province, or from any municipality in Canada, in aid of the construction of the railway, and to survey and subdivide the same in such manner as they shall see fit, and to lease, mortgage, sell or grant the said lands or any part thereof, upon such terms and conditions, and for such price in money, bonds, stock of the Company or other securities, as the Directors of the Company may from time to time determine, subject to any agreement which may be made between the Company and the Government of Canada, or any Provincial Government, or any municipality in Canada, respecting the said grant or grants of land.

Company may receive grants from Government, &c., on conditions to be agreed upon.

9. It shall be lawful for the Company to accept and receive from the Government of Canada, or from the Government of any Province, or from any municipality in Canada, a subsidy or aid in money or bonds, or securities, payable in such manner, at such times, on such conditions, and at such places in Canada or elsewhere as may be agreed upon between the Company and the Government of Canada or the Government of any Province or any municipality in Canada, or as may be prescribed and directed by any Act of Parliament authorizing the Government to grant a subsidy, or as may be provided in any agreement between the Company and the Government, which may be lawfully made respecting the said subsidy; and the provisions of any public Act passed during the present session, respecting the Canadian Pacific Railway, shall apply to this Act, and to the railway thereby authorized to be constructed, in so far as shall be necessary to enable the Company to make any such agreement with the Government of Canada as shall be authorized by such Act, and to carry out and perform all the terms and conditions of such agreement, and all the provisions, terms and conditions contained in the said Act, in so far as they apply to the said railway, either in its construction or working. And the said Company and the Board of Directors thereof for the time being, whether provisional or elected, are hereby authorized to make and execute such agreement,—depositing with the Receiver General such sum of money as may be required by such Public Act; and in the event of being unable to agree with the Government of Canada in respect of such construction and working, such Directors shall have the right to receive from the Receiver-General of Canada the said deposit therein provided for.

Company may amalgamate with other companies.

10. The Company may at any time, with the approval of the Governor in Council, enter into an agreement of amalgamation with any other incorporated railway company or companies authorized to construct and work a railway between the points or termini specified herein or between intermediate points; and, they may, after such agreement of amalgamation approved as aforesaid, continue and act, according to the terms thereof, as one Company, and shall thereafter be and be recognized and known as

as one Company, and shall be liable for all the debts, and shall do and perform all the contracts, stipulations and agreements which any or either of the amalgamated Companies would have been liable to pay, or compellable to perform if no such amalgamation had taken place. And the said amalgamated Company may have and exercise all the rights, privileges, powers and franchises, and may take and hold all grants of land, and may receive all subsidies or money in aid, which it shall be lawful for the Government of Canada, or for the Government of any Province, or for any municipality, to give and grant, or which any or either of the amalgamated Companies, could or might have used, exercised, taken, held or received, under their separate Act or Acts of Incorporation.

11. The capital stock of the said Company shall be ten millions of dollars to be held in shares of one hundred dollars each, which shall in all respects be deemed personal property; and the shares of the said capital stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same to any other person or persons; but no assignment or transfer shall be valid and effectual, unless it be made with the consent of the Directors, and registered in the books to be kept by the said Company for that purpose: But the Company shall afterwards have power by a by-law, duly approved by the shareholders at a special meeting thereof, called for the purpose, to increase the capital stock of the Company until the same shall amount to fifty millions of dollars; such increase to be effected in the manner and upon the terms prescribed by such by-law.

Capital stock and shares.

Provision for increase.

12. Sir Hugh Allan, Sir Edward Kenny, the Honorable James Skead, the Honorable John J. C. Abbott, the Honorable Asa B. Foster, the Honorable David Christie, the Honorable Gédéon Ouimet, the Honorable John J. Ross, Donald A. Smith, William Nathan, the elder, E. R. Burpee, Andrew Allan, Donald McInnes, Louis Beaubien, Charles F. Gildersleeve, Jean Baptiste Renaud, Edward Kersteman and Eugène Chinic, (a majority of whom, present in person or by proxy held by another Provisional Director, shall constitute a quorum for the transaction of business,) shall be and are hereby constituted a Board of Provisional Directors of the Company, until other Directors shall be appointed under the provisions of this Act; and shall have power and authority to elect a President and Vice-President from amongst their number, and to add to their number, to appoint a Secretary, to make agreements as hereinbefore provided, to open books of applications for stock, to call a general meeting of shareholders for the election of other Directors, as herein-after provided, and generally to do such other acts as shall be necessary for procuring the election of a Board of Directors by the shareholders and for effectually placing the enterprise under their control.

Provisional Directors.

Quorum and powers.

Stockbooks to be opened and where.

13. The Provisional Directors shall cause books for applications for stock to be opened at Halifax, in Nova Scotia; at St. John, in New Brunswick; at Quebec and Montreal, in Quebec; at Ottawa, Toronto and London, in Ontario; at Fort Garry, in Manitoba; and Victoria, in British Columbia; and the time and place of the opening of such books shall be published for two weeks in the Official Gazette, in each Province, and in some prominent newspaper in each of the said Provinces.

10 per cent. to be paid on application for stock.

14. No application shall be received unless the applicant shall have previously paid into one of the chartered banks of the Dominion to the credit of the Provisional Directors, an amount not less than ten per centum upon his application; and the certificate of the deposit of the same, or a duplicate thereof, shall be lodged with the agent appointed to receive such application.

Allotment of stock.

15. As soon as ten millions of dollars have been subscribed, the Provisional Directors shall proceed to allot the same to the applicants, and may allot the same to such persons and in such amounts as may appear to them most conducive to the success of the Company; and the ten per centum paid by any applicant on shares not allotted to such applicant shall be returned to him: Provided always, that so far as the said applications may admit, forty per cent. shall be allotted in the Province of Ontario, thirty and a half per cent. in the Province of Quebec, ten and a half per cent. in the Province of Nova Scotia, eight per cent. in the Province of New Brunswick, six per cent. in the Province of British Columbia, and five per cent. in the Province of Manitoba; and provided further, that if in any Province the amounts applied for do not reach the proportion so reserved for it, then the Provisional Directors may allot the deficiency to any applicant or applicants who may apply for the same, and who shall previously pay the deposit required in the manner hereinbefore provided.

To provide: proportion of stock reserved in the first instance for each Province.

To provide: if stocks reserved be not taken.

First meeting of shareholders and election of Directors.

16. When and so soon as ten million dollars of the capital stock shall have been allotted, and ten per centum paid thereon, as hereinbefore provided, the Provisional Directors, or a quorum of them, shall call a meeting of the shareholders, at such time and place in the City of Ottawa, as they shall decide, giving at least one month's notice thereof in the *Canada Gazette*, and in some newspaper published in each of the Provinces of the Dominion; at which general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than eleven nor more than seventeen Directors, in the manner and qualified as hereinafter provided: and the shareholders at the first general meeting shall provide, by resolution, for the number of Directors to be elected at the meeting, which said number of Directors shall constitute a Board of Directors, and shall hold office until others are elected in their stead.

To determine the number of directors.

Annual general meeting.

17. On the first Tuesday in May, in each year thereafter, or on such other day as may be appointed by a by-law of the Company,

at the principal office of the Company, there shall be held a general meeting of the shareholders of the Company; at which meeting they shall elect such a number of Directors for the ensuing year as shall be provided for in the by-laws of the Company; and public notice of such annual meeting shall be given at least one month before the day of election in the manner hereinbefore provided for the first meeting of shareholders for the election of Directors. Each Director shall be a holder of at least two hundred and fifty shares of the said stock. The election of Directors shall be by ballot; and the persons so elected shall form the Board of Directors: Provided that the President of the Company and a majority of the Directors shall reside in Canada and be subjects of Her Majesty.

Qualification of Directors
 Proviso.

18. The Directors elected by the shareholders under this Act shall have power to make such by-laws and rules for the government of the Company not inconsistent with law or with the provisions of this Act, as they may think most expedient, and to alter the same at their pleasure; but such by-laws shall only have force and effect until the next following annual meeting of shareholders, unless they are confirmed at such meeting.

Directors may make by-laws subject to confirmation.

19. The chief place of business of the Company shall be at the City of Ottawa, but other places at which the Directors or committees of the Directors may meet and transact business, may be fixed by the by-laws of the Company.

Chief place of business.

20. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened for any other purpose, the Directors may convene such meeting by advertisement, in manner hereinbefore mentioned, in which advertisement the business to be transacted at such meeting shall be expressly stated; and such meeting may be held at the Company's office in Canada, or such other place in Canada as the Directors shall appoint.

Special general meetings.

21. In the election of Directors under this Act, and in the transaction of all business at shareholders' general meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and which he shall have held in his own name two weeks prior to the time of voting; and he shall be entitled to vote either in person or by proxy; but no person but a shareholder shall be permitted to vote or act as such proxy; and no officer of the Company, except he be a Director, shall hold a proxy for that purpose. All questions proposed for the consideration of the shareholders shall be determined by the majority of votes: the Chairman elected to preside at any such meeting of the said shareholders shall vote as a shareholder only, unless there be a tie, in which case (except as to the election of a Director) he shall have a casting vote; and where two or more persons are joint holders of shares, one only of such joint holders shall

Votes, proxies, ties, &c.

Joint holders of shares.

shall be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly.

Vacancies
among direc-
tors, how filled.

22. Whenever a vacancy shall happen in the Board of Directors by death or resignation, or by reason of any Director declining or neglecting, without the consent of the Board, to act for a period of three months after his election, such vacancy may be filled up by the majority of Directors for the time being appointing some shareholder duly qualified under the seventeenth section of this Act, to supply the vacancy so occurring : nevertheless, any acts done by the surviving Directors or the majority of the acting Directors without having the vacancy filled up, shall not be deemed invalid : and a majority of the Directors present in person, or by proxy held by another Director, shall form a quorum of the Board, and may exercise all the powers of the Directors ; and the Directors shall have power to dispose of such part of the stock of the said Company as may remain to be disposed of, or may from time to time be added to or fall to the general stock either by forfeiture or otherwise, on such terms and conditions and to such parties as they may think most likely to promote the interests of the said Company.

Quorum.

Power to dis-
pose of stock
not taken
or forfeited.

Calls when and
how to be
made.

23. The Directors may, at any time, call upon the shareholders for such instalments upon each share, which they, or any of them, hold in the capital stock of the Company, and in such proportion as they may see fit ; except that no such instalment shall exceed ten per cent. on the subscribed capital, and that sixty days' notice of each call shall be given in such manner as the Directors shall think fit ; and such calls shall not be made more frequently than once in sixty days.

Payment of
calls.

24. The owner or owners of one or more shares in the said Company shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons, and at such time and place, as the said Directors shall, from time to time, appoint and direct, of which sixty days' notice at least shall be given as aforesaid, or in such other manner as the said proprietors or their successors shall by any by-law direct or appoint.

Common seal.

25. The Directors may use and affix or cause to be used and affixed the common seal of the said Company to any document which, in their judgment, may require the same ; and any act or deed bearing such seal and signed by the President or the Vice-President, and countersigned by the Secretary, shall be held to be the act and deed of the Company : the Directors shall have power to appoint or discharge all and every officer and servant of the Company ; and they shall require from the Treasurer to be appointed, such bonds as may be deemed proper, and from time to time may increase the amount thereof ; and to make by-laws for the government and control of the officers and servants of the Company, and to fix the salary or allowance to be made to them respectively ;

Officers and
servants.

By-laws and
for what pur-
poses.

respectively ; and shall have power to make and frame all other by-laws, rules and regulations for the management of the affairs of the Company in all its details and particulars ; also for establishing the rule of voting for the Directors of the Company, and the same also to change at any time, modify or repeal ;—which by-laws, rules and regulations shall be submitted for approval, rejection or alteration by the shareholders at the next general meeting or at a special meeting to be called by the said Directors for such special purpose, and in conformity with any by-law providing for such special meeting : and any copy of the by-laws of the said corporation, or of any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the said corporation affixed to it, shall be received as *prima facie* evidence of such by-law in all Courts in the Dominion of Canada.

Proof of by-laws.

26. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and all such promissory notes made or endorsed, or such bills of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary or Treasurer of the Company, under the authority of a quorum of the Directors, shall be binding on the Company : and every such promissory note or bill of exchange so made, may be made redeemable in the stock of the Company, or in lands, or in both, at the option of the Company ; and for this purpose the Directors shall have the power to increase the capital stock of the Company as may be required to redeem such notes or bills of exchange ; and in no case shall it be necessary to have the seal of the Company affixed to any promissory note or bill of exchange ; nor shall the President or Vice-President or Secretary or Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein required : Provided, however, that nothing in this section shall be construed to authorize the Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

How the Company may become parties to promissory notes.

Proviso.

27. The Directors of the Company are hereby authorised and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or on any, either, or all of them, or upon any of the various sections of the road, and the appurtenances, tolls and revenues thereof, and whether the lands expressed in general terms to be mortgaged thereby, shall then be in possession of the Company or not (as may be expressed by said bonds or debentures) without the necessity for any enregistration thereof : and such bonds or debentures shall be in such form and for such amount and payable at such times and places as the Directors from time to time may appoint and direct : and until the appointment of a Board of Trustees as hereinafter provided, the payment

Company may issue debentures, and make them a charge on lands.

Provision for redemption.

to the Treasurer of the Company or to any other person appointed for the purpose by any *bond fide* purchaser of any lands appertaining to the Company, of the purchase money thereof, and the acquittance by such Treasurer or other person so appointed of such purchase money, shall operate as a discharge of such mortgage in respect of the lands so paid for : and until other provision be made therefor, the Treasurer of the Company, or other person so authorized, shall keep all moneys so received, separate and apart from the ordinary funds of the Company ; and the moneys so received shall be used in buying or purchasing all or any of the outstanding bonds or debentures of the Company, provided that the same can be obtained at a rate not exceeding ten per cent. premium ; but in case the same cannot be obtained at such rate, the said money so received shall be invested from time to time in the Government securities of Canada, Great Britain or the United States, for the formation of a fund for the redemption of the bonds or debentures at maturity. The bonds or debentures shall be signed by the President or Vice-President and Secretary, and shall have the corporate seal of the Company affixed thereto : Provided that the amount of such bonds or debentures shall not exceed forty thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Act.

How bonds shall be executed.

Board of trustees for management of lands.

28. The Company may by by-law, duly passed as herein enacted, provide for the creation of a Board of Trustees (of whom one may be appointed by the Governor in Council,) such board to be formed (with that exception) from the bondholders and shareholders of the Company, in such number and with such powers as to the general management and disposition of the lands of the Company, and of any subsidies, moneys or securities that may be vested in them as hereinafter enacted, as shall be provided by such by-law. But such by-law shall have no force or effect till approved of by the Governor in Council.

Lands may be transferred to such trustees.

29. The Company may, with the approval of the Governor in Council, (or it may be part of their agreement with the Government that they shall) transfer to the said Board of Trustees, all public lands granted to the Company for the purpose of aiding them in their undertaking (or the grants of such lands may, with the consent of the Company, be made directly to such Trustees), to be held and disposed of by such Trustees for the benefit and assurance of the holders of the bonds or debentures of the Company, upon such trusts, and with such powers of sale, investment and application of proceeds, and otherwise, as the Company may think best adapted to secure the due payment of the interest and principal of such bonds and debentures, and as the Governor in Council may approve as being so.

Money subsidies may also be vested in trustees.

30. The Company may further, with the approval of the Governor in Council, vest with the said Board of Trustees for the general purposes of the Company, the whole or any part of the subsidies

subsidies to be received in money or securities, or the capital to be obtained from the shareholders; and may, in the deed of assignment for such purpose, provide specifically for any of the engagements of the Company in addition to the security otherwise provided; and may also settle the mode of investment of any such funds and the interest accruing thereon, and may direct such Trustees to hold the whole or any part of the funds so arising as security for the fulfilment of the engagements of the Company with the Government: Provided always that the proceeds derived from lands sold shall in no case be diverted from the redemption of the mortgage bonds of the Company as hereinbefore provided. Proviso.

31. As the bonds of the Company are from time to time redeemed by the proceeds of the lands sold, it shall be lawful for the Company by and with the consent of a majority of the Board of Trustees, to re-issue an equivalent amount of bonds; subject to such limitation and with such rank, as may be settled in the assignment to the Trustees, having regard to the value of the lands remaining unsold. Issue of new bonds in place of those redeemed

32. The decision and action of a majority of the said Board of Trustees shall be held to be the decision and action of the Board, and such majority may lawfully do whatever the said Board could do. Majority of trustees to represent board.

33. In case of the lands not being vested in Trustees as hereinbefore provided, the Company shall have the management of the lands granted by any Government in aid of their undertaking, and of the sale thereof and matters therewith connected, and may retain twenty per cent. of the gross proceeds thereof to cover the expenses of such management and sale. Management of lands if not vested in Trustees.

34. The Company may allow and pay to the shareholders, interest on the amount of their paid up capital at the rate of six per cent. per annum, during the construction of the railway and works; except that, whenever any section of not less than two hundred and fifty consecutive miles in length shall be completed and equipped for traffic, such interest shall cease to be paid except out of the net earnings of the railway upon an amount of stock equal to the cost of such section, less such portion of the bonded debt of the Company as may be considered applicable to such section, having regard to the length in mileage of such section relatively to the whole length of the railway. Interest on shares during construction.

35. The Directors of the Company elected by the shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other incorporated railway company, for the purpose of making any branch or branches to facilitate a connection between the Company and such other incorporated railway company of Canada or the United States, and they may enter into arrangements for the mutual interchange of traffic with all railway companies Arrangements with other companies.

companies completing their lines to the lines of the Company ; may lease such railway or railways or amalgamate therewith, or make running arrangements, and generally may enter into such agreements as will secure uniform and complete railway connection with the system of railways now or hereafter existing in Canada or the United States.

Detailed accounts to be laid before Parliament.

36. The Company, after the opening of the road or any part thereof to the public, shall annually submit to the Parliament of Canada, within thirty days after the opening of each session thereof, a detailed and particular account, attested by the President and Secretary of the Company, of all moneys by them received and expended under and by virtue of this Act, with a clasified statement of the tonnage of freight and the number of passengers conveyed over the said road ; and no further provisions which Parliament may hereafter make with regard to the form or details of such account or the mode of attesting or rendering the same shall be deemed an infringement of the privileges hereby granted to the Company.

Directors may vote by proxy.

37. Any Director may appoint another Director to be his proxy, and to vote for him at meetings of the Board ; but no Director shall act as proxy for more than one other Director. The appointment may be as follows, or to the like effect :

Form.

“ I appoint one of the Directors of the Canada Pacific Railway Company, to be my proxy as a Director of that Company, and as such proxy to vote in my name and stead at meetings of the Directors of the Company, and generally to do all that I could myself do as such Director if personally present at such meetings.

“ Dated this

day of

18 .

“ (Signed)

A. B.”

“ Witness,

“ C. D.

Directors may appoint agents in London for transfer of shares, &c.

38. The Directors of the Company may, subject to regulations to be from time to time made by by-law, appoint an agent or agents in the City of London, England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and to issue scrip and stock certificates ; and through such agency shares may be transferred from the Canada office to the London office, or from the London office to the Canada office in the names of the transferees, in like manner as shares may be transferred in the principal office : and shares originally taken and subscribed for in Great Britain may be entered in the books at the London office, and scrip certificates for the same may be issued by such agent, addressed to the Secretary or other officer of the Company in Canada, who shall make the requisite entries respecting such transfers and scrip certificates in the register kept in Canada ; and thereupon the same shall be binding on the Company as to all the rights and privileges of the subscribers, as though the scrip certificates

certificates had been issued by the Secretary of the Company in Canada, and such agent or agents may exercise such other powers as the Directors under any by-law of the Company may entrust to them, except the power of making by-laws.

39. Whenever any transfer of any share of stock of the Company is made in England, the delivery of the transfer duly executed to the agent of the Company for the time being in London, or to the Secretary of the London Board, if formed, shall be sufficient to constitute the transferee a shareholder in the Company in respect of the shares so transferred; and the agent shall transmit an accurate list of all such transfers to the Secretary of the Company in Canada, who shall thereupon make the requisite entries in the register: and the Directors may, from time to time, make such regulations as they think fit for facilitating the transfer and registration of shares of stock, as well in Canada as elsewhere, and as to the closing of the register of transfers for the purpose of dividends; and all such regulations not being inconsistent with the provisions of this Act, shall be valid and binding, and no transfer shall be valid unless made in conformity with them.

Provisions respecting such transfers.

40. The Company shall, from time to time, cause the names of the several parties interested in the stock or debentures of the Company, and the amount of interest therein of such parties respectively, to be entered in books to be called "The Stock Register," and the "Debenture Register," respectively; and duplicates of all registers of shares, debentures and stock of the Company, and of the shareholders thereof, kept at the principal office of the Company in Canada (such duplicates being authenticated by the signature of the Secretary of the Company) may be transmitted to and kept by the agent for the time being of the Company in London, or in case of the formation of a London Board, by the Secretary to such Board.

Stock and debenture registers to be kept by the Company.

41. The Company may undertake the transmission of messages for the public by any line of telegraph they may construct on the line of their railway, and collect tolls for so doing: and, if they think proper to undertake such transactions they shall be bound to transmit such messages in the order in which they are received, on pain of all damages sustained by any person by the non-transmission of his message in such order: except that any message in relation to the administration of justice, the arrest of any criminal, or the discovery or prevention of crime shall always be transmitted in preference to any other message or despatch, if required by any person employed in the administration of justice, or in the police, or thereunto authorized by the Minister of Justice; and any operator on any such line of telegraph divulging the contents of any private message, shall be held guilty of a misdemeanor, and shall be liable to be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding three weeks, or both, in the discretion of the court before which the conviction is had.

Provisions with respect to telegraphs constructed by the Company.

Penalty on operators divulging messages.

As to provisions of Railway Act respecting incumbrances.

42. The provision made in sub-sections thirty, thirty-one and thirty-two, of section nine of "*The Railway Act, 1868*," as to incumbrances on lands acquired by a Company, shall apply to lands acquired by the Company in the Provinces of Manitoba and British Columbia; and as respects lands in places where there is no court into which the compensation can be paid, the payment thereof to the party from whom the lands are taken, shall discharge the incumbrances (if any) upon such lands, or compensation as if paid into court.

Certain officials to act as County Judges.

43. In the Provinces of British Columbia and Manitoba, any Judge of a County Court, or of the Supreme Court, shall have all the powers given by the said Act to a County Judge, and in any place where there is no such Judge, or County Judge, or no Judge who can act in the case, any Justice of the Peace shall have all the said powers.

Notices.

44. As respects places not within any Province, any notice required by the said Act to be given in the *Official Gazette* of the Province, may be dispensed with.

Materials from wild lands of the Crown.

45. The Company may take from wild lands of the Dominion adjacent to, or near the line of the said railway, all stone, timber, gravel and other materials necessary or useful for the construction of their railway, and may lay out, and appropriate to their use, a greater extent of land, whether public or private, for stations, depots, workshops, buildings, side tracks, wharves, harbours and roadways, than that mentioned in "*The Railway Act, 1868*,"—such greater extent taken in any case being allowed by the Governor in Council, and shown on the maps or plans deposited with the Minister of Public Works.

Land for gravel pits, quarries, &c.

46. And, whereas, it may be necessary for the Company to possess gravel pits and quarries and lands containing deposits of gravel, stone or brick clay, as well as lands for stations and other purposes, at convenient places along their line of railway, for constructing and keeping in repair, and for carrying on the business of their railway, and as such gravel pits, quarries or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; therefore, the said Company may purchase, have, hold, take, receive, use and enjoy, along the line of the said railway, or separated therefrom, and if separated therefrom, then, with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons or bodies politic, to give, grant, sell or convey unto and to the use of, or in trust for the said Company, their successors and assigns; and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands, not necessary to be retained for gravel pits, quarries, sidings, branches, wood-yards, station grounds or workshops,

Stations and workshops.

Sale of lands not required.

workshops, or for effectually repairing, maintaining and using, to the greatest advantage, the said railway and other works connected therewith.

47. Deeds and conveyances of lands to the Company for the purposes of this Act, (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form of Schedule A to this Act subjoined, or in any other form to the like effect: and for the purposes of due enregistration of the same, all Registrars of deeds in their respective counties, districts or localities, shall register in their registry books such deeds and conveyances at length, upon the production and proof of the due execution thereof without any memorial or duplicate, and shall minute the enregistration or entry on any such deed; and the Registrar shall receive from the Company, for all fees on every such enregistration and for a certificate of the same, fifty cents and no more; and such enregistration shall be valid in law, any Statute or provision of law to the contrary notwithstanding.

Form of conveyances to the Company, and registration thereof.

48. The Justices of the Peace for any county or district in British Columbia assembled in general or quarter sessions, shall have the powers vested by section forty-nine of "*The Railway Act, 1868*," in the Justices so assembled in the Province of Ontario, as to the appointment of railway constables; and in places where there are no such sessions, any two Justices of the Peace in either of the said Provinces, or in any place not within any Province, shall have the powers given by the said section to any two Justices of the Peace in Ontario, for the dismissal of any such constable; and where there is no Clerk of the Peace, the record of the appointment of a constable shall be dispensed with.

Appointment of special constables.

49. Any felony, or misdemeanor in contravention of the "Penal Clauses" of "*The Railway Act, 1868*," committed in the Province of Manitoba or British Columbia, shall be tried, punished and dealt with in such Province, by and before the court or tribunal having cognizance of felonies and misdemeanors respectively (as the case may be), and punished in the manner provided by the said Act; and, if committed in any place not within any Province, may be tried, punished and dealt with by any court having like jurisdiction, in British Columbia, Manitoba or Ontario, in any of which Provinces the offender may be arrested and dealt with as if the offence had been committed there; or he may be arrested in the territory where the offence is committed, and committed by any Justice of the Peace for such territory for trial at such court, and in such county, district or place in either of the said Provinces, as the Justice may think most convenient, and to the common gaol whereof he may commit such offender, and authorize his being conveyed by any constable; and if the punishment to which he is sentenced be imprisonment in the penitentiary and there be no penitentiary in the Province, such imprisonment shall be in the common gaol for the place where he is convicted; and any offence

Trial and punishment of offenders against Penal clauses of Railway Act.

against

against the said "Penal Clauses," or any other section of the said Act thereby cognizable before a Justice or Justices of the Peace, shall be cognizable before a Justice or Justices of the Peace for the place where the offence is committed: and if any pecuniary penalty be imposed and there be no party entitled to receive it under the said Act, it shall be paid to the Receiver-General, to the credit of the Railway Inspection Fund.

Company not to commence construction until after proclamation.

50. The Company shall not have power to acquire any land or to commence the construction of the railway hereby authorized until after such day as shall be fixed by Proclamation of the Governor in Council.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A. B., in consideration of _____ paid to me by the Canada Pacific Railway Company the receipt whereof is hereby acknowledged, grant bargain, sell and convey unto the said Canada Pacific Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*), to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal, this	_____	day of
one thousand eight hundred and		
Signed, Sealed and delivered	}	A. B.
in presence of		L.S.
C.D.		
E.F.		

CAP. LXXIV.

An Act to incorporate the Quebec Pacific Railroad Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the persons hereinafter named and others have, by their petition, represented that a line of railway, to be constructed from the City of Ottawa to a point at or near the confluence of the Rivers Ottawa and Matawan, and thence to connect with the eastern terminus of the "Canadian Pacific Railway," crossing the River Ottawa at or near the Village of Hull, in the Township of Hull, in the Province of Quebec, thence, in the most direct practicable route through the Counties of Ottawa and Pontiac, re-crossing the River Ottawa at some point, hereafter to be

be determined, between the Village of Portage du Fort and the mouth of "Deep River," and thence along the west side of the said Ottawa River, would largely increase the population and develop the resources of the Ottawa country, materially facilitate lumbering operations on the upper Ottawa and its tributaries, contribute to the settlement of the fertile lands of the district traversed, and stimulate its trade and industry, and by connecting with the "Canadian Pacific Railway," complete the missing link of the inter-oceanic highway between Halifax on the east, and the Pacific Ocean on the west; and have prayed to be incorporated as a company for the construction, equipment, maintenance and management of such railroad; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Hon. R. W. Scott, the Hon. Malcolm Cameron, J. M. Currier, M.P., Alonzo Wright, M.P., E. B. Eddy, M.P.P., Eugene Martineau, Mayor, H. F. Bronson, J. L. P. O'Hanly, Edward McGillivray, J. T. C. Beaubien, J. R. Booth, Joseph Aumond, Levi Young, W. H. Waller, A. H. Baldwin, William Mackey, Horace Merrill, John Heney, H. N. Bate, Francis McDougal, David Moore, Roderick Ryan, Robert Lyon, Thomas McVeigh, P. A. Egleson, senior, Thomas McTiernan and T. G. Smith, Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the "Quebec Pacific Railroad Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by "*The Railway Act, 1868*," subject to the provisions hereinafter contained.

Incorporation.
Corporate name and general powers.

2. The said Company and their agents and servants may lay out, construct and finish a single or double line of railroad, of such width or gauge as the Company see fit, from the City of Ottawa, crossing the Ottawa River at or near the Village of Hull in the Township of Hull and Province of Quebec, there connecting with the "Ottawa and Gatineau Valley Railroad." of which this portion shall form an extension, thence in the most direct practicable route through the Counties of Ottawa and Pontiac, re-crossing the Ottawa River at some point, hereafter to be determined, between the Village of Portage du Fort and the mouth of "Deep River," thence along the west side of the Ottawa River, to a point at or near its confluence with the River Matawan, and thence to connect with the "Canadian Pacific Railway," at the terminus thereof, or at such point thereon as the Company may fix.

Power to build railroad on a certain route.

3. The capital stock of the said Company shall be two millions of dollars, to be divided into forty thousand shares, of fifty dollars each, which amount shall be raised by the persons hereinafter named, and such other persons and corporations as may become shareholders in the said Company; and the money so raised shall

Capital stock and shares, and how to be applied.

be

be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railroad; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railroad, and other purposes of this Act.

Company may receive aid in land, &c., and dispose thereof.

4. It shall be lawful for the said Company to receive, either by grant from Government, or from any individuals or corporations municipal or otherwise, either in Canada or elsewhere, as aid in the construction of the said railroad, any vacant lands in the vicinity thereof or elsewhere, or any other real or personal property, or any sums of money, either as gifts or by way of bonus, or in payment of stock, and legally to dispose of and alienate such lands or other real or personal property, for the purposes of the said Company in carrying out the provisions of this Act.

Provisional directors and their powers.

5. The Hon. R. W. Scott, the Hon. Malcolm Cameron, J. M. Currier, M. P., Alonzo Wright, M. P., E. B. Eddy, M.P.P., Eugene Martineau, Mayor, H. F. Bronson, J. L. P. O'Hanly, Edward McGillivray, J. T. C. Beaubien, J. R. Booth, Joseph Aumond, Levi Young, W. H. Waller, A. H. Baldwin, William Mackey, Horace Merrill, John Heney, H. N. Bate, Francis McDougal, David Moore, Roderick Ryan, Robert Lyon, Thomas McVeigh, P. A. Egleson, senior, Thomas McTiernan and T. G. Smith, Esquires, shall be and are hereby constituted a board of Provisional Directors of the said Company, (nine of whom shall form a quorum), and shall hold office as such until other Directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open stock books and procure subscriptions for the undertaking, and to receive payment on account of stock subscribed. The said Provisional Directors are hereby empowered to take all necessary steps for opening stock books for the subscription of parties desirous of becoming shareholders in the said Company; and all parties subscribing to the capital stock of the said Company shall be considered proprietors and partners in the same.

Stock books.

First meeting of shareholders and election of directors.

6. When and so soon as one-tenth part of the capital stock shall have been subscribed as aforesaid, either in municipal debentures, granted by way of bonus, or otherwise, or in ordinary subscription by individuals to the capital stock, or partly in such municipal debentures and partly in such subscriptions, and one-tenth of the amount so subscribed, paid in, the said Directors, or a quorum of them, may call a meeting of shareholders, at such time and place as they think proper, giving at least two weeks' notice in one or more newspapers, in English and French, published in the City of Ottawa, and in one newspaper in the Village of Aylmer and in the Town of Pembroke; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five, nor more than nine Directors, in the manner and qualified

qualified as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office until the first Wednesday in February, in the year following their election.

7. On the said first Wednesday in February, and on the first Wednesday in February in each year thereafter, at the principal office of the said Company in the City of Ottawa, there shall be held a general meeting of the shareholders of the Company, at which meeting the said shareholders shall elect a like number of not less than five, nor more than nine Directors, for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published, for one month before the day of election, in one or more newspapers, in French and English, in the City of Ottawa, and in one newspaper in the Village of Aylmer and in the Town of Pembroke; and the election of Directors shall be by ballot; and the persons so elected shall form the Board of Directors.

Annual general meetings for like purposes.

Notice of.

Election by ballot.

8. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors, as well as the Provisional Board of Directors, may employ one or more of their number as paid Director or Directors: Provided, however, that no person shall be elected unless he shall be the owner and holder of at least five shares of the stock of the said Company, and shall not be in arrear in respect thereof.

Quorum of directors.

Qualification.

9. Any Municipal Council of a municipality, which has given a bonus in aid of the said railroad or its branches, amounting to not less than ten thousand dollars, shall be entitled during the construction of the railroad, but not afterwards, to appoint a person annually to be a Director of the Company, and such person shall be a Director of the Company, in addition to all the other Directors authorized by this Act, or by the general Railway Act, or any other Act, but such municipality shall incur no liability by the appointment of such Director.

A municipality subscribing a certain amount to appoint a director during construction only.

10. Any Municipal Council of any municipality, holding stock in the said railroad, to an amount of not less than ten thousand dollars, shall be entitled to appoint one person annually to be a Director of the Company; and any Municipal Council of any municipality, holding not less than one hundred thousand dollars stock in the said railroad, shall be entitled to appoint annually two persons to be Directors of the said Company, and such person or persons, shall be a Director or Directors of the said Company, in addition to all the other Directors authorized by this Act.

Municipalities holding stock to appoint directors.

11. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportions as they may see fit,—no such instalment exceeding ten per cent.; and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Calls by directors. Amount limited.

Power to acquire land for snow fences, &c.

12. Notwithstanding anything contained in "The Railway Act 1868," the said Directors may, with the permission of the Railway Committee of the Privy Council, and under the powers and provisions of the said Act, acquire and hold any width of land on the sides of the railroad and its branches at any point of the line, that may be needed for the erection of snow-drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow.

Gravel pits.

13. The Company may, with the consent of the owners, acquire and hold land from which to obtain supplies of gravel, stone and filling required by the Company for their works, and may sell and convey the same or any part thereof when no longer required.

Sale or mortgage of land.

14. The Company shall have power to sell, mortgage or lease any lands belonging to it not necessary for the purposes of the said railroad, or received by it as a gift in aid.

Company may become parties to promissory notes, &c.

15. The said Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note, made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown: and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the said President or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Company may issue debentures chargeable on the railroad.

16. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors, from time to time, may appoint and direct: and the payment to the Treasurer of the Company, or to any other person appointed for the purpose by any *bonâ fide* purchaser of any of the lands in the fourth and fourteenth sections of this Act mentioned, of the purchase money thereof, and the acquittance of such Treasurer, or other person so appointed, of such purchase money, shall operate as a discharge of such charge
in

in respect of the lands so paid for : and, until other provisions be made therefor, the Treasurer of such Company, or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the Company; and the money so received shall be invested, from time to time, in Government securities, or in the stock of some solvent and well established chartered bank in Canada, for the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto: Provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile to be issued in proportion to the length of railroad under contract, or to be constructed under and by virtue of this charter, but no such debenture shall be for a less sum than one hundred dollars.

As to payments on lands so charged.

Form of bonds; amount limited.

Proviso.

17. The Directors of the said Company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company, for the purpose of making any branch or branches to facilitate a connection between the Company hereby incorporated, and any other chartered railway company.

Company may arrange to connect with other railroads

18. The Company may enter into an agreement with any other chartered railway company, for leasing to such company the said railroad, or any part or branch thereof, or the use thereof at any time or times, and for any period; or for leasing or hiring from such other company any railway or any part or branch thereof, or the use thereof at any time or times, and for any period; or for leasing or hiring as lessors or lessees, any locomotives, tenders cars or other rolling stock or moveable property, under such an agreement, as hereinafter mentioned; and generally may make any agreement or agreements with any such other company, touching the use by one or other, or by both companies, of the railroad or rolling stock, or moveable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor: and such leases, agreements and arrangements shall be valid and binding, and shall be enforced by all courts of law or equity, according to the tenor and effect thereof: or such other railway company may agree to loan its credit to, or may subscribe to and become the owner of the whole or a part of the stock of the railroad Company hereby incorporated, in like manner and with the like rights as individuals: Provided the said leases, agreements and arrangements, have been first respectively sanctioned by the majority of votes at special general meetings of the shareholders, called for the purpose of considering the same, respectively, on due notice given as provided by "The Railway Act, 1868."

Company may lease their railroad, or lease that of another company, and make agreements for use of either railway, &c.

Proviso: for approval of shareholders.

19. The said Board of Directors shall elect and appoint a President and a Vice-President or Vice-Presidents, and the necessary officers

President, &c. and filling vacancies.

officers, and fill up vacancies from time to time; but the said President and Vice-Presidents shall be elected annually, immediately after the election of Directors, except that in filling up a vacancy the election may be made at any time.

Subscriptions
of stock.

20. The said Board of Directors are hereby authorized to take all necessary steps for procuring subscriptions for stock until the whole has been taken up, and to make, execute and deliver scrip and share certificates therefor, as they shall deem expedient.

Aliens may
hold shares
and vote.

21. All shareholders in said Company, whether British subjects or aliens, or residents of Canada or elsewhere, have, and shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Form of con-
veyance of
land.

22. Any deed of conveyance of land to the said Company may be in the form of schedule A. to this Act annexed, and may be registered at full length, upon the affidavit of one of the witnesses to the execution thereof, made before one of the officers usually authorized to receive the same; and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immoveables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Company may
amalgamate
with other
Companies.

Forms and
conditions.

23. The Company hereby incorporated and any other railway company, may, by a by-law of the respective companies, stating the terms and conditions of amalgamation mutually agreed upon by the respective Boards of Directors of the companies, agree to amalgamate, and be amalgamated into one Company, consisting of, comprising and constituting the stockholders of the companies, for the purpose of uniting and consolidating such railways into one trunk line, by such name as shall be fixed by such agreement of amalgamation, under one Board of Directors elected in the same manner as if the amalgamated companies constituted originally but one Company, and in accordance with the terms and conditions of amalgamation mutually agreed upon by the companies respectively, and in accordance with the provisions of "*The Railway Act, 1868*:" Provided that the said by-laws of amalgamation, union and consolidation passed by the respective Boards of Directors, have been first respectively sanctioned by the majority of votes at special general meetings of the shareholders called for the purpose of considering the same respectively, on due notice given in the same manner as at annual general meetings for the election of Directors.

Proviso.

Time for com-
mencing and
completing
the work.

24. The powers given by this Act shall be exercised by the commencement of the said railroad within two years after the passing of this Act, and its completion within five years therefrom.

When only
power to
bridge the

25. The power conferred by this Act to erect a bridge or bridges over or across the River Ottawa, shall not be exercised by the
Company

Company until the Governor in Council has by Proclamation declared that, on, from and after a day to be therein named, such power may be exercised. Ottawa may be exercised.

26. This Act shall be known and cited as the "Quebec Pacific Railroad Act." Short title.

SCHEDULE A.

Know all men by these presents that I A. B., (or A. B. and others), in consideration of _____, paid to me by the Quebec Pacific Railroad Company, the receipt whereof is hereby acknowledged (or in aid of the Quebec Pacific Railroad Company) grant, bargain, sell and convey unto the said Quebec Pacific Railroad Company, their successors and assigns, all that tract or parcel of land (describe the land) to have and to hold the said land and premises unto the said company, their successors and assigns for ever, (if any trusts or conditions attached, insert) (if dower released add) and C. D. (or C. D., and others), wi _____ of the said

grantor _____, hereby bar _____ dower in the said lands. 1

Witness my hand and seal, this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered,)
in presence of C. D.,) A. B.) (L. S.)
E. F.)

LXXV.

An Act to incorporate the Manitoba Junction Railway Company.

[Assented to 14th June, 1872.]

WHEREAS Donald McInnes, of the City of Hamilton, Esquire, Preamble
Donald A. Smith and George Stephen, of the City of Montreal, Esquires, and others, have by their petition represented that they are desirous of becoming incorporated as a Company for the construction of a railway from the United States boundary line, at or near St. Vincent or Pembina to Fort Garry, with power to extend the same to Lake Manitoba and Lake Winnipeg, and to run and operate vessels thereon and on other waters, and to improve the navigation as therein mentioned; And whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory. **1.** The Manitoba Junction Railway is hereby declared to be a work for the general advantage of Canada.

Short title. **2.** This Act may be cited for all purposes as "The Manitoba Junction Railway Act."

Interpretation clause. **3.** In this Act the term "The Company," means the Manitoba Junction Railway Company.

Railway Act, 1868, to form part of this Act. **4.** Except as herein varied, "*The Railway Act, 1868*," is hereby incorporated with this Act and shall form part thereof; and the several provisions of the said Act shall be applicable to the Company hereby incorporated and to the railway hereby authorized to be constructed, and shall also be applicable, in so far as the same may be capable of application, to the several other works and undertakings authorized by this Act.

Certain persons incorporated. **5.** The said Donald McInnes, Donald A. Smith, and George Stephen, Sir Alexander T. Galt, K.C.M.G., Daniel Torrance, of the City of New York, in the United States of America, Esquire, George Laidlaw, of Toronto, Esquire, and Thomas Howard and Molyneux St. John, of the Province of Manitoba, Esquires, with all such other persons and corporations as shall become shareholders in the Company, shall be and are hereby constituted a body corporate and politic by the name of "The Manitoba Junction Railway Company," with all powers and privileges incident to a corporation.

Corporate name.

Powers of Company. **6.** The Company shall have full power and authority to lay out, construct, work and maintain a double or single railway of iron or steel, of such gauge as they see fit, from the frontier or boundary line between the United States and Canada, at or near St. Vincent in the State of Minnesota, or Pembina in the Territory of Dacotah, in the United States of America, thence through the Districts of Provencher and Selkirk, in the Province of Manitoba, to a point in the vicinity of Fort Garry, at or near the confluence of the Red River and Assineboine River, and thence through the districts of Selkirk and Lisgar to a point at or near Lake Winnipeg; and also from a point in the vicinity of Fort Garry, through the Districts of Selkirk and Marquette to a point at or near Lake Manitoba; and from a point on the said line in the District of Selkirk or Marquette, to a point at or near the boundary or frontier line aforesaid, in the vicinity of the Village of St. Joseph in the Territory of Dacotah aforesaid, or to a point at or near to Pembina, or St. Vincent aforesaid.

Route of railway.

Further powers; vessels. Water communications. **7.** The Company may also build, purchase, acquire, lease or possess, work and operate steam and other vessels in Lake Manitoba, Lake Winnipeg and Lake Winnipegosis and the River Saskatchewan, and may do all and such things as are necessary for improving the navigation between any of the said lakes and any others of them or the River Saskatchewan; and for the purpose of connecting

ing the means of transport between the said waters respectively, may construct a railway of wood, iron or steel, or a tramroad between any of the said lakes and any others of them or the River Saskatchewan, and also around the rapids of the said river, or may construct a canal or canals to avoid the same, wherever requisite.

Railways.

8. The Company may also construct an electric telegraph line in connection with the railway, and may also erect and construct across any of the rivers or lakes herein mentioned, or which may lie in the route of the railway, a bridge or bridges where the same shall be necessary for the purposes of the railway; but this shall not apply to the navigable portions of any of the aforesaid waters, without the assent of the Governor in Council first obtained.

May construct telegraphs, and bridges.

Proviso.

9. The capital stock of the Company shall not exceed the sum of two million dollars, to be divided into twenty thousand shares, of one hundred dollars each, which amount shall be raised by the persons hereinbefore named and such other persons and corporations as may become shareholders in the said stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for the procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said railway, and other purposes of this Act: and aliens and persons not residents in Canada may become shareholders in the Company, and shall have equal rights with British subjects or residents in Canada, to hold stock in the Company and to vote on the same and to be eligible to office in the Company.

Capital stock and shares.

Application of moneys.

Aliens and non-residents to have full rights and powers.

10. It shall be lawful for the Company to receive either by grant from Government, or from any private individuals, or municipal or other corporations as aid in the construction of the said railway or works or undertaking hereby authorized, any vacant lands, or any other real or personal property, or any sums of money, either as gifts or in payment of stock, and legally to dispose of and alienate such lands or other real or personal property for the purposes of the Company, in carrying out the provisions of this Act.

Company may receive real and personal property as grants, gifts or in payment of stock, and may dispose of same.

11. The said Donald McInnes, Donald A Smith, George Stephen, Sir A. T. Galt, Daniel Torrance, George Laidlaw, Thomas Howard, and Molyneux St. John, shall be, and are hereby constituted a Board of Directors of the Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders; and shall have power and authority to fill vacancies occurring therein, to cause surveys and plans to be made and executed, to call a general meeting of shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under "The Railway Act, 1868," may lawfully do. The said Directors are hereby

Provisional directors.

Powers.

hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the Company; and all parties subscribing to the capital stock of the Company shall be considered proprietors and partners in the same.

First general meeting for election of directors.

12. When and so soon as fifty thousand dollars of the capital stock (which capital stock shall not be less than five hundred thousand dollars) shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed, paid in, the said Directors, or a majority of them, may call a meeting of the shareholders at such time and place as they may think proper, giving at least four weeks' notice in one or more newspapers published at Montreal and Winnipeg; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five nor more than nine Directors in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office till the first Tuesday in September in the year following their election.

Term of office.

Annual general meetings, and elections.

13. On the said first Tuesday in September, and 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 meeting the said shareholders shall elect a like number of not less than five nor more than nine Directors for the then ensuing year, in the manner and qualified as hereinafter provided: and public notice of such annual meeting and election shall be published at Montreal and Winnipeg; and the election for Directors shall be by ballot; and the persons so elected shall form the Board of Directors.

Special general meetings.

14. Special general meetings of the Company may be called in the manner provided in the twelfth section of this Act; and at such general meeting, unless otherwise provided by this Act, or "*The Railway Act, 1868*," the decision of a majority of the shareholders present in person or by proxy shall be valid and binding upon the Company.

Directors' meetings.

15. A majority of the Directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one or more of their number as paid Director or Directors: Provided however, that no person shall be elected as a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company and shall have paid up all calls upon the stock.

Qualification for director.

Calls on shares.

16. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the Company, in such proportion as they may see fit,—no such instalment exceeding ten per cent.; and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Limitation and notice of calls.

17. The head office of the Company shall be at the City of ^{Head office.} Montreal, and the Company may also have offices at Fort Garry and elsewhere in Canada, and in London, England; and the Company may at any special general meeting called for that purpose ^{May be changed.} change the head office of the Company from the City of Montreal to any other place in Canada.

18. The Company shall have power and authority to become ^{Company may be parties to notes and bills.} parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the Directors, ^{How made or endorsed.} shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange; nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory ^{No individual responsibility.} notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as ^{Proviso} money or as the notes or bills of a bank.

19. The power to borrow money conferred by the twelfth ^{Power to borrow money and issue bonds} section of the seventh section of "*The Railway Act, 1868,*" may be exercised by the Company in the issue of bonds under the seal of the Company, and made and signed by the President or Vice-President of the Company and countersigned by the Secretary, and with or without interest coupons; and such bonds shall, without registration or filing of the same, or formal conveyance, or instrument of hypothec, mortgage or pledge, or registration or filing of the same, be and be taken as an hypothec, mortgage and pledge, ^{To be charged on railway.} according to the rank and priority which may be therein mentioned, upon the railway and undertaking and the real and personal property, franchises, tolls and revenues of the Company then existing and thereafter acquired: and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders of bonds of the same issue, rank and priority upon the railway and undertaking, and all and every the property of the Company hereinbefore mentioned; but no liability shall be ^{Consent of majority of shareholders required.} incurred under this section without the consent of a majority of the shareholders at a special general meeting to be called for the purpose.

20. The Company shall have power and authority to erect and ^{May erect necessary buildings, wharves, &c.} maintain all necessary and convenient buildings, stations, depots, warehouses, elevators, wharves and fixtures, and from time to time to alter, repair or enlarge the same [as the increasing traffic may

Purchase engines, &c.

Make use of streams, &c.

May erect docks, &c.

Branch railways.

May make arrangements for connection with other railways.

May acquire other Railway.

May transfer or lease their own railway.

May lease or hire to or from other railways.

may require; and to purchase and acquire stationary or locomotive engines, and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passenger and freight or elevating business of the said railway; and also to make use of, for the purpose of the said railway, the water of any stream or water-course over or near which the railway passes, doing however, no unnecessary damage thereto, nor anything to impair the usefulness of such stream or water-course; and shall have full power and authority to erect docks, slips and piers in any of the lakes aforesaid or the River Saskatchewan, for the convenience and accommodation of vessels, and for improving the facilities for ferriage by the company across the said lakes and the River Saskatchewan; and shall also have full power and authority to connect any of the works herein mentioned with any point on the railway by means of any line or lines of railway for such purposes.

21. The Directors of the Company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company of Canada or the United States, for the purpose of making any branch or branches to facilitate a connection between the Company hereby incorporated and such other railway company.

22. The Company is also authorized and empowered to contract and agree with any incorporated railway company for the purchase or transfer, by deed of assignment of their line of railway, works or undertaking, with the appurtenances and privileges thereto belonging, or in any manner appertaining thereto; and the company hereby incorporated may assign, transfer or lease their railway or any part thereof, works or undertaking, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery or other effects belonging thereto, to any other incorporated company, person or persons or corporations, upon such terms and conditions, and with such restrictions as the Directors may deem expedient.

23. The Company may also enter into any agreement with any persons or with any other railway company, either in Canada or in any foreign State, for leasing the said railway or any part thereof, or works or undertakings, or the use thereof at any time, to such persons or other Company, or for leasing or hiring out to such persons or other company any locomotives, cars, carriages plant, stock or other property moveable or immoveable of the Company, either altogether or for any times or occasions; or for leasing or hiring from any other railway company, any railway or any part thereof, or the use thereof at any times, any locomotives, cars, carriages, plant, stock or other property moveable or immoveable; or for using either the whole or any part of the said railway or of the moveable or immoveable property of the Company in common with the two companies, and may make any agreements in respect to the same and the terms and conditions thereof.

24. Notwithstanding any thing contained in section nine of *Company may acquire, extended width of roadway for snowdrift fences.* "The Railway Act, 1868," the Company may, under the powers and provisions in the said Act, acquire and hold such width of land on the sides of the railway and its branches at any point of the line as may be needed for the erection of snow-drift fences, or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow.

25. The powers given by this Act shall be exercised by the commencement of the said railway within two years after the coming into force of this Act, and its completion within five years therefrom. *Time for commencement and completion.*

26. The foregoing sections and provisions of this Act shall have force and effect upon, from and after the day which may be appointed for that purpose by proclamation issued under an Order of the Governor in Council, and not before. *This act to come into force only on proclamation.*

CAP. LXXVI.

An Act to incorporate the Lake Superior and Manitoba Railway Company.

[Assented to 14th June, 1872.]

WHEREAS the persons hereinafter named and others, have, by *Preamble.* their petition, represented that a line of railway, to be constructed from some point on Thunder Bay, on Lake Superior, to any point on the line of the Canada Pacific Railway east of the Winnipeg River, is necessary for the establishment of trading relations between the Provinces of Manitoba and Ontario; and have prayed to be incorporated as a Company for the construction, equipment, maintenance and management of such railway, and of a telegraphic line along the same; and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. George Laidlaw, Angus Morrison, M.P., the Honorable John Beverly Robinson, F. W. Cumberland, Hon. Frank Smith, James Turner, Adam Brown, William McGiverin, Thomas Dick, Charles McKenzie, S. C. Wood and K. Chisholm, Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the "Lake Superior and Manitoba Railway Company," and shall have all the powers incident to railway corporations in general, and the powers and *Incorporation.* *Corporate name and general powers.* privileges

privileges conferred on such corporations by "*The Railway Act, 1868*," which is hereby incorporated with this Act, subject to the provisions hereinafter contained.

Power to build
railroad within
certain limits.

2. The said Company and their agents and servants may lay out, construct and finish a single or double line of railroad, of such width or gauge as they may see fit, from some point on Thunder Bay, on Lake Superior, to any point on the line of the Canada Pacific Railway east of the Winnipeg River; and also construct, maintain, and operate a telegraph line upon the said line of railway.

Telegraph.

To own and
work vessels.

3. The said Company may build, acquire, charter, navigate and maintain steam and other vessels on Lake Winnipeg, and the waters connected therewith, for carrying on trade and conveying goods and passengers, and may make contracts, and generally transact all business pertaining to such navigation.

Capital stock
and shares, and
how to be ap-
plied.

4. The capital stock of the said Company shall not exceed, in the whole, the sum of two millions of dollars, to be divided into forty thousand shares, of fifty dollars each, which amount shall be raised by the persons hereinafter named and such other persons and corporations as may become shareholders in the said Company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this Act.

Company may
receive aid in
land, &c., and
dispose
thereof.

5. It shall be lawful for the said Company to receive, either by grant from Government, or from any individuals or corporations, municipal or otherwise, either in Canada or elsewhere, as aid in the construction of the said railway, any vacant lands in the vicinity thereof or elsewhere, or any other real or personal property, or any sums of money, either as gifts or by way of bonus, and legally to dispose of and alienate such lands or other real or personal property, for the purposes of the said Company in carrying out the provisions of this Act.

Provisional
Directors and
their powers.

6. George Laidlaw, Angus Morrison, M.P., the Honorable John Beverly Robinson, F. W. Cumberland, Honorable Frank Smith, James Turner, Adam Brown, William McGiverin, Thomas Dick and James Michie, Esquires, shall be, and are hereby constituted a Board of Provisional Directors of the said Company, seven of whom shall form a quorum, and shall hold office as such until other Directors shall be elected under the provisions of this Act by the shareholders; and shall have power and authority to fill vacancies occurring therein; to open stock books and procure subscriptions for the undertaking, and to receive payment on account of stock subscribed, and make calls upon subscribers in
respect

respect of their stock, and to sue for and recover the same and to cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing; and to deposit in any chartered bank of Canada any sums of money received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the Company any gift made to it in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway,—which agreement shall be binding upon the Company; and generally to do all such other acts as such Board, under the Railway Act may lawfully do.

The said Provisional Directors are hereby empowered to take all necessary steps for opening stock books for the subscription of parties desirous of becoming shareholders in the said Company, and all parties subscribing to the capital stock of the said Company shall be considered proprietors and partners in the same.

Opening
stock books.

7. When and so soon as fifty thousand dollars of the capital stock (which capital stock shall not be less than five hundred thousand dollars), shall have been subscribed as aforesaid, and paid in, either in municipal debentures, granted by way of bonus or otherwise, or in ordinary subscriptions by individuals to the capital stock, or partly in such municipal debentures and partly in such subscriptions, the said Directors, or a quorum of them, may call a meeting of shareholders, at such time and place as they think proper, giving at least four weeks' notice in one or more newspapers, published in the City of Toronto, and in the Town of Winnipeg; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five, nor more than nine Directors, in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office until the first Wednesday in February in the year following their election.

First meeting
of share-
holders and
election of
directors.

Term of office.

8. On the said first Wednesday in February, and on the first Wednesday in February in each year thereafter, at the principal office of the said Company in the City of Toronto, there shall be held a general meeting of the shareholders of the Company; at which meeting the said shareholders shall elect a like number of not less than five, nor more than nine Directors, for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published, for one month before the day of election, in one or more newspapers, in the City of Toronto and in the Town of Winnipeg; and the election of Directors shall be by ballot; and the persons so elected shall form the Board of Directors.

Annual
general meet-
ings for like
purposes.

Notice of.

Election by
ballot.

9. A majority of the Directors shall form a quorum for the transaction of business; and the said Board of Directors, as well as the Provisional Board of Directors, may employ one or more of their

Quorum of
directors.
Qualification.

number

number as paid Director or Directors: Provided however, that no person shall be elected unless he shall be the owner and holder of of at least five shares of the stock of the said Company, and shall not be in arrear in respect thereof.

A municipality subscribing a certain amount to appoint a director during construction.

10. Any Municipal Council of a municipality, which has given a bonus in aid of the said railway or its branches, amounting to not less than ten thousand dollars, shall be entitled during the construction of the railway, but not afterwards, to appoint a person annually to be a Director of the Company; and such person shall be a Director of the Company in addition to all the other Directors authorized by this Act, or by the general Railway Act, or any other Act; but such municipality shall incur no liability by the appointment of such Director.

Calls by directors. Amount limited.

11. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportions as they may see fit,—no such instalment exceeding ten per cent.; and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Power to acquire land for snow fences, &c.

12. Notwithstanding anything contained in "*The Railway Act, 1868*," the said Directors, may, with the permission of the Railway Committee of the Privy Council, and under the powers and provisions of the said Act, acquire and hold any width of land on the sides of the railway and its branches at any point of the line, that may be needed for the erection of snow-drift fences and barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow.

Gravel pits.

13. The Company may, with the consent of the owners, acquire and hold land from which to obtain supplies of gravel, stone and filling required by the Company for their works, and may sell and convey the same or any part thereof when no longer required.

Sale or mortgage land.

14. The Company shall have power to sell, mortgage or lease any lands belonging to it not necessary for the purposes of the said railway, or received by it as a gift in aid.

Company may become parties to promissory notes, &c.

15. The said Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the said President or Vice-President, or the

Secretary

Secretary and Treasurer, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Proviso.

16. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places, as the Directors from time to time may appoint and direct; and the payment to the Treasurer of the Company or to any other person appointed for the purpose by any *bonâ fide* purchaser of any of the lands in the fifth and thirteenth sections of this Act mentioned, of the purchase money thereof, and the acquittance of such Treasurer, or other person so appointed, of such purchase money, shall operate as a discharge of such charge in respect of the lands so paid for: and, until other provisions be made therefor, the Treasurer of such Company, or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the Company; and the money so received shall be invested, from time to time, in government securities, or in the stock of some solvent and well established chartered bank in Canada, for the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto: Provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract, or to be contracted under and by virtue of this Act, but no such debentures shall be for a less sum than one hundred dollars. Company may issue debentures chargeable on the railroad.
As to payments by purchasers of land so charged.
Form of bonds; amount limited.
Proviso.

17. The Directors of the said Company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company, for the purpose of making any branch or branches to facilitate a connection between the Company and any other chartered railway company. Company may arrange to connect with other railroads.

18. The Company may enter into an agreement with any other chartered railway company for leasing to such company the said railroad, or any part or branch thereof, or the use thereof at any time or times, and for any period; or for leasing or hiring from such other company any railway or any part or branch thereof, or the use thereof, at any time or times, and for any period; or for Company may lease their railroad, or lease that of another company, and make agreements for use of either railway, &c.]

leasing or hiring, as lessors or lessees, any locomotives, tenders, cars or other rolling stock or moveable property, under such sanction as hereinafter mentioned; and generally to make any agreement or agreements with any such other company, touching the use by one or other, or by both companies, of the railway or rolling stock, or moveable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor: and such leases, agreements and arrangements shall be valid and binding, and shall be enforced by all courts of law or equity, according to the tenor and effect thereof: or such other railway company may agree to loan its credit to, or may subscribe to and become the owner of the whole or a part of the stock of the railway Company hereby incorporated, in like manner and with the like rights as individuals: Provided the said leases, agreements and arrangements, have been first respectively sanctioned by the majority of votes at special general meetings of the shareholders, called for the purpose of considering the same, respectively, on due notice given as provided by "*The Railway Act, 1868.*"

Proviso.

President, &c.
and filling
vacancies.

19. The said Board of Directors shall elect and appoint a President and a Vice-President and the necessary officers, and fill up vacancies from time to time; but the said President and Vice-President shall be elected annually, immediately after the election of Directors, except that, for filling up a vacancy, the election may be made at any time.

Subscriptions
of stock.

20. The said Board of Directors are hereby authorized to take all necessary steps for procuring subscriptions for stock until the whole has been taken up, and to make, execute and deliver scrip and share certificates therefor, as they shall deem expedient.

Aliens may
hold shares
and vote.

21. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said Company and to vote on the same, and to be eligible to office in the said Company.

Form of con-
veyances of
land.

22. Any deed of conveyance of land to the said Company may be in the form of schedule A. to this Act annexed; and may be enrolled at full length, upon the affidavit of one of the witnesses to the execution thereof, made before one of the officers usually authorized to receive the same; and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes; and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Time in com-
mencing and
completing
the work.

23. The powers given by this Act shall be exercised by the commencement of the said railway within two years after the coming into force of this Act, and its completion within five years therefrom.

24. This Act shall be known and cited as the "Lake Superior Short title and Manitoba Railway Act."

25. The foregoing sections and provisions of this Act shall have force and effect upon, from and after the day which may be appointed for that purpose by Proclamation issued under an Order of the Governor in Council, and not before.

Foregoing provisions to be in force only after proclamation.

SCHEDULE A.

Know all men by these presents that I, A. B., (or A. B. and others), in consideration of _____, paid to me by the Lake Superior and Manitoba Railway Company, the receipt whereof is hereby acknowledged (or in aid of the Lake Superior and Manitoba Railway Company) grant, bargain, sell and convey unto the said Lake Superior and Manitoba Railway Company, their successors and assigns, all that tract or parcel of land (describe the land) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever, (if any trusts or conditions attached, insert therein (if dower be released, add) and C. D. (or C. D. and others), wi _____ of the said

grantor _____, hereby bar _____ dower in the said lands.

Witness my hand and seal, this _____ day of _____ one thousand eight hundred and _____

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

CAP. LXXVII.

An Act to incorporate the Central Railway Company; of Manitoba.

[Assented to 14th June, 1872.]

WHEREAS the persons hereinafter named have by their petition represented that in order to accommodate the great and increasing trade of the Red River Settlement, in the Province of Manitoba, with the United States, it has become necessary and desirable to construct a railway leading from the Red River, at the point where the proposed Pacific Railway will cross the same, to the United States boundary line, in the vicinity of Pembina, there to connect with the railway system of the United States; and they have petitioned to be incorporated as a Company

Preamble

Company for the construction of such railway; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

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

Certain persons incorporated.

2. John Schultz, M.P., the Honorable Donald Gunn, Walter R. Bown, John Tait and James W. Taylor, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of the "Central Railway Company of Manitoba," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by "*The Railway Act, 1868*," subject, however, to the provisions hereinafter contained.

Corporate name and powers.

Line of the Company's Railway.

3. The said Company and their agents and servants may lay out, construct and finish a double or single iron railway, of such width or gauge as the Company see fit, from the boundary line of the United States, at or near Pembina, to Fort Garry, in the Province of Manitoba, and thence to intersect the proposed Canadian Pacific Railway at or near the point where the same may cross the Red River; and may effect a junction, or make running arrangements with such Pacific Railway, or with other railways in the said Province.

Capital stock and shares, and application thereof.

4. The capital stock of the said Company shall not exceed, in the whole, the sum of two million dollars, to be divided into twenty thousand shares, of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this Act.

Company may receive grants in aid.

5. It shall be lawful for the said Company to receive, either by grant from Government, or from any private individuals or corporations, as aid in the construction of the said railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or in payment of stock; and legally to dispose of and alienate such lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Provisional Directors and their powers.

6. The persons hereinbefore named shall be, and are hereby constituted, a Board of Directors of the said Company, with power

power to increase their number to seven, and shall hold office as such until other Directors shall be appointed, under the provisions of this Act, by the shareholders; and shall have power and authority to fill vacancies occurring therein; to open Stock Books and procure subscriptions for the undertaking; to make calls upon subscribers; to cause surveys and plans to be made and executed; to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do. The said Directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said Company; and all parties subscribing to the capital stock of the said Company shall be considered proprietors and partners in the same. Stock books.

7. When and so soon as fifty thousand dollars of the capital stock (which capital stock shall not be less than five hundred thousand dollars) shall have been subscribed as aforesaid and paid in, the said Directors, or a majority of them, may call a meeting of the shareholders at such time and place as they shall think proper,--giving at least four weeks' notice in one or more newspapers published at Winnipeg; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect seven Directors in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office till the first Tuesday in September, in the year following their election. First meeting of shareholders, and election of Directors.

8. On the said first Tuesday in September, and on the first Tuesday in September in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the shareholders of the Company; at which meeting the said shareholders shall elect a like number of seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of the election, in one or more newspapers at Winnipeg; and the election for Directors shall be by ballot; and the persons so elected shall form the Board of Directors. Annual general meeting, and election. Notice. Ballot.

9. A majority of the Directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one or more of their number as paid Director or Directors; Provided however that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls upon the stock. Quorum of Directors and Qualification.

10. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold Calls limited.

hold in the capital stock of the said Company, in such proportion as they may see fit,—no such instalment exceeding ten per cent.; and the Directors shall give one month's notice of such call in such manner as they may appoint.

Company may become parties to notes, &c.

11. The said Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the said President or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorise the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Provide.

Power to issue debentures chargeable on Railway.

12. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto; Provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Act: but no such debentures shall be for a less sum than one hundred dollars.

Provide.

Arrangements with other Companies for construction.

13. The Directors of the said Company, elected by the shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company for the purpose of making any branch or branches to facilitate a connection between the Company hereby incorporated and such other chartered railway company.

Company may sell or lease Railway.

14. The said Company is also authorized and empowered to contract and agree with any incorporated railway company for the

the purchase or transfer, by deed of assignment, of their line of railway or undertaking, with the appurtenances and privileges thereto belonging, or in any manner appertaining thereto: and the Company hereby incorporated, may assign, transfer or lease their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery or other effects belonging thereto, to any other incorporated company, person or persons, or corporations, upon such terms and conditions, and with such restrictions as the Directors may deem expedient.

15. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

All shareholders to have equal rights.

16. Any deed of conveyance of land to the said Company may be in the form of Schedule A to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same; and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immoveables therein mentioned to all intents and purposes; and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Form of conveyance of land.

17. The powers given by this Act shall be exercised by the commencement of the said railway, within two years after the coming into force of this Act, and its completion within five years therefrom.

Time for construction limited.

18. This Act shall be known and cited as the "Central Railway of Manitoba Act."

Short Title.

19. The foregoing sections and provisions of this Act shall have force and effect upon, from and after the day which may be appointed for that purpose by Proclamation issued under an Order of the Governor in Council, and not before.

Foregoing sections shall be in force only on proclamation.

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A. B., in consideration of paid to me by the Central Railway Company of Manitoba, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Central Railway Company, their successors and assigns, all that tract or parcel of land (describe
 21½ the

the land), to have and to hold the said land and premises unto the said Company, their successors and assigns forever.

Witness my hand and seal, this _____ day of
one thousand eight hundred and _____

Signed, Sealed, and Delivered, }
in presence of } A. B. L. S.
C.D.
E.F.

CAP. LXXVIII.

An Act to incorporate the North-Western Railway Company of Manitoba.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the persons hereinafter mentioned have, by their petition, represented that the opening up of the North West Territories for settlement will tend largely to increase the trade of the country bordering on the Assineboine and Lake Manitoba with the United States; and with a view to meeting the requirements of that trade, the petitioners are desirous of being incorporated as a company to construct a railway from Lake Manitoba, at or near Portage la Prairie, to the United States boundary line in the vicinity of Pembina; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The North-Western Railway of Manitoba is hereby declared to be a work for the general advantage of Canada.

Certain persons incorporated.

2. John Schultz, M. P., the Honorable Donald Gunn, Walter R. Bown, Alex. McCarther, Charles Mair, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of the "North-Western Railway Company of Manitoba;" and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by "The Railway Act, 1868," subject, however, to the provisions hereinafter contained.

Corporate name and powers.

Where the Company may make their railway.

3. The said Company and their agents and servants may lay out, construct and finish a double or single iron railway, of such width or gauge as the Company see fit, from the boundary line of the United States, at or near Pembina, in as direct a line as may be, to a point on the proposed Canadian Pacific Railway, in the vicinity

vicinity of Portage la Prairie; and may effect a junction, or make running arrangements with such Pacific Railway, or with other railways in the Province of Manitoba.

4. The capital stock of the said Company shall not exceed, in the whole, the sum of one million dollars, to be divided into ten thousand shares, of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this Act.

Capital stock, and shares and application thereof.

5. It shall be lawful for the said Company to receive, either by grant from Government, or from any private individuals or corporations, as aid in the construction of the said railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts or in payment of stock; and legally to dispose of the same and alienate the lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Company may receive grants. in aid.

6. The persons hereinbefore named shall be, and are hereby constituted, a Board of Directors of the said Company, with power to increase their number to seven, and shall hold office as such until other Directors shall be appointed, under the provisions of this Act, by the shareholders; and shall have power and authority to fill vacancies occurring therein; to open stock books and procure subscriptions for the undertaking, and to make calls upon subscribers; to cause surveys and plans to be made and executed; to call a general meeting of shareholders for the election of other Directors as hereinafter provided; and generally to do all such other acts as such Board, under the Railway Act, may lawfully do. The said Directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said Company; and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

Provisional Directors and their powers.

Stock Books.

7. When and as soon as fifty thousand dollars of the capital stock (which capital stock shall not be less than six hundred thousand dollars) shall have been subscribed as aforesaid, and paid in, the said Directors, or a majority of them, may call a meeting of the shareholders at such time and place as they shall think proper,—giving at least four weeks' notice in one or more newspapers published at Winnipeg; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person

First meeting of shareholders, and election of Directors.

or

or by proxy, shall elect seven Directors in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office till the first Tuesday in September, in the year following their election.

Annual general meeting, and election.

8. On the said first Tuesday in September, and on the first Tuesday in September in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the shareholders of the Company; at which meeting the said shareholders shall elect a like number of seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided: and public notice of such annual meeting and election shall be published one month before the day of the election, in one or more newspapers published at Winnipeg; and the election for Directors shall be by ballot; and the persons so elected shall form the Board of Directors.

Quorum of Directors.

9. A majority of the Directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one or more of their number as paid Director or Directors: Provided however that no person shall be elected as a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls upon the stock.

Proviso.

Calls limited.

10. The Directors may, at any time, call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit,—no such instalment exceeding ten per cent.; and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Notice.

Company may become parties to promissory notes.

11. The said Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

12. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors may from time to time appoint and direct: the said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the company affixed thereto: Provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Act: but no such debentures shall be for a less sum than one hundred dollars.

May issue bonds and debentures, chargeable on works.
Form.

Proviso.

13. The Directors of the said Company, elected by the shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company, for the purpose of making any branch or branches to facilitate a connection between the Company hereby incorporated and such other chartered railway company.

Arrangements with other companies.

14. The said Company is also authorized and empowered to contract and agree with any incorporated railway company for the purchase or transfer by deed of assignment of their line of railway or undertaking, with the appurtenances and privileges thereto belonging, or in any manner appertaining thereto; and the Company, hereby incorporated, may assign, transfer or lease their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery or other effects belonging thereto, to any other incorporated company, person or persons or corporations, upon such terms and conditions and with such restrictions as the Directors may deem expedient.

Power to purchase any other railway or sell theirs.

15. All shareholders in the said Company, whether British subjects or aliens or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said Company and to vote on the same, and to be eligible to office in the said Company.

All shareholders to have equal rights.

16. Any deed of conveyance of land to the said Company may be in the form of Schedule A to this Act annexed, and may be registered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same; and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes; and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Form of conveyance of land.

Time for construction limited.

17. The powers given by this Act shall be exercised by the commencement of the said railway within two years after the coming into force of this Act, and its completion within five years therefrom.

Short title.

18. This Act shall be known and cited as the "North-western Railway of Manitoba Act."

The foregoing sections shall come into force only on proclamation.

19. The foregoing sections and provisions of this Act shall have force and effect, upon, from and after the day which may be appointed for that purpose by Proclamation issued under an Order of the Governor in Council and not before.

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A. B., in consideration of _____ paid to me by the North-western Railway Company of Manitoba, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said North-western Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*), to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this _____ day of
one thousand eight hundred and _____

Signed, Sealed, and Delivered, } A. B. (L.S.)
in presence of }
C.D.
E.F.

CAP. LXXIX.

An Act to incorporate The Lake Superior and Winnipeg Railway Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS Donald McInnes, of the City of Hamilton, Esquire, Donald A. Smith and George Stephen, of the City of Montreal, Esquires, and others, have by their petition represented that they are desirous of obtaining a charter incorporating them as a company for the construction of a railway or railways from Lake Superior, at or near Prince Arthur's Landing to Fort Garry, in the Province of Manitoba—with power to construct the same either continuously or by railways connecting the navigable waters along the said route,

route, and to build, own and work steam and other vessels upon the same, with all necessary powers; and whereas it is expedient to grant the prayer of their said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited for all purposes as “The Lake Superior and Winnipeg Railway Act.”
2. In this Act the term “The Company,” means The Lake Superior and Winnipeg Railway Company.
3. Except as herein varied, “*The Railway Act, 1868*,” is hereby incorporated with this Act, and shall form part thereof, and the several provisions of the said Act shall be applicable to the company hereby incorporated and to the railway hereby authorized to be constructed, and shall also be applicable, in so far as the same may be capable of application, to the several other works and undertakings authorized by this Act. Railway Act, 1868, to form part of this Act.
4. The said Donald McInnes, Donald A. Smith, and George Stephen, Sir Alexander T. Galt, K.C.M.G., Daniel Torrance, of the City of New York, in the United States of America, Esquire, with all such other persons and corporations as shall become shareholders in the Company, shall be and are hereby constituted a body corporate and politic by the name of “The Lake Superior and Winnipeg Railway Company,” with all powers and privileges incident to a corporation. Incorporation. Corporate name and powers.
5. The Company shall have full power and authority to lay out, construct, work and maintain a double or single railway or railways of wood, iron or steel, of such gauge as they see fit, from a point on Lake Superior, at or near Prince Arthur’s Landing, or upon Thunder Bay, to Fort Garry in the Province of Manitoba, either as a continuous line from point to point, or partly by intermediate lines of railway connecting the lakes, rivers or waters along such route as may be chosen for purposes of combined land and water transport between the places hereinbefore mentioned. Route of Railway.
6. The Company may also build, purchase, acquire, lease or possess, work and operate steam and other vessels on Lake Superior, or any other lakes, rivers or waters upon, between or lying along the route between the places in the preceding section mentioned; and may do all and such things as are necessary for improving the navigation between any of the said lakes, rivers or waters and any others of them; and for the purpose of connecting the means of transport between the said waters respectively, may construct a railway of wood, iron or steel, or a tramroad between any of the said lakes and any others of them, and also around the rapids of any of the said waters; or may construct a canal or canals to avoid the same, wherever requisite; and may carry and transport Further powers. Powers as to water communications.

transport passengers and freight and goods, and make contracts for the transport of the same, and for all business in connection with such navigation.

Telegraphs and bridges.

7. The Company may also construct an electric telegraph line in connection with the railway; and may also erect and construct across any of the rivers or lakes herein mentioned, or which may lie in the route of the railway, a bridge or bridges where the same shall be necessary for the purposes of the railway: but this shall not apply to the navigable portions of any of the aforesaid waters, without the assent of the Governor in Council first obtained.

Proviso.

Capital stock and shares.

8. The capital stock of the Company shall not exceed the sum of two million dollars, to be divided into twenty thousand shares of one hundred dollars each, which amount shall be raised by such persons and corporations as may become shareholders in the said stock: and the money so raised shall be applied, in the first place to the payment of all fees, expenses and disbursements for the procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway, and other works authorized by this Act; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and other purposes of this Act: and aliens and persons not residents in Canada may become shareholders in the Company, and shall have equal rights with British subjects or residents in Canada to hold stock in the Company, and to vote in the same, and to be eligible to office in the Company.

Application of moneys.

Aliens and non-resident to have full rights and powers.

Company may receive grants of land, &c., in aid, and may dispose of same.

9. It shall be lawful for the Company to receive either by grant from Government or from any private individuals or municipal or other corporations, as aid in the construction of the said railway or works or undertaking hereby authorized, any vacant lands or any other real or personal property or any sums of money, either as gifts or in payment of stock; and legally to dispose of the same and alienate the lands or other real and personal property for the purposes of the company, in carrying out the provisions of this Act.

Provisional directors.

10. The said Donald McInnes, Donald A. Smith, George Stephen, Sir A. T. Galt, and Daniel Torrance, shall be and are hereby constituted a Board of Directors of the Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders; and shall have power and authority to fill vacancies occurring in the Board; to cause surveys and plans to be made and executed; to call a general meeting of shareholders for the election of other Directors as hereinafter provided; and generally to do all such other acts as such Board under "*The Railway Act, 1868*," may lawfully do. The said Directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the Company; and all parties subscribing to the capital stock of the Company shall be considered proprietors and partners in the same.

Powers.

Stock books.

11. When and so soon as fifty thousand dollars of the capital stock shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid in, either in municipal debentures granted by way of bonuses or otherwise or in ordinary subscriptions by individuals to the capital stock, or partly in such municipal debentures and partly in such subscriptions, the said Directors, or a majority of them, may call a meeting of the shareholders at such time and place as they may think proper,—giving at least four weeks' notice thereof in two or more newspapers published at Montreal and Winnipeg; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five nor more than seven Directors in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office until the first Tuesday in September in the year following their election.

First general meeting for election of directors.

12. On the said first Tuesday in September, and 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 meeting the said shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided: And public notice of such annual meeting and election shall be published at Montreal and Winnipeg; and the election for Directors shall be by ballot; and the persons so elected shall form the Board of Directors.

Annual general meeting and election.

Notice.

13. Special general meetings of the Company may be called in the manner provided in the eleventh section of this Act, and at such general meeting, unless otherwise provided by this Act, or "The Railway Act, 1868," the decision of a majority of the shareholders present in person or by proxy shall be valid and binding upon the Company.

Notice of special general meetings.

Majority.

14. A majority of the Directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one or more of their number as paid Director or Directors: Provided however that no person shall be elected as a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls upon the stock.

Director's meetings.

Qualification for director.

15 The Directors may, at any time, call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the Company, in such proportion as they may see fit,—no such instalment exceeding ten per cent.; and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Calls on shares.

Limitation of calls.

16 The head office of the Company shall be at the City of Montreal; and the Company may also have offices at Fort Garry and

Head office.

and elsewhere in Canada, and in London, England; and the Company may, at any special general meeting called for that purpose, change the head office of the Company from the City of Montreal to any other place in Canada.

Company may be parties to notes and bills.

17. The Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange; nor shall the said President or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

How made or endorsed. No individual responsibility.

Proviso.

May borrow money and issue bonds.

18. The power to borrow money conferred by the twelfth subsection of the seventh section of "*The Railway Act, 1868*," may be exercised by the Company by the issue of bonds under the seal of the Company, and made and signed by the President or Vice-President of the Company and countersigned by the Secretary, and with or without interest coupons; and such bonds shall, without registration or filing of the same or formal conveyance, or instrument of hypothec, mortgage or pledge, or registration or filing of the same, be and be taken as an hypothec, mortgage and pledge, according to the rank and priority which may be therein mentioned, upon the railway and undertaking and the real and personal property, franchises, tools and revenues of the Company then existing and thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumberancer, *pro rata*, with all the other holders of bonds of the same issue, rank and priority, upon the railway and undertaking, and all and every the property of the Company hereinbefore mentioned: but no liability shall be incurred under this section without the consent of a majority of the shareholders at a special general meeting to be called for the purpose.

To be charged on railway.

Consent of majority of shareholders required.

May erect necessary buildings, wharves, &c.

Purchase engines, &c.

19. The Company shall have power and authority to erect and maintain all necessary and convenient buildings, stations, depots, warehouses, elevators, wharves and fixtures, and from time to time to alter, repair or enlarge the same as the increasing traffic may require; and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation,

modation and use of the passengers and freight or elevating business of the Company; and also to make use of, for the purposes of the Company, the water of any stream or watercourse over or near which the railway passes, doing, however, no unnecessary damage thereto nor anything to impair the usefulness of such stream or watercourse; and shall have full power and authority to erect docks, slips and piers in any of the lakes or rivers, for the convenience and accomodation of vessels and for improving the facilities for ferriage by the Company across the said lakes and rivers; and shall also have full power and authority to connect any of the works herein mentioned with any point on the railway by means of any line or lines of railway for such purposes.

Make use of streams, &c.

May erect docks, &c.

Branch railways.

20. The Directors of the Company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company of Canada or the United States, for the purpose of making any branch or branches, to facilitate a connection between the Company and such other railway company.

May make arrangements for connection with other railways.

21. The Company is also authorized and empowered to contract and agree with any incorporated railway company for the purchase or transfer by deed of assignment of their line of railway, works or undertaking, with the appurtenances and privileges thereto, belonging or in any manner appertaining thereto; and the Company hereby incorporated may assign, transfer or lease their railway or any part thereof, works or undertaking, or any rights or powers acquired under this Act, and the surveys, plans, works, plant, stock, machinery or other effects belonging thereto, to any other incorporated company, person or persons, or corporations, upon such terms and conditions, and with such restrictions as the Directors may deem expedient.

May transfer or lease their own railway or purchase others.

22. The Company may also enter into any agreement with any persons or with any other railway company, either in Canada or in any foreign state, for leasing the said railway or any part thereof, or works or undertakings, or the use thereof at any time, to such persons or other company; or for leasing or hiring out to such persons or other company any locomotives, cars, carriages, plant, stock or other property moveable or immoveable of the Company, either altogether or for any times or occasions; or for leasing or hiring from any other railway company, any railroad or any part thereof, or the use thereof at any times, any locomotives, cars, carriages, plant, stock or other property moveable or immoveable, or for using either the whole or any part of the said railway, or of the moveable or immoveable property of the Company in common with the two companies; and may make any agreements in respect to the same and the terms and conditions thereof.

May lease or hire rolling stock from other railways.

23. Notwithstanding anything contained in section nine of "The Railway Act, 1868," the Company may, under the powers

Company may acquire, extended and width

of roadway for
snowdrift
fences.

and provisions in the said Act, acquire and hold such width of land on the sides of the railway and its branches at any point of the line as may be needed for the erection of snow drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow.

Foregoing pro-
visions shall
come into
force only
on proclama-
tion.

24. The foregoing sections and provisions of this Act shall have force and effect upon, from and after the day which may be appointed for that purpose by Proclamation issued under an Order of the Governor in Council, and not before.

Time for con-
struction
limited.

25. The powers given by this Act shall be exercised by the commencement of the said railway within two years after the coming into force of this Act, and its completion within five years therefrom.

CAP. LXXX.

An Act to incorporate The Thunder Bay Silver Mines Railway Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the construction of a line of railway from a point at or near Prince Arthur's Landing on Thunder Bay, Lake Superior, to the United States boundary line, at or near Pigeon or Arrow Rivers or Lakes, and to connect there with the railway system of the United States and with a branch railway to the water's edge of Thunder Bay, with a pier out into deep water, would materially advance the commercial prosperity, and promote the interests and develop the resources of the locality sought to be served by the construction of the said railway, and would be the most direct and convenient connection between the railway system of the United States, and the valuable mineral region lying about Thunder Bay and the territory north thereof; and whereas the want of railway facilities in the said localities is a source of great privation and inconvenience during the winter,—no railway system at present existing therein; and whereas the construction of such a railway would be a work for the general advantage of Canada; and whereas the persons hereinafter named have petitioned to be incorporated as a company, to construct the said line of railway; and it is expedient to grant the prayer of the said petitioners: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Declaratory.

1. The Thunder Bay Silver Mines Railway is hereby declared to be a work for the general advantage of Canada.

2. The Honorable John Hamilton Gray, William Fontaine Bruff, George Wells Owen, Charles Eley and William Henry Stanton, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of "The Thunder Bay Silver Mines Railway Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by "*The Railway Act, 1868*," subject however to the provisions hereinafter contained.

Certain persons incorporated.

Corporate name.

And general powers.

3. The head office of the Company shall be at the City of Toronto, in the Province of Ontario, and the Company may also have "A Principal Office" at Prince Arthur's Landing, in the District of Algoma.

Head office. Also "Principal office."

4. The said Company may lay out, construct, equip and finish a double or single line of railway of such width or gauge as the Company see fit, from a point at or near Prince Arthur's Landing on Thunder Bay, Lake Superior, to the United States boundary line, at or near Pigeon or Arrow Rivers or Lakes, and may connect there with the railway system of the United States, and may erect and maintain a pier out into deep water at Thunder Bay.

Line of Railway and Pier.

5. The Company may also construct an electric telegraph line in connection with the said line of railway.

Telegraph.

6. The said Company shall have power to unite with any other company incorporated or which may be incorporated by the laws of the State of Minnesota, one of the United States of America, in building a bridge over the boundary waters, and to enter into any contracts or agreements with such company, respecting the construction and maintenance thereof. The said Company shall have power to make traffic or running arrangements with railway lines now, or hereafter to be built in the Province of Ontario, situated upon the line hereby authorized to be constructed, or crossing or continuing the same or with any railway in the said State of Minnesota connecting with the railway hereby authorized to be constructed, or to amalgamate with any such railway company, upon terms to be approved by the shareholders, at a special meeting called for that purpose.

Arrangements with other companies for building bridge, &c.

7. The said Company shall have power to construct, charter and navigate, for the purpose of crossing the waters dividing Canada from the United States, (until a bridge over the said waters shall be completed) scows, boats, sail or steam vessels, for the purpose of carrying passengers and goods across the said waters, to and from any railway on the opposite side of the said waters, in the said State of Minnesota; and shall also have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river or stream near to or touched by this railway or any of its branches, for the purposes of traffic in connection with this railway or any of its branches.

Ferry over waters until a bridge be built, &c.

Capital Stock and Shares.

8. The capital stock of the said Company shall not exceed in the whole, the sum of two million dollars,—to be divided into twenty thousand shares of one hundred dollars each; which stock shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock: and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates, connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway and other purposes of this Act.

Application of Capital.

Company may receive Lands in aid, and sell the same.

9. It shall be lawful for the said Company to receive either by grant from Government, or from any private individuals or corporations, as aid in the construction of the said railway, any vacant lands in the vicinity thereof, or any other real and personal property, or any sums of money, either as gifts or in payment of stock; and legally to dispose of the same, and alienate the lands or other real or personal property, for the purposes of the said Company in carrying out the provisions of this Act: Provided always that lands so received for other than the purposes of the railway shall not be held by the Company for a longer term than five years and shall not be leased or rented during such period.

Provisional Directors.

10. The Honorable John Hamilton Gray, William Fontaine Bruff, George Wells Owen, Charles Eley and William Henry Stanton, and the successor or successors of them, shall be and are hereby constituted a Board of Directors of the said Company, with power to add to their number; and shall hold office as such, until other Directors shall be appointed under the provisions of this Act by the shareholders; and shall have power and authority to fill vacancies occurring therein, and to associate with themselves therein not more than six persons, who shall thereupon become and be Directors of the Company equally with themselves; and the majority of the Directors shall form a quorum, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of shareholders for the election of other Directors, as hereinafter provided; and generally to do all such other acts as such Board under the provisions of this Act, and under "*The Railway Act, 1868*," may lawfully do.

Their powers.

Stock books and subscriptions for stock.

11. The said Directors are hereby empowered to take all necessary steps for opening stock books for the subscription of parties desiring to become shareholders in the said Company; and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

First general meeting for election of directors.

12. When, and so soon as one tenth part of the capital stock shall have been subscribed as aforesaid, and one tenth of the amount so subscribed or such greater per centage thereon as may be

be required to form a sum of not less than two hundred thousand dollars, shall have been paid in, the said Directors or a majority of them may call a general meeting of the shareholders at such time and place as they shall think proper,—giving at least four weeks' notice in one or more newspapers published at Toronto, and in the "Ontario Gazette;" at which said general meeting and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five, nor more than nine Directors in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office till the first annual general meeting in the year following their election.

13. In each year after the first general meeting appointed to be held under the preceding section, and on the anniversary of such first general meeting, at the head office in Toronto, or principal office of the said Company at Prince Arthur's Landing, there shall be held an annual general meeting of the shareholders of the Company; at which meeting the said shareholders shall elect a like number of not less than five, nor more than nine Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of the election, in one or more of the newspapers in Toronto, and in the "Ontario Gazette;" and the election of Directors shall be by ballot; and the persons so elected shall form the Board of Directors: but no person shall be so elected as first mentioned, unless he shall be the absolute owner of at least twenty shares of the stock of the Company, upon which all calls made by the Company have been paid up.

Annual general meeting and election.

Ballot.

Qualification of Directors.

14. A majority of the Directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one or more of their number as paid Director or Directors: Provided however that no person shall be elected a Director unless he shall be the holder and owner of at least twenty shares of the stock of the said Company, and shall have paid up all calls upon such shares.

Quorum, proxies.

Director's qualification.

15. The Directors may at any time call upon the shareholders for instalments upon each share which they or any of them may hold in the capital stock of the said Company, in such proportion as they may see fit, but no such instalment shall exceed ten per cent.; and the Directors shall give one month's notice of such call in such manner as they may appoint.

Calls limited.

16. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum

Company may become parties to promissory Notes, &c.

quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the said President or Vice-President, or the Secretary or Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Not to issue Bank Notes.

Company may issue bonds and debentures charged upon the railway, &c.

17. The Directors of the said Company are hereby authorised and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form and for such amount and payable at such times and places as the Directors from to time may appoint and direct: the said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto: Provided that the amount of such bonds or debentures shall not exceed thirty thousand dollars per mile, or six thousand pounds sterling per mile,—to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Act.

Amount limited.

Special general meetings.

18. The Directors may call special general meetings of the said company, on notice lawfully given for that purpose.

Aliens may hold stock and vote, &c.

19. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said Company and to vote on the same, and to be eligible to office as Directors in the said Company.

Form of deed of land to company.

20. Any deed of conveyance of land to the said Company may be in the form of Schedule A, to this Act annexed; and may be registered at full length upon the affidavit of a witness to the execution thereof made before the officers usually authorized to receive the same; and a deed in such form or in words of like import shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes.

Power to acquire land for snow fences.

21. Notwithstanding anything contained in section nine of "*The Railway Act, 1868*," the said Company may, with the assent of the Governor in Council, under the powers and provisions in the said Act, acquire and hold such width of land on the sides of the railway and its branches, at any point of the line, as may be needed for

for the erection of snow-drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow.

22. The Company may, with the consent of the owners, acquire and hold land from which to obtain supplies of gravel, stone and filling required by them for their works, and may sell and convey the same or any portion thereof when no longer required. Gravel pits.

23. Any Provisional Director may appoint any other Provisional Director, and any Director elected at any general meeting may appoint any other Director elected at any general meeting, to be his proxy, and to vote for them respectively at meetings of the Board. No Provisional or other Director shall hold more than one such proxy. The appointment may be as follows :— Directors may appoint proxies.

“ I appoint one of the (Provisional) Directors of the Thunder Bay Silver Mines Railway Company ” to be my proxy as a (Provisional) Director of that Company, and as such proxy to vote in my name and stead at meetings of the (Provisional) Directors of the Company, and to do all that I myself could do as such (Provisional) Director if personally present at such meetings. Form of appointment.

Dated this day of 187

Witness, } Signed, A. B.
C. D., }

24. The powers given by this Act shall be exercised by the commencement of the said Railway, within two years after the coming into force of this Act, and its completion within six years therefrom. Time for building road limited.

25. This Act shall be known and cited as “ The Thunder Bay Silver Mines Railway Company Act.” Short title.

26. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of Minnesota incorporating any company for objects similar to those contemplated by this Act and of any Act of Congress of the United States conferring necessary powers in respect to the same are filed in the Department of the Secretary of State of Canada, upon which the Governor in Council may by Proclamation order that, from and after a day to be mentioned therein, this Act shall be of full force and effect; and this Act shall accordingly thenceforth have full force and effect. Foregoing provisions shall come into force only on proclamation.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents that I, A. B., in consideration of paid to me by “ The Thunder Bay Silver Mines Railway Company,” the receipt whereof is hereby acknowledged grant
22½

grant, sell and convey unto the said "The Thunder Bay Silver Mines Railway Company." their successors and assigns, all that tract or parcel of land (*describe the land*). To have and to hold the said land and premises unto the said Company their successors and assigns for ever. And I _____ wife of the said A. B., hereby bar my dower in the said lands.

Witness my hand and seal this _____ day of _____ one thousand eight hundred and seventy

Signed, sealed and delivered }
in presence of } A. B., (L.S.)

C. D.

CAP. LXXXI.

An Act to incorporate The Quebec Frontier Railway Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the Hon. L. H. Holton, M.P., Julius Scriver, M.P., Alfred Pinsonneault, M.P., François Bourassa, M.P., D. A. Macdonald, M.P., and François Béchard, M.P., have by their petition represented that the Railway and branches hereinafter described would be of great benefit to the commerce and for the general advantage of the Dominion of Canada, and have petitioned for the incorporation of a Company, for the purpose of constructing such line and branches, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Declaratory.

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

Certain persons incorporated.

2. The Hon. L. H. Holton, Julius Scriver, M.P., Thomas Sanders, M.P.L., Dr. Laberge, M.P.L., A. Esinhart, M.P.L., Dr. Brigham, M.P.L., L. D. Lafontaine, M. P. L., François Béchard, M. P., F. G. Marchand, M. P. L., Sixte Coupal M. P., Louis Molleur M. P. L., James McGowan, George Cross, Daniel Macfarlane the younger, Joshua Breadner, James Wattie, Joseph Holbrook, William Cantwell, Peter Gardiner and Daniel Shanks, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of "The Quebec Frontier Railway Company," and shall have all the powers incident to railway corporations in general and the powers and privileges conferred on such corporations by "The *Railway Act*, 1868," subject to the provisions hereinafter contained,

Corporate name and powers.

3. The said Company, their agents and their servants may lay out, construct and finish a double or single track iron or steel railway, of such width or gauge as the Company may see fit from the southern frontier of the County of Missisquoi, in a westerly or north-westerly direction through the counties of Missisquoi, Iverville, St. John's, Napierville, Chateauguay and Huntingdon, to a point on the Province line on the south-western frontier of the said last named county, (subject, so far as the bridging of the River Richelieu is concerned, to the provisions of the fifty-fifth section of "*The Railway Act 1868*;" nor shall the power to build any bridge over the said river be exercised by the said Company, unless, by a Proclamation previously issued under the authority of an Order of the Governor in Council, they shall have been authorized to exercise such power), there to connect with a railway in the State of New York leading to Ogdensburgh; and also two branch railway lines,—one from the southern frontier of Huntingdon County, there to connect with a railway to be constructed in the State of New York, to Grand Isles on the south shore of the St. Lawrence, and the other from some point on the main line through the County of Chateauguay to a point on the Montreal and Champlain railway, near St. Lambert, or to the Victoria Bridge.

Company may build a certain railway.

Proviso: as to bridging River Richelieu and branches.

4. The capital stock of the said Company shall not exceed two million dollars, to be divided into forty thousand shares, of fifty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said Company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the survey, plans and estimates connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act: Provided always, that until the said preliminary expenses shall be paid out of the capital stock it shall be lawful for any municipality interested in the said railway or otherwise to pay out of the funds of such municipality such preliminary expenses, which sums shall be refunded to such municipality from the stock of the said Company or be allowed in payment of stock, or on account of any sum granted in aid of the said railway by such municipality.

Capital and shares and application thereof.

Proviso: as to preliminary expenses.

5. It shall be lawful for the said Company to receive either by grant from Government, or from any individuals or corporations, municipal or otherwise, as aid in the construction of the said railway, any vacant lands, or any other real or personal property, or any sums of money, either as gifts or by way of bonus, or in payment of stock, and legally to dispose of the same and to alienate the lands and other real or personal property for the purposes of the said Company in carrying out the provisions of this Act.

Company may receive grants of land or other property in aid.

Provisional
Directors.

6. The Hon. L. H. Holton, M.P., Julius Scriver, M.P., Thomas Sanders, M.P.L., Dr. Laberge, M.P.L., A. Esinhart, M.P.L., Dr. Brigham, M.P.L., L. D. Lafontaine, M.P.L., François Béchard M.P., F. G. Marchand M.P.L., Sixte Coupal M.P., Louis Molleur M.P.L., James McGowan, George Cross, Daniel Macfarlane, the younger, Joshua Breadner, James Wattie, Joseph Holbrook, William Cantwell, Peter Gardiner and Daniel Shanks shall be and are hereby constituted a Board of Provisional Directors of the said Company and shall hold office as such until other Directors shall be elected under the provisions of this Act by the shareholders; and shall have power and authority to fill vacancies occurring therein; to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers; to cause surveys and plans to be made and executed; to call a general meeting of the shareholders for the election of other Directors as hereinafter provided; and generally to do all such other acts as such Board under the Railway Act may lawfully do. The said Provisional Directors are hereby empowered to take all necessary steps for opening the stock books for the subscriptions of parties desirous of becoming shareholders in the said Company; and all parties subscribing to the capital stock of the said Company shall be considered proprietors and partners in the same.

Powers.

May open
stock books.

First general
meeting of
Shareholders,
and election of
Directors.

7. When and so soon as one-tenth part of the said capital stock shall have been subscribed as aforesaid, either in municipal debentures, granted by way of bonus or otherwise, or in ordinary subscriptions by individuals to the capital stock, or partly in such municipal debentures and partly in such subscriptions, and one-tenth of the amount so subscribed paid in, the said Directors or a majority of them may call a meeting of the Shareholders at such time and place as they shall think proper,—giving at least two weeks' notice thereof in one or more newspapers published at Montreal and Huntingdon; at which said general meeting and at the annual general meetings in the following sections mentioned the shareholders present, either in person or by proxy, shall elect seven Directors in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors and shall hold office until the second Wednesday in the month of February, in the year following their election.

Annual gen-
eral meeting,
and election.

8. On the said second Wednesday in the month of February and on the second Wednesday in the month of February in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the shareholders of the Company; at which meeting the shareholders shall elect a like number of seven Directors for the ensuing year in the manner and qualified as hereinafter provided. And public notice of such annual meeting and election shall be published one month before the day of election in one or more newspapers in Montreal and in Huntingdon; and the election of Directors shall be by ballot; and the persons so elected, together with any *ex officio* Directors, shall form the Board of Directors.

Notice.

Election by
ballot.

9. A majority of the Directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one or more of their number as paid Director or Directors: Quorum. Paid Director. Provided however that no person shall be elected a Director unless he shall be the holder and owner of at least twenty shares of the stock of the said Company and shall have paid up all calls upon the said stock. Qualification

10. Any municipal council of a municipality which has given a bonus in aid of the said railway or its branches amounting to not less than ten thousand dollars shall be entitled, during the construction of the railway or its branches but not afterwards, to appoint a person annually to be a Director of the Company; and such person shall be a Director of the Company in addition to all the other Directors authorized by this Act, or by the General Railway or any other Act; but such municipality shall incur no liability by the appointment of such Director. Representation of Municipalities giving bonuses, during construction.

11. The Mayor or other chief municipal officer of any municipality subscribing towards the said undertaking a bonus of not less than ten thousand dollars, or holding not less than forty shares in the stock of the Company shall be eligible to the office of Director. Who may be appointed Director for a municipality.

12. In the election of Directors under this Act and in the transaction of all business at general meetings of shareholders, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up. Votes.

13. The Directors may at any time call upon the shareholders for instalments upon each share, which they or any of them may hold in the capital stock of the said Company in such proportions as they may see fit, no such instalment exceeding ten per cent.; and the Directors shall give one month's notice of such call in such manner as they may appoint. Calls limited.

14. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the President or Vice-President or the Secretary and Treasurer be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: Provided however that nothing in Power to become parties to Promissory Notes. Proviso. this

this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Power to issue debentures chargeable on the railway. When they may do so.

15. The Directors of the said Company shall have the power upon being duly authorized thereto by a vote of a majority of stockholders in the said Company present at any annual meeting in the month of February for the purpose of electing Directors, to issue their bonds or debentures, made and signed by the President and Vice-President of the said Company and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking; and such bonds or debentures shall be and be considered to be privileged claims upon the property of the said Company, and shall bear *hypothèque* upon the said railway without registration: Provided however that no such bonds or debentures bearing such *hypothèque* shall be issued until after ten per cent. of the whole capital stock of the said Company, as provided by this Act, shall have been expended in and upon the said railway; and provided also that the whole amount raised by such bonds shall not exceed one half of the capital stock of the Company, nor be in excess of the amount actually paid up on its share capital at the time of the issue of such bonds.

Proviso:

Amount limited.

Arrangements with other Companies.

16. The Directors of the said Company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company for the purpose of making any branch or branches, to facilitate a connection between the Company and such other chartered railway company.

Company may lease their railway, or may rent other railways.

17. The Company may enter into an agreement with any other chartered railway company for leasing to such company the said railway or any part or branch thereof, or the use thereof, at any time or times and for any period; or for leasing or hiring from such other company any railway or any part or branch thereof, or the use thereof at any time or times and for any period; or for leasing or hiring as lessors or lessees any locomotives, tenders, cars or other rolling stock or moveable property from any such company or any company or individuals; and generally to make any agreement or agreements with any such other company touching the use by one or other or by both companies of the railroad or rolling stock or moveable property of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and such other railway company may agree to loan its credit to, or may subscribe to and become the owner of the whole or a part of the stock of the railway Company hereby incorporated, in like manner and with the like rights as individuals: Provided the said leases, agreements and arrangements have been first respectively sanctioned by the majority of votes at a special general meeting

Proviso— Agreement to be submitted to shareholders

of

of the shareholders called for the purpose of considering the same respectively, after due notice given as provided by "The Railway Act, 1868."

18. All shareholders in the said Company, whether British subjects or aliens or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said Company and to vote on the same, and to be eligible to office in the said Company. Aliens and non-residents may vote and hold office.

19. Any deed of conveyance of land to the said Company may be in the form of Schedule A. to this Act annexed, and may be registered at full length upon the affidavit of one of the witnesses to the execution thereof made before the officers usually authorised to receive the same; and a deed in such form or in words of like import shall be a legal and valid conveyance of the lands and immoveables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary. Form of conveyance of land.

20. The powers given by this Act shall be exercised by the commencement of the said railway within three years after the passing of this Act and its completion within seven years therefrom. Time for commencement and completion limited.

21. This Act shall be known and cited as "The Quebec Frontier Railway Act." Short title.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A.B., of
do hereby, in consideration of _____ paid to me by The
Quebec Frontier Railway Company, the receipt whereof is hereby
acknowledged, grant, bargain, sell and convey unto the said Quebec
Frontier Railway Company, their successors and assigns, all that
tract or parcel of land (describe the land), to have and to hold the
said land and premises unto the said Company, their successors
and assigns for ever.

Witress my hand and seal this _____ day of
one thousand eight hundred and _____

sealed, and delivered }
ence of } _____

A.B.

(L.S.)

C.D.

CAP. LXXXII.

An Act to incorporate The Canadian Railway Equipment Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS, Sir Hugh Allan, Edwin H. King, George Stephen, Sir Alexander T. Galt, Robert J. Reekie, Thomas W. Ritchie, all of the City of Montreal, and Donald A. Smith, of Fort Garry in the Province of Manitoba, have by their Petition prayed for an Act of incorporation under the name of "The Canadian Railway Equipment Company" for the purpose of buying, manufacturing, erecting, selling and leasing locomotive engines and machinery, rolling stock, stations, storehouses, elevators, workshops and other buildings and erections used and required by railway companies, and for the powers necessary to carry out the undertaking; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The said Sir Hugh Allan, Edwin H. King, George Stephen, Sir Alexander T. Galt, Robert J. Reekie, Thomas W. Ritchie and Donald A. Smith, and such other persons as shall become shareholders in the Company hereby incorporated shall be and they are hereby constituted a body politic and corporate by the name of "The Canadian Railway Equipment Company," and by that name shall have perpetual succession and a common seal, with power to break and alter the same at pleasure, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

Corporate name and general powers.

Capital and shares.

Proviso.

2. The capital stock of the Company shall be four million dollars, divided into forty thousand shares of one hundred dollars each, and may be increased by an amount not exceeding two million dollars, in the manner hereinafter provided: Provided that stock to the amount of not less than one million dollars shall be subscribed, and not less than one hundred thousand dollars paid in before the Company shall go into operation.

Object and business of the company.

3. The Company may buy and manufacture or either, at any point or points in the Dominion of Canada they think best, locomotives and other steam engines; also all kinds of machinery and appliances used by railway companies; also railway cars and all other kinds of rolling stock used on railways, in connection with their works; and the Company may sell or lease any of such property in this section mentioned to any person, railway company or corporation whatsoever; and in each and every case of a sale or lease the terms thereof as to payment of purchase money, and the interest to be paid thereon, or the rental and the times and mode of

of payment thereof, as the case may be, may be such as the Company and the railway company or person making any such purchase or taking any such lease may fix and agree upon.

4. The Company shall have power from time to time to purchase any real estate in any part of Canada which they may think necessary for their business; and as often as any property so acquired ceases to be necessary for the purposes of the Company they shall sell or otherwise dispose thereof. The Company may also, from time to time and as their business may require, purchase, lease or build any workshops, machinery or other works and appliances, in any part of Canada which the Company may think proper for their purposes or for the exercise of the powers by this Act conferred; and the same or any part of them, when the Company find it expedient, shall be sold or otherwise disposed of.

Company may acquire real property for their own use.

5. The Company shall also have the right to enter into arrangements with any railway company or person for the construction of any station or stations, warehouses, workshops, elevators or other buildings or erections required by any such railway company or person for the purposes of their or his business; and the Company incorporated by this Act shall, for their outlay and services, have the right to take security by way of mortgage or hypothec upon the lands and tenements upon which said works may be erected or said machinery placed, or either, and on the said works and machinery; which security may be for the payment of a fixed annual sum, payable in such payments, and at such times, and for such period, and in such manner as may be agreed upon, and for the redemption or discharge of the said property at the times and in the manner in the said mortgage or hypothec mentioned, by the payment of the sum or sums of money in and by such mortgage or hypothec agreed on for that purpose: or the Company may arrange for and take a transfer or conveyance to them of the lands upon which any of the said works may be agreed to be erected, and may lease the said lands so transferred or conveyed with the said works thereon to the railway company or person for whom the said works may be made or constructed, at such rental as may have been agreed upon; and such lease may contain such conditions and stipulations as the parties thereto may agree upon, to secure the due payment of the said rental, and may also provide for the right, to the railway company or person taking said lease, to a conveyance or re-conveyance, as the case may be, of the property so leased, upon the payment of such sum or sums of money at such times and in such manner and on such conditions as the said parties may agree upon, and as they may consider most to their convenience.

Arrangements may be made with railway Companies, and others for the construction of works, buildings, &c.

6. Engines, rolling stock or other moveable property, either sold or leased by the Company incorporated by this Act, shall not be subject to any mortgage or execution or to any lien or liability whatsoever upon any mortgage or lien given or created before or after

Company to have priority of claim on moveable property, sold or leased by them.

after such sale or lease by the company or person making such purchase or taking such lease, or any other company or person whomsoever; nor shall the same be liable to any seizure or distress against any such railway company or person for any cause or in any manner whatever, in case of a purchase while the purchase money or any part thereof or any interest thereon remains unpaid, unless the seizing creditor shall pay or tender such purchase money or interest to the Company previous to such seizure, (a statement of which indebtedness shall be furnished to such creditor by the Company on demand) and, in case of a lease, while such property so leased remains under said lease and continues to be the property of the Company incorporated by this Act: and the purchase money for all such property sold to any railway company, shall be and continue a first charge upon the property so sold; and it shall remain liable to such lien in the hands of any person or corporation who may obtain possession thereof until said purchase money and all unpaid interest thereon is fully paid and satisfied: Provided always that all machinery and rolling stock so sold or leased, while the purchase money remains unpaid, or the same is under lease, as the case may be, shall have painted upon each car or engine, as the case may be, the words "Canadian Railway Equipment Company."

Proviso.

Company to have priority of claim on real property, in certain cases.

7. Except as hereinafter provided any mortgage or hypothec given by any railway company or person upon any lands, tenements or premises, upon which any station, warehouse, workshop or other erection or work has been built or erected by the Company incorporated under this Act, or for them, as the case may be, and the moneys secured by such mortgage or hypothec shall be a first charge and lien upon the lands upon which such buildings and works shall stand, for the moneys payable under the said mortgage or hypothec as therein specified; and shall have priority over all other claims upon the said premises: and in any case where the security may be taken by conveyance of the lands upon which such improvements are made, and a lease is given as is above provided, the rent secured by the said lease and the moneys payable to the Company incorporated by this Act for a conveyance of the property, as redemption or purchase money, shall likewise be a first charge or lien upon the said premises and property so leased, and shall rank and take priority over all other liens: Provided always that no such mortgage, hypothec or lien shall have priority over any existing *baillieur de fonds*, balance of purchase money or moneys specially secured on such lands before the creation of the charge or lien authorized by this Act in favour of the said Company: and provided further, in case of any general mortgage or lien upon the lands of any such railway company existing before the creation of the mortgage, hypothec or lien authorized by this Act, the said general mortgage, hypothec or lien shall, to the extent of the actual value of the land occupied by any such buildings or erections (taken as it was before the construction of such buildings, works or erections), have priority over the mortgage, hypothec or lien, above authorized, in favour of the Company incorporated by this Act; and in case it becomes necessary to

Proviso.

Proviso: in case of general mortgage.

to ascertain the said value, and that the said value or the mode of ascertaining the same cannot be agreed upon between the Company hereby incorporated and the mortgagee,—in every such case the proceedings to fix the said value, shall be the same as is provided in sub-section twelve and the subsequent sub-sections of section nine of "*The Railway Act, 1868.*" And after the said value is ascertained, sub-section six and the other sub-sections of the said section nine of "*The Railway Act, 1868,*" shall apply, and the Company may avail themselves thereof for the purpose of being relieved from further responsibility in respect of the said value; and where arbitration is resorted to, and there is no person in Canada representing the said general mortgagee, the railway company shall be the parties upon whom the notice of arbitration may be served, and with whom the arbitration shall be had; and in respect of such arbitration the railway company shall act, and be considered as the trustee.

8. It shall be lawful for the Company in case it is so agreed upon, to pay the purchase money for, or to pay off any mortgage or mortgages which may be upon any land required for any such works; and the Company may, on taking any such security from the railway company, add the same to the amount so to be secured and in respect of which interest or a rental shall be paid as aforesaid.

Company may pay off existing mortgages.

9. The Company may enter into arrangements with any person or corporation in the Dominion of Canada engaged in any of the lines of business above mentioned, and not being a railway company, for the purchase from such person or corporation of any or all the estate real or personal of such person or corporation, together with all tools, plant and material connected with the works so purchased, possessed by such person or corporation, or any part thereof, for such price, payable in such manner and at such times as may, by the Company and such person or corporation, be agreed upon; and, in respect of said purchase, may give upon the same, security by way of mortgage or otherwise as may be deemed most expedient; and in case any person or persons, corporation or corporations so selling, for any part of the purchase money of any such property, are willing to accept as part payment paid up stock in the Company incorporated by this Act, the Directors of said Company, may, if they deem it proper to do so, issue to said person or corporation out of the un-subscribed stock of the Company, shares to the amount so agreed to be taken in such part payment; or in case the said four million dollars of stock are all subscribed for and the Company authorize an increase of the capital stock, then such shares may be issued as part of such increase; and in either case the holders of such paid up shares shall have all the rights of shareholders in the said Company, and shall be entitled to dividend thereon in the same manner as if they had subscribed for and paid up their stock in full: and any contract made by the persons by this Act incorporated, or any of them, before the passing thereof, with any railway company for the purchase of any works, &c.

Company may purchase existing works, &c.

Payment may be made in stock.

Existing contracts may be assumed by the company.

the

the erection of any station or the construction of any works may, after the passing of this Act, be assumed by the Company incorporated by this Act; and in that case all the provisions of any agreement, mortgage or security so assumed shall enure to the benefit of the Company in all respects; and, in regard to any such security, the covenants, provisions and stipulations contained therein shall stand and be available to the Company in all respects as if the same had been made with and given to the Company after the passing of this Act.

Other companies may make arrangements with the Company, for purchasing or leasing engines, &c.

10. It shall be lawful for any company or corporation (not being a railway company) so engaged in any of the lines of business above mentioned, to sell to the Company incorporated by this Act, in the manner above mentioned, and for any and all railway companies desiring to lease or purchase locomotive engines, rolling stock or machinery of any kind from the Company, or desiring to make arrangements for the erection of stations, warehouses, workshops, elevators or any of them, to enter into and complete any of the arrangements which the Company incorporated by this Act are authorized to enter into and make; and all such arrangements so made and the acts done thereunder shall be valid and binding on all parties and persons in the manner and to the extent above expressed.

Money paid by railway company to be working expenses.

11. All moneys payable by any railway company, now or hereafter to be incorporated, under any contract authorized by this Act, shall form part of the working expenses of such railway company, and shall be paid before any interest or other debt not by law coming under the denomination of working expenses.

Directors to exercise powers of the company.

12. In managing the business of the Company, and in making any of the contracts above provided for, the Directors of the Company shall possess and exercise all the corporate powers of the Company.

Directors.

13. The affairs of the Company shall be managed by a Board of seven Directors.

Provisional directors.

14. The said Sir Hugh Allan, Edwin H. King, George Stephen, Sir Alexander T. Galt, Robert J. Reekie, Thomas W. Ritchie and Donald A. Smith shall be the Directors of the Company, until replaced by others duly elected in their stead.

Qualification of directors.

15. No person shall be elected or named as a Director unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon: and the major part of the Directors of the Company shall, at all times, be persons resident in Canada, and subjects of Her Majesty by birth or naturalization. A minority may be aliens.

Election of Directors.

16. The Directors of the Company shall be elected by the shareholders, in general meeting of the Company assembled, at such

such times, in such wise, and for such term, not exceeding one year, as the by-laws of the Company may prescribe.

17. In default only of other express provisions in such behalf by the by-laws of the Company :—

Special provisions as to elections, meetings, vacancies, &c.

1. Such election shall take place yearly,—all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election :

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published in the City of Montreal :

3. At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy :

4. Elections of Directors shall be by ballot :

5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified shareholders of the Company :

6. The Directors shall, from time to time, elect from among themselves, a President and Vice-President of the Company ; and shall also name and may remove at pleasure all other officers thereof.

18. If, at any time, an election of Directors be not made or do not take effect at the proper time the Company shall not be held to be thereby dissolved ; but such election may take effect at any general meeting of the Company duly called for that purpose ; and the Directors shall continue in office until their successors are elected.

Failure of election not to dissolve company.

19. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company any description of contract which the Company may by law enter into ; and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends ; their term of service, the amount of their stock qualification ; the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors ; the time at which and place where the annual meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors, and of the Company, the quorum, the requirements

Powers of directors.

By-laws.

Proviso.
Special meet-
ings.

requirements as to proxies, and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same: Provided always that one-fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Copy of by-
laws to be
evidence.

20. A copy of any by-law of the Company, under their seal, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in this Dominion.

Stock to be
personal estate

21. The stock of the Company shall be deemed personal estate, and shall be transferable in such manner only and subject to all such conditions and restrictions as, by this Act or by the by-laws of the Company, shall be prescribed.

Calls.

22. The Directors of the Company may call in and demand from the shareholders thereof, respectively, all sums of money, by them subscribed, at such times and places, and in such payments or instalments, as they may require; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

Enforcement
of calls.

23. The payment of all calls and interest thereon may be enforced by action in any competent court: and in such action it shall not be necessary to set forth the special matter; but it shall be sufficient to declare that the defendant is a holder of one share or more (stating the number of shares) and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, (stating the number of calls and the amount of each), whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Proof in such
case.

Forfeiture of
shares for non-
payment.

24. If, after such demand or notice, any calls made upon any share or shares be not paid within such time as, by such by-laws relating to the making of calls, may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by by-law or otherwise they shall ordain.

25. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for nonpayment of calls thereon. Transfer of shares.

26. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Company. Shareholder in arrears not to vote.

27. In the event of an increase of the capital stock of the Company being deemed advisable, it shall be lawful for the shareholders, in general meeting, duly called for the purpose, by the vote of a majority of the shareholders present at such meeting, in person or by proxy, to pass a by-law increasing the capital stock by an amount not exceeding two million dollars, in addition to the capital of four million dollars, hereinbefore provided: and thereupon all the provisions of this Act applicable or referring to the capital stock shall apply to such increased capital. Increase of capital stock.

28. The Company shall not be bound to see to the execution of any trust, whether expressed or implied or constructive, in respect of any share or in respect of any property, real or personal, purchased or acquired by the Company and the receipt of the person in whose name any share shall stand, (or where a share stands in the name of more than one person, then the receipt of one of them,) for any dividend or money payable by the Company in respect of such share,—whether or not notice of such trust shall have been given to the Company,—shall be a complete discharge to the Company for any such dividend or money; and in like manner as to the purchase money or consideration money to be paid by the Company to any person or persons or corporation, for any property, real or personal, the receipt of the person or persons or corporation, in whom the legal estate or right of property is vested and in whose name it appears, shall be a complete discharge to the Company in respect to the purchase money of such property. Company not bound to see to execution of trusts.

29. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner, as the Directors shall from time to time require, or by any by-law may direct: and, in case the transmission of any share of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share or shares transmitted is the sole property and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and may dispose of and transfer the share itself without requiring the consent or authority of her husband; and such declaration shall be binding upon the Company and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the Company; and

and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

Proceedings in
case of doubtful
proprietor-
ship of shares.

30. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the Company to make and file in the Superior Court for the Province of Quebec, a petition in writing addressed to the said Court, or to any Judge thereof, setting forth the facts and praying for an order or judgment adjudicating or awarding the said shares to the party or parties legally entitled to the same; and by which order or judgment the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom:

Proviso.

Provided always that notice of such petition shall be given to the party claiming such shares, who shall upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases

Proviso.

pending before the said Superior Court: Provided also, that unless the Court or Judge otherwise orders, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Acts of Agents
&c. to be acts
of the
company.

31. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed, on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor: Provided always that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank.

Proviso.

Liabilities of
shareholders
limited.

32. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole

whole or in part; and no greater sum than the amount due on such execution shall be recoverable with costs against such shareholders.

33. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Liability further limited.

34. No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward and interdicted person, or the person interested in such trust fund would be if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

As to shares held by executors, &c.

35. Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Representatives of shares.

Stock pledged.

36. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent or diminishes the capital stock thereof, they shall be jointly and severally liable as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company then existing and for all thereafter contracted during their continuance in office respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Declaration of dividend when Company is insolvent to render Directors liable.

Proviso.

37. The principal office of the Company shall be in the City of Montreal, in the Province of Quebec, but the Company's works and business may be carried on at such other place or places in the Dominion of Canada as the Directors may from time to time determine.

Principal Office.

Office in
London,
England.

38. The Company may have an office in London, England, for such purposes as the Directors shall determine; and the bonds, coupons, or dividends of the Company may be made payable at any place in London aforesaid, and in sterling or currency.

Power to
borrow
money.

39. The Directors may, from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may think proper; and the Directors may, for that purpose, make, or cause to be made, bonds or other instruments under the common seal of the Company, for sums of not less than one hundred dollars, which may be payable at any place, and either to order or to bearer, and may have interest coupons attached: Provided that the aggregate of the sum or sums so borrowed shall not at any time exceed the amount of the paid-up capital of the Company, for the time being; and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorising the same, or the purpose for which such loan is wanted.

Proviso :
amount
limited.

Service upon,
the Company
how made.

40. Service of all manner of summons or writ whatever, upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company in the City of Montreal, with any grown person in charge thereof; or, if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company.

Certain
actions may
be maintained.

41. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder shall be incompetent as a witness therein.

Subscription
of stock in
case all is not
subscribed
when books
are closed.

42. In case the whole capital stock of the Company is not subscribed when the Provisional Directors close the books for the purpose of organizing the Company as above provided, the Directors may at any time, and from time to time as they deem proper, open said stock books for new subscriptions until the whole capital stock is subscribed; but in each instance all the provisions of this Act, as to the percentage to be paid on subscription of stock, the liability of the person subscribing upon and in respect of said stock, and as to the rights and liabilities of shareholders, shall apply to the persons making such new subscriptions and to the stock or shares so subscribed.

Proviso.

Interpreta-
tion.

43. The following words and expressions, used in this Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :

1. The expression "the Company" shall mean the Company "Company," incorporated by this Act:

2. The expression "the undertaking" shall mean the whole of "Under-taking." the works and business of whatever kind, which the Company is authorized to undertake and carry on:

3. The expression "real estate" or "land" shall include all "Real Estate." real estate, messuages, lands, tenements and hereditaments, of any tenure:

4. The word "shareholder" shall mean every subscriber to or "Shareholder." holder of stock in the Company, and shall extend to and include the personal representatives of the shareholder:

5. The words "by-laws of the Company," or "by-law of "By-Laws." the Company," shall mean and include all by-laws made by the Directors as well as all passed by the shareholders.

CAP. LXXXIII.

An Act to incorporate the Coteau and Province Line Railway and Bridge Company.

[Assented to 14th June, 1872]

WHEREAS the persons hereinafter named, and others, have **Preamble.** by their petition represented that a line of railway to be constructed from a point on the Grand Trunk Railway at or near Coteau Landing, at the proposed intersection of the Montreal and City of Ottawa Junction Railway, would afford, in conjunction with that railway, the shortest and most convenient connection between the Ottawa valley and the Eastern States on the Atlantic seaboard; and have prayed to be incorporated as a Company for the purpose of constructing such line; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Coteau and Province Line Railway and Bridge is hereby **Declaratory,** declared to be a work for the general advantage of the Dominion of Canada.

2. Donald Alexander Macdonald, M.P., Julius Scriver, M.P., **Certain persons incorporated.** Ranald S. Macdonald, of Lancaster, Archibald McNab, Reeve of Lochiel, James Fraser, Reeve of Kenyon, James Baylis, and William R. Hibbard, of Montreal, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated,

Corporate name and powers.

incorporated, shall be, and are hereby constituted a body corporate and politic by the name of the "Coteau and Province Line Railway and Bridge Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by "*The Railway Act, 1868*," subject to the provisions hereinafter contained.

Company may construct a certain line of railway.

3. The said Company and their agents and servants may lay out, construct and finish a double or single iron railway, of such width or gauge as the Company see fit, from the line of the Grand Trunk Railway at or near Coteau Landing to the shore of the River St. Lawrence, crossing the said river by a railway bridge by way of the islands therein, to some point in the County of Beauharnois and thence, in as direct a line as may be, through the Counties of Beauharnois, Chateauguay, Huntingdon or Naperville, to some point or points on the northerly boundary line of the State of New York in the United States, or in the Town of St. Johns.

Capital and shares, and application thereof.

4. The capital stock of the said Company shall not exceed, in the whole, the sum of two million dollars, to be divided into twenty thousand shares, of one hundred dollars each; which amount shall be raised by the persons hereinafter named, and such other persons and corporations as may become shareholders in the said Company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway and bridge; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway and bridge, and other purposes of this Act.

Company may receive grants of lands, &c., in aid.

5. It shall be lawful for the said Company to receive, either by grant from Government, or from any individuals or corporations, municipal or otherwise, either in Canada or elsewhere, as aid in the construction of the said railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts or by way of bonus, or in payment of stock; and legally to dispose of the same, and alienate the lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Board of Provisional Directors and their powers.

6. Donald Alexander Macdonald, M.P., Julius Scriver, M.P., Ranald S. Macdonald, Archibald McNab, James Fraser, James Baylis and William R. Hibbard shall be and are hereby constituted a Board of Provisional Directors of the said Company, and shall hold office as such until other Directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein; to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers; to cause surveys and plans to be made and executed; to call a general meeting of shareholders for the

the election of other Directors as hereinafter provided; and generally to do all such other acts as such Board, under the Railway Act, may lawfully do. The said Provisional Directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said Company; and all parties subscribing to the capital stock of the said Company shall be considered proprietors and partners in the same.

7. When and so soon as one-tenth part of the capital stock (which capital stock shall not be less than five hundred thousand dollars) shall have been subscribed, as aforesaid, either in municipal debentures granted by way of bonus or otherwise, or in ordinary subscriptions by individuals to the capital stock, or partly in such municipal debentures and partly in subscriptions, and one-tenth of the amount so subscribed paid in, the said Directors, or a majority of them, may call a meeting of shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Montreal; at which said general meeting the shareholders present, either in person or by proxy, shall elect seven Directors in the manner, and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office until the last Tuesday in May in the year following their election.

8. On the said last Tuesday in May and on the last Tuesday in May in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the shareholders of the Company; at which meeting the said shareholders shall elect not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more newspapers in the City of Montreal; and the election for Directors shall be by ballot; and the persons so elected shall form the Board of Directors.

9. A majority of the Directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one or more of their number as paid Director or Directors: Provided however that no person shall be elected a Director unless he shall be the holder and owner of at least twenty shares of the stock of the said Company upon which all calls made shall have been paid.

10. The Mayor or other chief municipal officer of any Municipality or Parish subscribing towards the said undertaking, a bonus of not less than five hundred dollars or holding not less than twenty shares in the stock of the Company, shall be eligible to the office of Director.

11. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold

hold in the capital stock of the said Company, in such proportion as they may see fit,—no such instalment exceeding ten per cent; and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Company may become parties to promissory notes.

12. The said Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary or Treasurer of the Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the said President or Vice-President, or the Secretary or Treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Company may issue debentures chargeable on the railway.

13. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places, as the Directors from time to time may appoint and direct; and the payment to the Treasurer of the Company, or to any other person appointed for the purpose, by any *bond fide* purchaser of any of the lands in the fifth section of this Act mentioned of the purchase money thereof, and the acquittances by such Treasurer, or other person so appointed, of such purchase money shall operate as a discharge of such charge in respect of the lands so paid for; and until other provisions be made therefor, the Treasurer of such Company or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the Company; and the moneys so received shall be invested from time to time in Government securities or in the stock of some solvent and well established chartered bank in Canada, for the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity. The said bonds or debentures shall be signed by the President or Vice-President and Secretary or Treasurer, and shall have the corporate seal of the Company affixed thereto: Provided that the amount of such bonds or debentures shall not exceed seventeen thousand dollars per mile for the railway, and five hundred

Proviso for redemption.

Proviso: amount limited.

hundred thousand dollars for the bridge, to be issued in proportion to the extent of work under contract or to be constructed under and by virtue of this charter; and no such debenture shall be for a less sum than one hundred dollars.

14. The Directors of the said Company, elected by the shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company, for the purpose of making any branch or branches to facilitate a connection between the Company hereby incorporated and such other chartered railway company.

Arrangements with other companies as to connections.

15. It shall be lawful for the said Company to enter into any agreement with any other railway or railroad company or companies in the Dominion of Canada or in the United States of America for leasing to such company the said railway or any part or branch thereof, including the bridge, or for the use of the same at any time or times, or for any period; or for leasing or hiring from such other Company any railway or any part or branch thereof, or the use thereof at any time or times and for any period; or for leasing or hiring, as lessors or lessees, any locomotives, tenders, cars or other rolling stock or moveable property, under such sanction as hereinafterwards mentioned; and generally to make any agreement or agreements with any such other Company, touching the use by one or other, or by both Companies, of the railway or rolling stock or moveable property of either or both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and such leases, agreements and arrangements shall be valid and binding, and shall be enforced by all courts of law or equity, according to the tenor and effect thereof; or such other railway company may agree to loan its credit to or may subscribe to and become the owner of the whole or a part of the stock of the railway Company hereby incorporated, in like manner and with the like rights as individuals: Provided the said leases, agreements and arrangements have been first respectively sanctioned by the majority of votes at special general meetings of the shareholders called for the purpose of considering the same respectively, on due notice given as provided by "*The Railway Act, 1868.*"

Arrangements for leasing railway, &c.

Or for loan of credit.

Proviso.

16. Any deed of conveyance of land to the said Company may be in the form of Schedule A., to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same; and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immoveables therein mentioned to all intents and purposes; and the registration thereof shall be of the same effect as if such deed were executed before a notary; and for the purpose of due enregistration of the same, all the registrars in their respective counties are required to be furnished by, and at the expense

Form of conveyance of land.

expense of the said Company, with a book, with copies of the forms given in the said Schedule A. one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same, without any memorial, in the said book, and shall minute the enregistration or entry on the deed; and the registrar shall charge and receive, from the said Company for all fees on every such enregistration, fifty cents, and no more; and such enregistration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

Plans of any bridge, &c., to be submitted to Governor in Council for approval.

Navigation of river not to be obstructed unnecessarily by bridge.

Swing bridge.

Damages for neglect.

Examination of Bridge when completed.

Forfeiture of Act by non-user.

17. The said Company shall not commence the said bridge over the River St. Lawrence or any work thereto appertaining, until they shall have submitted to the Governor in Council plans of such bridge, and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the the said bridge and works shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that the said bridge shall be constructed so as not to obstruct the navigation of the said river, and the said bridge shall have one or more swing openings in the main channel of the river; which shall respectively be of the width of not less than eighty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river, and the said swing shall at all times during the season of navigation be opened when actually required for the passage of vessels, and shall otherwise be tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessels; and if at any time any steamboat or other vessel shall be detained through any fault or negligence of the Company or its servants, the Company shall be liable to pay the owners of such vessel or of the cargoes or freight thereof, all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions; and the Company may construct a swing bridge over the Beauharnois Canal at such point, and subject to such regulations as the proper officer shall prescribe.

18. The said bridge, when completed and ready for traffic, shall not be used for the passage of railway trains, until it shall have been examined, and its safety certified by such engineer as the Governor General shall appoint.

19. The powers given by this Act shall cease and determine unless the said railway shall be commenced within two years after the coming into force of this Act, and completed within eight years therefrom.

20. This Act shall be known and cited as the "Coteau and Province Line Railway and Bridge Act."

21. The power conferred by this Act to erect a bridge or bridges over or across the River St. Lawrence shall not be exercised by the Company until the Governor in Council has by Proclamation, declared that on, from and after a day to be therein named, such powers may be so exercised.

When only a bridge may be erected over river St. Lawrence.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A.B., in consideration of _____ paid to me by the Coteau and Province Line Railway and Bridge Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Coteau and Province Line Railway and Bridge Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this _____ day of _____ one thousand eight hundred and _____

Signed, Sealed and Delivered } A.B. (L.S.)
 in presence of }
 C.D.
 E.F.

CAP. LXXXIV.

An Act to amend the Act to incorporate the Queenston Suspension Bridge Company.

[Assented to 14th June, 1872.]

WHEREAS the Queenston Suspension Bridge Company have, Preamble.
 by their petition, alleged that their suspension bridge, built and constructed under the authority of their Act of incorporation, has been so seriously injured by storms that a large sum of money is required to restore it; and that for such restoration, and for the purpose of increasing the facilities of travel, it is necessary that the capital stock of the Company be increased to an amount not exceeding one million dollars; and the said Company have also prayed that power shall be granted for railway crossings and other railway arrangements, and for union or connection with railway companies, or for the sale of the bridge to railway or other companies either in Canada or in the United States of

12 V., c. 199.

of America; and it is expedient to grant the prayer of their petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Increase of capital.

1. The said Queenston Suspension Bridge Company may and are hereby authorized to increase their capital stock to an amount not exceeding one million dollars; and the same shall be divided into shares of one hundred dollars each.

Notice of general meeting to consider increase.

2. Whenever it is intended to ask authority from the shareholders to increase the capital stock of the Company to an amount not exceeding one million dollars, or to raise stock, scrip or bonds thereon, a notice of a general meeting of the shareholders for that purpose shall be given and inserted for at least two weeks prior to the time when such meeting takes place, in one or more newspapers published in the Town of St. Catherines and in the City of Toronto,

Bridge may be made a railway bridge.

3. The said Company shall have power, under the authority of this Act, to construct and maintain the said bridge as a railway bridge, and to work trains by steam, and otherwise to operate a railway over the said bridge for local passengers and freight traffic, and to connect such railway and the trains so running over it with any railways in the State of New York and in the County of Lincoln.

Company may make certain arrangements with any other company or companies.

4. It shall be lawful for the said Company to enter into any agreement with any railway company or companies in the Dominion of Canada, or in the United States of America, for the sale or leasing the said bridge, or the use thereof, at any time or times, or for any period, to such railway company or companies; or for leasing or hiring from such company or companies, any railway or part thereof or the use thereof; or for the leasing or hiring any locomotives, tenders, or moveable property; and generally to make any agreement or agreements with any such company or such companies, touching the use, by one, or the other, or others of the bridge or railway or railways or moveable property of either, or of any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway company or companies may agree for the loan of their credit to, or may subscribe to and become the owners of the stock of the Company created by the Act hereby amended, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and the Company, accepting any such lease as aforesaid, shall be and is empowered to exercise all the rights and privileges of the Company granting such lease: Provided always that any agreement for the sale of such bridge shall be approved by a majority of the shareholders of the said Bridge Company present by proxy or in person at any meeting of such shareholders specially

Effect of lease.

Proviso.

specially

specially called for such purpose, upon notice, for the time and to be published as in the second clause of this Act mentioned.

5. If the said bridge be sold by the said Company, the said sale shall include all the rights, privileges, powers and franchises conferred upon the said Company by this Act; and purchasers of the said bridge may exercise the same in the name of the said Company as fully and effectually to all intents and purposes as they could or might be exercised by the said Bridge Company.

Effect of sale of bridge.

6. When the said railway bridge is repaired and constructed and ready for traffic, all trains travelling on railways terminating at or near the Village of Queenston, or in the State of New York, shall have the right to pass over the said bridge (including the cars of any other railway company which may be brought over such railways), at corresponding tariff rates, for the persons and property transported, so that no discrimination in tariff rates for such transportation, shall be made in favor of or against any railway whose trains or business pass over the said bridge.

All railway companies to be on an equal footing as to passing over the said bridge.

7. In case of any disagreement, and as often as the same may arise, as to the rights of any railway company whose trains or business shall pass over the bridge hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by each of the companies between whom the disagreement shall have arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Province of Ontario upon application to such court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Arbitration in case of disagreement.

8. "The Railway Act, 1868," in so far as the same can be made applicable, is hereby incorporated with this Act, and shall form part thereof, and be construed therewith as forming one Act.

Railway Act to apply.

CAP. LXXXV.

An Act to amend an Act to incorporate the Detroit River Tunnel Company, and for other purposes.

[Assented to 14th June, 1872.]

WHEREAS, the Detroit River Tunnel Company have shewn by their petition,—

Preamble.

Firstly.—That the sum of one million dollars has been duly subscribed in the capital stock of the Company, and ten per centum

centum for the purposes thereof, paid and deposited in the Canadian Bank of Commerce, being one of the chartered banks of Canada; and that the works intended to be built have been commenced:

Secondly.—That by virtue of the provisions of an Act of the Legislature of the State of Michigan, entitled, "An Act to revise the Laws providing for the incorporation of Railroad Companies," approved April 18th, A.D. 1871, certain persons have been duly incorporated by the name of the Detroit River Railroad Tunnel Company with power to raise the sum of five hundred thousand dollars of capital by stock and also such further sum as may be deemed expedient by bonds, for the purpose of constructing a tunnel beneath the Detroit River, from the City of Detroit, by the most feasible and practicable route, within the State of Michigan, to a point in the dividing line between the United States and the Dominion of Canada:

Thirdly.—That the said Detroit River Tunnel Company are boring the drainage tunnel which they are empowered to construct, (as necessary and preliminary to the commencement of the tunnel for the passage of trains,) which is to be connected with the drainage tunnel which has been commenced by the Detroit River Railroad Tunnel Company:

Fourthly.—That when the progress or completion of the drainage tunnel shall have demonstrated that the tunnel for the passage of trains from the City of Detroit to some point at or near the Town of Windsor, in the County of Essex, can be accomplished (at no greater cost than the estimated earnings therefrom will make reasonable requital for the expenditure), it is intended to amalgamate the Detroit River Tunnel Company with the said Detroit River Railroad Tunnel Company, in pursuance of powers vested in both Companies by the legislatures which have respectively incorporated them:

Fifthly.—That the petitioners and the said Detroit River Railroad Tunnel Company are making arrangements to lease the tunnel to one or more railway companies, to secure a sum by way of rental not less than sufficient to meet the annual interest of the bonds which may be issued for the construction of the tunnel, including an annual sinking fund for their redemption, with the guarantee of such railway companies to the bond-holders for such application of the rental:

Sixthly.—That the issue of bonds, by the thirteenth section of an Act of the Parliament of Canada, passed at a session held in the thirty-third year of the reign of our Sovereign Lady Queen Victoria, entitled "An Act to incorporate the Detroit River Tunnel Company," is limited to the amount of instalments paid up on the subscribed share capital, while the right of the said Detroit River Railroad Tunnel Company to issue bonds, under the powers

powers derived from the Legislature of the State of Michigan, is unrestricted; and the petitioners have prayed that their powers may be modified so that the bonds which they may issue under the guarantee of the railway company or companies who may lease the tunnel and secure the rental for the payment of the bonds, shall not be limited to a sum equal to the amount of paid up capital:

And whereas The Great Western Railway Company have also shewn by their petition that they are stockholders in the Detroit River Tunnel Company, and, in pursuance of powers conferred upon them by the Act of Incorporation of the said Tunnel Company, are prepared to aid the work by the loan of their credit for the payment of the bonds and interest, to be issued by the Detroit River Tunnel Company or by the said tunnel companies when amalgamated:

And whereas it has been made to appear that confidence will be given to the bonds of the Detroit River Tunnel Company or of the amalgamated companies, which may be issued under the guarantee of the said Great Western Railway Company or other railway or railroad companies; and also that the powers for which prayer has been made will enable the petitioners to raise capital promptly and advantageously; and whereas it is expedient to grant the prayer of the said petition:

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

1. Notwithstanding anything provided in the thirteenth section of the said Act of the Parliament of Canada, restricting the issue of bonds in excess of the amount of the paid up instalments on share capital, the tunnel Company or the new corporation (if any amalgamation or consolidation shall have been made and perfected in accordance with the said Act) having leased to The Great Western Railway Company or any other railway or railroad companies, which have agreed for the loan of their credit for that object (by direct guarantee or traffic contract or otherwise), may issue bonds, which shall bear the credit or guarantee of the said railway or railroad company or companies, to an amount not exceeding threemillions of dollars, and shall have the same charge and effect upon the undertaking and property, and to the same extent as is secured by the said section.

Amount of bonds under sect. 13, of 33 Vic., c. 51, may be increased to \$3,000,000.

2. The said railway companies, being lessees, shall have the right to charge such fair compensation for the use of the tunnel by the railway or railroad company or companies, or by any Company using horse-power, whose business shall pass along and through it, as shall be found by experience requisite to enable them to pay, first—all the expense of keeping the works in repair, and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent. upon their capital stock, and

Railway Companies leasing the Tunnel may charge tolls to Companies using it.

and such additional sum as will furnish a sinking fund each year, not to exceed five per cent. of the amount of its bonded debt, for the purpose of gradually extinguishing the same; and deficiencies of toll in any one year may be charged and collected in any subsequent year.

Provision if such tolls shall not suffice to pay certain charges.

3. If the tolls collected shall not in any year have paid the amount which the railway companies shall have guaranteed, and the railway companies shall have had to pay the deficiency of rental, such deficiency shall be a debt due by the Tunnel Company (or the new corporation, in case of amalgamation or consolidation), to the railway companies, to be discharged thereafter with interest; or the said railway companies and the said Tunnel Company or the new corporation as aforesaid, may agree for the discharge of the said debt by the creation and issue of capital stock at such rates or prices as may be agreed on.

Short Title of 33 Vic., c. 51.

4. The Act passed in the session of Parliament, held in the thirty-third year of the reign of Her Majesty, and intituled "An Act to incorporate The Detroit River Tunnel Company," may be cited as "The Detroit Tunnel Act, 1870."

And of this Act.

5. This Act may be cited as "The Detroit Tunnel Act, 1872."

CAP. LXXXVI.

An Act to explain and amend the Sault St. Mary Railway and Bridge Act.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the Provisional Directors of the Sault St. Mary Railway and Bridge Company have by their petition represented that doubts exist as to the amount of capital which must under the said Act be subscribed and paid in, before the said Provisional Directors can call the first general meeting of the shareholders for the election of Directors, and have prayed for the passing an Act to remove such doubts; and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 9, 34 Vic. c. 50 repealed;

1. Section nine of the said "Sault St. Mary Railway and Bridge Act," is hereby repealed, and the following section substituted therefor, as the ninth section of the said Act:

New section substituted. First general

9. "When and so soon as one million dollars of the capital stock shall have been subscribed, and one-tenth of the amount so subscribed

scribed shall have been paid in, the said Provisional Directors, or a majority of the shareholders, may call a meeting of the shareholders at such time and place as they shall think proper,—giving at least two weeks' notice in one or more newspapers published in Toronto, Sault St. Mary and Bracebridge; at which said meeting, and at the annual meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect nine Directors, in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office till the first Tuesday in September in the year following their election.

meeting and
election of
Directors.

2. The said Company may accept assistance in money or debentures, or by the guarantee of their bonds or debentures by the other company or companies, from any railway company or companies in the Province of Ontario or the United States of America, with whom, under the fourth section of the Act hereby amended, the said Company is empowered to make running arrangements or to amalgamate; and for such assistance the said Company may grant to such other company or companies such security by mortgage, or in any other way, as the companies may agree upon.

Company may
accept
assistance
from other
Companies.

3. The Company may, under agreement, join with any other railway company, in constructing such portion of the line and the bridge, by the Act hereinbefore cited, authorized, as shall be common to both companies; and for that purpose may contribute out of its stock to such common railway and bridge;—and may issue joint debentures for any balance of the cost of construction thereof, creating such liens and charges thereon as shall be designated in such debentures; and may agree with such company as to the mode of using such common railway and bridge, and of building a second track thereon; and may make all requisite arrangements for the management of such common railway and bridge, and for subsequently dividing their property therein,—all such agreements and arrangements to be established from time to time by deed; which deed, however, shall have no force or effect until approved by the shareholders at a special meeting called for that purpose.

Company may
join any other
in construct-
ing works
common to
both.

Subject to
approval by
shareholders.

CAP. LXXXVII.

An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the Canada Southern Railway Company and the persons hereinafter named, Directors of the said Company, have petitioned for power to build a railway bridge across, or a tunnel under the River St. Clair, as may be found most suitable, at some point in the Township of Moore, in the County of Lambton, and for the incorporation of a Company for that purpose; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory

1. The River St. Clair railway bridge and tunnel is hereby declared to be a work for the general advantage of Canada.

Incorporation

2. Milton Courtright, of the City of Erie, in the State of Pennsylvania, John F. Tracy, of the City of Chicago, State of Illinois, Sidney Dillon, of the City of New York, William A. Thomson, of Queenston, in the Province of Ontario, Oliver S. Chapman, of the City of Canton, in the State of Massachusetts, Daniel Drew, of the City of New York, William L. Scott, of the City of Erie, John Ross, of the City of New York, and Benjamin F. Ham, of the said City of New York, together with such persons and corporations as shall under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The River St. Clair Railway Bridge and Tunnel Company;" and the said Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property as may be necessary for the purpose of constructing the said bridge or tunnel, or for the convenient using of the same, and also for the construction of such branch railway not exceeding three miles in length, as may be necessary to approach the said bridge or tunnel.

Corporate name and powers.

Railway Act incorporated.

3. "*The Railway Act, 1868*," is hereby incorporated with this Act, and shall form part hereof and be construed therewith as forming one Act.

Power to construct bridge or tunnel.

4. The Company hereby incorporated shall have full power under this Act to construct, maintain, work and manage a railway bridge across, or a tunnel under the River St. Clair, as may be found most suitable for railway purposes, from some point in the Township of Moore, in the County of Lambton, towards the City of St. Clair, in the State of Michigan.

5. The Company are hereby authorized to work trains by steam or horse power for local passengers and freight traffic between the State of Michigan and the County of Lambton, over the bridge or through the tunnel hereby authorized to be constructed, and to connect the said trains with other railways.

Power to work trains across bridge or tunnel.

6. The persons named in the second section are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act; and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking,—giving at least four weeks previous notice by advertisement in the “Canada Gazette,” of the time and place of their meeting to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Provisional Directors.

Stock books.

Plans and surveys.

7. No subscription of stock in the capital of the said Company shall be legal or valid, unless ten per centum shall have been actually and *bond fide* paid thereon within five days after subscription, into one or more of the chartered banks of Canada to be designated by the said Directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway bridge or tunnel, or upon the dissolution of the company from any cause whatever; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing who, in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway bridge or tunnel.

Subscriptions of stock and allotment.

8. All shareholders in the said Company whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the said Company and to vote in the same, and to be eligible to office in the said Company.

All shareholders to have equal rights.

9. The capital stock of the said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, with power to increase the same to one million of dollars.

Capital and shares.

Increase.

10. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bond fide* paid thereon and deposited in one or more of the chartered

First meeting of shareholders and election of officers.

chartered banks of Canada for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company at such time and place as they may think proper,—giving at least two weeks notice in the *Canada* and *Ontario Gazettes*; at which meeting the shareholders shall elect nine Directors from the shareholders possessing the qualifications hereinafter mentioned; which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

Annual
general
meeting.

11. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held at Amherstburgh or elsewhere, as may be appointed by by-law, on the first Wednesday in the month of June in each year; and two weeks previous notice thereof shall be given, by publication as provided in the last preceding section.

Qualification
of Directors.

12. No person shall be elected a Director of the said Company unless he shall be the holder and owner of at least forty shares in the stock of the said Company and shall have paid up all calls made thereon.

Calls.

Limited
liability.

13. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the Company beyond the amount unpaid on any stock held by him.

Power to
borrow
money and
mortgage
works.

14. It shall be lawful for the Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to borrow money to an amount not exceeding six hundred thousand dollars upon the corporate bonds of the said Company secured by a mortgage or mortgages upon all or any part of the property of the Company real and personal and then existing or at any time thereafter acquired, and upon all the rights, revenues and franchises of the Company; and such bonds may be for any term of years not exceeding thirty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the Directors at their marketable value.

Company may
become parties
to promissory
notes.

15. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company,
until

until the contrary be shown ; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note ; nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever : Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer or any promissory note intended to be circulated as money, or as the notes of a bank. Proviso.

16. The said Company shall not commence the said bridge or tunnel, or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridge or tunnel and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge or tunnel shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge or tunnel and works shall have been complied with ; nor shall any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose : Provided always that if a bridge is found more suitable than a tunnel, such bridge shall be constructed so as not materially to obstruct the navigation of the River St. Clair ; and the said bridge shall have two draws in the main channel of the river, which said draws shall each be of the width of one hundred and sixty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river ; and the said draws 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 otherwise be tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessels : from sundown until sunrise during the season of navigation suitable lights shall be maintained upon the said bridge to guide vessels approaching the said draws ; and for assisting the passage of any vessel through the said draws, the said Company shall at all times keep in readiness a steam tug suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the said draws respectively, whenever requested so to do by the officers of such vessels, without charge ; and the said Company shall be liable to pay the owners of any vessel, or the cargoes or freight thereof, all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions ; and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council. Plans to be submitted to the Governor for approval.
Proviso ; if bridge be decided on.
Draws.
Lights.
Steam tug.
Damages for neglect.
Regulations.

17. It shall be the duty of the said Company, during the construction of such bridge to put up and maintain, in the night time during the season of navigation, a good and sufficient light at each end of any coffer dam or pier which may be erected by Lights to be kept up during the construction of the Bridge.
the

Proviso : for consent of Governor to commencement of works.

the said Company, (the said light to be placed at least five feet above the said dam or pier), and also such buoys, during both day and night, as may be necessary for the guidance of persons navigating the said river: Provided always that before commencing the works of the said bridge or tunnel, or taking possession of any part of the beach or land covered with water or other property of the Crown, the Company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid; and provided also that the navigation of such river shall not be unnecessarily obstructed by such works.

Provision in case more land than it is required to keep has to be purchased.

18. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said bridge or tunnel, to purchase more land than is required for such stations or gravel pits or other purposes, the said Company may purchase, hold, use or enjoy such lands and also the right of way thereto (if the same be separated from their bridge or tunnel) in such manner, and for such purposes connected with the construction, maintenance or use of the said bridge or tunnel, as they may deem expedient; and shall sell and convey the same, or parts thereof, not permanently required for the use of the bridge.

Company may sell the same.

Agreements with Railway companies for lease of bridge or tunnel.

19. It shall be lawful for the said Company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge or tunnel, or the use thereof, at any time or times, or for any period, to such railway or railroad company or companies; or for leasing or hiring from such company or companies any railway or railroad or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, or moveable property; and generally to make any agreement or agreements with any such company or such companies touching the use by one or the other, or others, of the bridge or tunnel, or railway, or railways, or railroad, or railroads, or moveable property of either, or of any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway or railroad company or companies may agree for the loan of its credit to, or may subscribe to and become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof: and any company accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in this charter conferred.

All railway trains to be entitled to cross without preference.

20. When the said railway bridge or tunnel is completed and ready for traffic, all trains of all railways or railroads terminating at or near said bridge or tunnel or in the State of Michigan at

or near some point opposite the said bridge or tunnel, and now constructed or hereafter to be constructed, (including the cars of any other railway company which may be brought over such railways), shall have the right to pass over the said bridge or through said tunnel, at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad whose trains or business pass over the said bridge or through said tunnel.

21. In case of any disagreement, and as often as the same may arise, as to the rights of any railroad or railway whose trains or business shall pass through or over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators,—one to be appointed by the Company hereby incorporated, and another by the company with whom the disagreement shall have arisen, and a third, (who shall be some person experienced in railway affairs), by one of the superior courts of the Province of Ontario, upon application to such court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators, or a majority of them, shall be final: Provided that the terms of the said award shall not bind for a longer term than five years. Arbitration in case of disagreement.

22. It shall be lawful for the said Company to unite, amalgamate and consolidate its stock, property and franchises with the stock, property and franchises of any other company incorporated or which may be incorporated by the laws of the State of Michigan, one of the United States of America, for a similar purpose with this Company, and to enter into all contracts and agreements therewith necessary to such union and amalgamation, —and which said company shall be by the laws of the State of Michigan authorized to enter into such amalgamation or consolidation. Power of company to amalgamate with another or others.

23. The Directors of the Company hereby incorporated and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect; the name of the new corporation, the number and names of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation; and how and when and for how long Directors or other officers of such new corporation shall be elected, and when elections shall be held; with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the Proceedings in such case.
after

after management and working thereof: and such new corporation shall have power to consolidate or unite with either or any of the lines of railway, having powers of consolidation or union, connecting with the said bridge or tunnel, by the same means and to the same ends as the same may be consolidated by this Act.

Agreement to be submitted to stockholders for approval.

24. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof,—to be held separately for the purpose of taking the same into consideration: notice of the time and place of such meetings, and the object thereof, shall be given by written or printed notices addressed to each of the persons, in whose names at the time of giving such notice the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons, respectively, or addressed to them by mail at their last known post office address or place of residence; and also by a general notice to be published in a newspaper published in the County of Lambton, and in the City of Detroit, once a week for two successive weeks. At such meetings of stockholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote; and the said ballots to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State for the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan; and the said agreement shall from thence be taken and deemed to be the agreement and Act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

When amalgamation shall be deemed complete.

25. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided.

Property to be vested in the new corporation.

26. Upon the consummation of such Act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things

things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to, and vested in such new corporation, without further act or deed: *Provided, however,* that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired by such consolidation; and all debts, liabilities, and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it: *And provided also,* that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

27. The said new corporation shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing the work hereby authorized, and for the acquiring of the necessary real estate for the site thereof and approaches thereto, and to mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such corporation shall not at any time exceed the sum of one million two hundred thousand dollars.

28. At all meetings of the stockholders of the Company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the Directors of the said Company may also, at any meeting of the Board, vote by proxy, such proxy to be held by another Director: *Provided,* that no more than two proxies be held by one Director, of the other directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

29. One hundred thousand dollars of the stock of the said Company shall be paid in within two years; and the works shall be commenced within two years and completed within six years from the passing of this Act.

30. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of Michigan, incorporating any Company for objects similar to those contemplated by this Act, and of any Act of Congress of the United States conferring necessary powers in respect of the same, are filed in the Department of the Secretary of State for Canada; upon which the Governor in Council may by Proclamation order that from and after a day to be mentioned therein, this Act shall be of full force and effect: and this Act shall accordingly thenceforth have full force and effect.

CAP. LXXXVIII.

An Act to incorporate the Canada and New York Bridge and Tunnel Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS certain persons hereinafter named have petitioned for power to construct a bridge from some point between Fort Erie and Chippawa across the Niagara River to the State of New York, for railway purposes, and to connect the Province of Ontario and the State of New York by means of a tunnel under the said river, and for the incorporation of a company for that purpose; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The Canada and New York Bridge and Tunnel are and each of them is hereby declared to be a work for the general advantage of Canada.

Corporate name and powers.

2. The Honorable William McMaster, The Honorable John Carling, Donald McInnes, Joseph Price, William Ker Muir, George Lowe Reid, Æmilius Irving, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of The Canada and New York Bridge and Tunnel Company; and the Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property, as may be necessary for the purpose of constructing the said bridge and tunnel, or for the convenient using of the same, and also for the construction of such railway as may be necessary to connect the said bridge and tunnel with other railways which shall require railway communication by means thereof, with the State of New York.

Railway Act incorporated.

3. "*The Railway Act, 1868,*" is hereby incorporated with this Act, and shall form part thereof and be construed therewith as forming one Act.

Works of the company.

4. The Company hereby incorporated shall have full power under this Act to construct, maintain, work and manage a railway bridge across the Niagara river for railway purposes, and a tunnel under the said river for railway purposes, at some points between Fort Erie and Chippawa or below it in the county of Welland to the opposite side of the river in the State of New York; which undertakings are hereinafter designated and shall be understood by the expression "the works."

5. In the use of the said bridge or tunnel and approaches, the same regulations and rights in regard to the use of the said bridge or tunnel upon equal terms by all railway companies approaching said bridge or tunnel shall be enforced as are now incorporated in the Acts relating to the International Bridge Company.

Provisional
Directors and
their powers
and duties.

6. The persons named in the second section are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act; and may open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the "Canada Gazette" of the time and place of their meeting, to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Stock books
and plans.

7. No subscription of stock in the capital of the said Company shall be legal or valid, unless ten per centum shall have been actually and *bonâ fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, to be designated by the said Directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of the Company, or upon the dissolution of the Company for any cause whatever; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the building of the works hereby authorized to be constructed.

Ten per cent.
to be paid into
a chartered
bank.

Apportion-
ment if more
than is re-
quired be
subscribed;
exclusion of
inconvenient
persons.

8. All shareholders in the Company, whether British subjects or aliens or residents in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same; and to be eligible to office in the said Company.

Aliens may
hold stock.

9. The capital stock of the said Company shall be three millions of dollars, divided into thirty thousand shares of one hundred dollars each, with power to increase the same to four millions of dollars.

Capital and
shares.

Increase.

10. So soon as five hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bonâ fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company at such time and

First general
meeting.

Election of directors.

and place as they may think proper,—giving at least two weeks' notice in the "Canada Gazette;" at which meeting the shareholders shall elect seven Directors from the shareholders possessing the qualifications hereinafter mentioned; which Directors shall hold office until the next annual meeting of the shareholders as herein-after provided.

Annual general meetings.

11. The annual general meeting of the shareholders for the election of Directors and other general purposes, shall be held at Hamilton or elsewhere, as may be appointed by by-law, on the first Wednesday in the month of June in each year; and two weeks' previous notice thereof shall be given by publication, as provided by the last preceding section.

Qualification of Directors.

12. No person shall be elected a Director of the said Company unless he shall be the holder and owner of at least forty shares in the stock of the said Company, and shall have paid up all calls made thereon.

Calls: liability limited.

13. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the Company beyond the amount unpaid on any stock held by him.

Borrowing power of the company.

14. The Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, (but limited to the terms of this Act), shall have power to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first, and preferential claims and charges upon the undertaking and the property of the Company, real and personal, and then existing or at any time thereafter acquired, and upon all the rights, revenues and franchises of the Company; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof, upon the undertaking and the property of the Company as aforesaid; and such bonds may be sold or disposed of by the Directors at their marketable value:

Proviso: not to exceed \$3,000,000.

Provided however that the whole amount of such issue of bonds shall not exceed in all the sum of three million dollars, nor shall the amount of such bonds issued at any time be in excess of the amount of the paid-up instalments on its share capital: and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company, all holders of bonds 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.

Proviso: if interest be not paid.

15. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted, or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President, or Secretary and Treasurer of the Company, so making, drawing, accepting, or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the notes of a bank.

Company may be parties to notes, &c.

Proviso.

16. The said Company shall not commence the said works or any work thereunto appertaining until the Company shall have submitted to the Governor in Council plans of such works, and of all the intended works thereunto appertaining, nor until such plans and the site of such works shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said works shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that the said bridge shall be constructed so as not materially to obstruct the navigation of the Niagara river; and the said bridge shall have at least one draw in the main channel of the river, 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 otherwise be tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessel. From sundown until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels approaching the said draw; and for assisting the passage of any vessel through the said draw, the said Company shall at all times keep in readiness a steam tug suitable for towing vessels approaching the said draw, and shall tow all vessels through the said draw respectively whenever requested so to do by the officers of such vessels, without charge; and the said Company shall be liable to pay the owners of any vessel or of the cargoes or freight thereof, all damages they may

Plans of works to be approved by Governor in Council.

Proviso: for drawbridge.

Further proviso. Lights.

Steam tug for passing the draw.

Damages and regulations.

may respectively sustain by reason of any neglect of any of the foregoing provisions; and the use of such bridge shall be subject to such regulations as shall be from time to time approved by the Governor in Council.

Proviso: for light at night during construction.

17. It shall be the duty of the said Company, during the construction of such works, to put up and maintain in the night time, during the season of navigation, a good and sufficient light at each end of any coffer dam or pier which may be erected by the said Company,—the said light to be placed at least five feet above the said dam or pier, and also such buoys, during both day and night, as may be necessary for the guidance of persons navigating the said river: Provided always that before commencing the works, or taking possession of any part of the beach or land covered with water or other property of the Crown, the Company shall obtain the consent of the Governor in Council, or the Lieutenant Governor of Ontario in Council, as the circumstances may render necessary, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid: Provided the navigation of such river shall not be obstructed by such works.

Proviso: for approval by Governor in Council before commencing.

Punishment for damaging the works.

18. If any person wilfully or maliciously does, or causes to be done, any act or acts whatever, whereby the works, their lights, stations, works, machinery, fixtures or other appurtenances thereto shall be obstructed, impaired, weakened, destroyed or injured, or does any of the said acts to the injury of said tunnel, the person so offending shall forfeit to the said Company treble the amount of the damages sustained by means of such offence or injury,—to be recovered in the name of the Company, with costs of suit, by action of debt; and shall be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, by any court having cognizance of the offence.

Company may acquire other lands, &c.

19. Whenever it shall become necessary, for the purpose of procuring sufficient gravel pits, or other purposes for constructing, maintaining and using the said works, to purchase more land than is required for gravel pits or other purposes, the said Company may purchase, hold, use or enjoy such lands, and also the rights of way thereto, (if the same be separated from their works), in such manner, and for such purposes connected with the constructing, maintenance or use of the said works, as they may deem expedient; and shall sell and convey the same, or parts thereof, not permanently required for the use of the works.

Company may enter into agreements with other railway companies.

20. It shall be lawful for the said Company to enter into any agreement with the Great Western Railway Company or any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said works or for the use thereof, or any part thereof, at any time or times, or for any period, to such railway or

or railroad company, or companies; or for leasing or hiring from such company or companies, any railway or railroad, or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, steam vessels, or moveable property; and generally to make agreement or agreements with any such company or companies, touching the use, by one or the other or others, of the works, or railway or railways, or railroad or railroads, or moveable property of either, or of any of them, or any part thereof, or touching any service to be rendered by the one company or the other or others, and the compensation therefor: and the Great Western Railway Company or any such railway or railroad company or companies may agree for the loan of their credit to (by direct guarantee or traffic contract or otherwise), or may subscribe to and become the owners of the stock of the Company hereby created, in like manner, and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company accepting and executing such lease, shall be and is empowered to exercise all the rights and privileges by this Act conferred.

21. Notwithstanding any thing provided in the fourteenth section of this Act, restricting the issue of the bonds in excess of the amount of the paid up instalments on share capital, the Company (or the new corporation, if any amalgamation or consolidation shall have been made and perfected in accordance with this Act), having leased the works, or any portion thereof, to any railway or railroad companies, which have agreed for the loan of their credit, for that object, by direct guarantee or traffic contract, or otherwise, or taken stock in the Company,—may issue bonds, which shall bear the credit or guarantee of the said railway or railroad companies, to an amount not exceeding three millions of dollars, and shall have the same charge and effect upon the works, or such portion as shall be affected by such lease, guarantee, or contract, and to the same extent as is secured by the said section. Increase of debentures in case of union with other companies.

22. The said railway company being lessee, shall have the right to charge such fair compensation for the use of the works hereby authorized to be constructed, by the railway or railroad company or companies, or by any company using horse power, whose business shall pass along and through such works, as shall be found by experience requisite to enable them to pay,—first, all the expense of keeping the works in repair; and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent. upon the capital stock; and such additional sum as will furnish a sinking fund each year, not to exceed five per cent. of the amount of its bonded debt, for the purpose of gradually extinguishing the same: and deficiencies of toll in any one year, may be charged and collected in any subsequent year. Lessee company may collect tolls on the works leased to them.

If the tolls be deficient in any year.

23. If the tolls collected shall not in any year have paid the amount which the railway company or companies shall have had to pay as deficiency of rental, such deficiency shall be a debt due by the Company (or the new corporation, in case of amalgamation or consolidation) to the railway company or companies, to be discharged thereafter with interest; or the said railway company or companies and the Company or the new corporation as aforesaid, may agree for the discharge of the said debt by the creation and issue of capital stock at such rates or prices as may be agreed on.

Company may unite with any New York Company for like purposes.

24. It shall be lawful for the Company to unite, amalgamate and consolidate its, stock, property and franchises, with the stock, property and franchises of the New York and Canada Bridge and Tunnel Company, or of any other company incorporated or which may be incorporated by the laws of the State of New York, for a similar purpose with the Company hereby incorporated; and to enter into all contracts and agreements therewith, necessary to such union and amalgamation,—and which company shall be, by the laws of the State of New York, authorized to enter into such amalgamation or consolidation.

Directors may agree with any Company desiring to amalgamate.

25. The Directors of the Company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect; the name of the new corporation, the number and names of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation; and how, and when, and for how long, Directors and other officers of such new corporation shall be elected, and when elections shall be held,—with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations and the after management and working thereof; and such new corporation shall have power to consolidate or unite with either or any of the lines of railway having powers of consolidation or union, connecting with the said works, by the same means and to the same ends as the same may be consolidated by this Act.

Agreement to be submitted to shareholders, and approved by two-thirds of them.

26. Such agreement shall be submitted to the shareholders of each of the said corporations, at a meeting thereof, to be held separately, for the purpose of taking the same into consideration: notice of the time and place of such meetings and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the

books of such corporations, and delivered to such persons respectively, or addressed to them by mail, at their last known post office address or place of residence; and also by a general notice to be published in a newspaper published in the cities of Toronto and Hamilton, and in the city of Buffalo, once a week for two successive weeks. At such meetings of shareholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two thirds of the votes of all the shareholders of such corporations present in person or by proxy at such meetings shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations, under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the shareholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of Canada, and the other in the office of the Secretary of State of the State of New York; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Votes by
ballot.

Deposit or
agreement in
duplicate.

27. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated and to form one corporation by the name in the said agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein provided.

Effect of
agreement
when per-
fectcd.

28. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to and vested in such new corporation, without further act or deed: Provided however that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired by such consolidation; and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities, and duties had been incurred or contracted by it: And provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such

Property to be
vested in the
new Company.

Proviso: as to
rights of
creditors.

Proviso:
actions not to
abate.

action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Borrowing
power of new
Company.

29. The said new corporation shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing the works hereby authorized, and for the acquiring of the necessary real estate for the site thereof, and approaches thereto; and to mortgage its corporate property and franchises to secure the payment thereof,—but within the amount hereinbefore limited of three millions of dollars, and in manner and on the terms in the fourteenth and twenty-first sections of this Act provided.

Votes of
Shareholders.

30. At all meetings of the shareholders of the Company hereby incorporated each shareholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the Directors of the said Company may also, at any meeting of the Board, vote by proxy, such proxy to be held by another Director: Provided that no more than two proxies be held by one Director, of the other Directors; and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

And of Direc-
tors.

Quorum of
Directors.

Time limited
for subscrip-
tion; and com-
mencement
and comple-
tion of the
works.

31. Fifty thousand dollars shall be paid in within two years, and the works shall be commenced within three years, and completed within eight years, from the coming into force of this Act; but the Directors may keep separate capital and working accounts for any part of the said works, and the building of part of the said works hereby authorized to be constructed, shall not render obligatory the construction of the whole.

Conditions
preliminary to
the coming
into force of
this Act.

32. This Act shall have no force or effect in respect of the aforesaid bridge until duly certified copies of any Act passed by the Legislature of the State of New York, incorporating any company for objects similar, in respect of such bridge, to those contemplated by this Act, and of any Act of Congress of the United States, conferring necessary powers in respect of the same are filed in the Department of the Secretary of State of Canada; upon which the Governor in Council may, by Proclamation, order that on from and after a day to be mentioned therein this Act, to such extent as aforesaid, shall be of full force and effect; and this Act shall accordingly to such extent thenceforth have full force and effect.

CAP. LXXXIX.

An Act to incorporate the Pacific Junction Bridge Company.

[Assented to 14th June, 1872.]

WHEREAS the incorporation of a Company for the construction of a bridge across the Saint Marie River, at or near the village of Sault Ste. Marie, in the District of Algoma and Province of Ontario, has been petitioned for, and such construction would be of great advantage to the public: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Honorable William McMaster, Henry S. Howland, F. W. Cumberland, M.P., Honorable Frank Smith, Noah Barnhart, Colonel Francis C. Maude, C.B., W. H. Howland, Wm. F. McMaster, John Turner, John Moat, Humphrey Lloyd Hime, John Crawford, M.P., P. M. Grover, M.P., Hon. D. L. McPherson, James D. Edgar, William Alexander, Angus Morrison and William Gooderham, Junior, of Toronto, J. M. Williams, M.P.P., William McGiverin and Adam Brown, of Hamilton, Honorable James Skead and Edward McGillivray, of Ottawa, George W. Hamilton, M.P.P., of Montreal, T. Kelso and the Honorable Billa Flint, of Belleville, George A. Kirkpatrick, M. P., of Kingston, A. T. H. Williams, M. P. P. and A. Hugel, of Port Hope, J. D. Armour, Q. C., of Cobourg, T. D. McConkey, M. P. P. and W. D. Ardagh, M. P. P., of Barrie, S. C. Wood, M. P. P., of Lindsay, Colonel Wemyss Simpson, of Sault Ste. Marie, John MacIntyre, of Fort William, Honorable John Carling, of London, Anson G. P. Dodge, of Keswick, John McLeod, M.P.P., of Bowmanville and Thomas Marks, of Bruce Mines, and all such other persons as shall, under the provisions of this Act, become subscribers to or proprietors in the Company hereby intended to be incorporated, shall be and are hereby united into a Company, for constructing, maintaining, working and managing a bridge across the Saint Marie River, from some point at or near the village of Sault Ste. Marie, in the District of Algoma, according to the rules, orders, and directions of this Act and shall for that purpose be a body corporate and politic, by the name of the "Pacific Junction Bridge Company;" and the said Company shall be and they are hereby authorized and empowered from and after the passing of this Act, by themselves, their agents, officers, workmen and servants, to make and complete the bridge aforesaid; and to purchase, acquire and hold such real estate as is hereinafter mentioned, and from time to time to sell, alienate and dispose thereof, and to acquire other in lieu thereof, as may be requisite for the object aforesaid.

2. The capital of the said Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars

Preamble.

Certain persons incorporated.

Corporate name and general powers

Capital and shares.

May be increased.

Shares and shareholders.

Shares personal property.

Liability limited.

Manner of voting and qualification therefor.

Majority to determine.

Provisional Directors.

Powers. Stock books.

Surveys and plans, &c.

First meeting for election of Directors.

dollars each, with power from time to time to increase the said capital stock to one million dollars : such shares as aforesaid shall be and the same are hereby vested in the shareholders and their respective heirs, executors, administrators and assigns to their proper use and behoof, proportionately to the sums subscribed and paid by each of the shareholders respectively ; and according to the same proportion, each of the said shareholders respectively shall be entitled to have, receive and take their portions respectively in the net profits and income that may arise or accrue therefrom ; and the said shareholders respectively, may sell, transfer, give or alienate the shares held by them respectively, whensoever they respectively consider fit, subject however to the by-laws of the said Company, to be made by the Directors hereinafter mentioned and as hereinafter provided ; and the said shares shall be held personal estate, notwithstanding the conversion of any portion of the said capital stock into land ; and no shareholder shall be liable for the payment of any debt or obligation due by the said corporation, beyond the amount unpaid of the shares held by him in the same.

3. At all meetings of the said corporation each shareholder may vote by proxy, duly appointed in writing, or in person, and shall be entitled to one vote for each share held by him in his own name, or in the names or name of the person or persons of whom he may be the heir at law, or the proper legal executor, administrator or legatee, for at least one calendar month previous to the day of election ; and all questions proposed or submitted to the consideration of the said meetings shall be finally determined by the majority of such votes.

4. The persons named in the first section of this Act, with power to add to their number, shall be, and are hereby constituted Provisional Directors of the said Company, of whom nine shall be a quorum, and shall hold office as such until the first election of Directors under this Act ; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payment on account of stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same ; and to cause plans and surveys to be made, and to acquire any plans and surveys now existing ; and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking ; and to receive for the Company any grant, loan or bonus or gift made to it, in aid of the undertaking ; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the undertaking.

5. When and so soon as one-tenth part of the capital stock shall have been subscribed as aforesaid, and twenty per cent. of the amount so subscribed shall have been paid in, the said Directors, or a majority of them may call a meeting of shareholders at such time and place as they shall think proper—giving at least two weeks'

weeks' notice in one or more newspapers published at Toronto; at which said meeting, and at the annual meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five nor more than nine Directors, in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office till the first Tuesday in September in the year following their election.

6. On the said first Tuesday in September, and on the first Tuesday in September in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the shareholders of the Company; at which meeting the said shareholders shall elect a like number of not less than five nor more than nine Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more newspapers published in Toronto; and the election of Directors shall be by ballot, and the persons so elected shall form the Board of Directors: but no person shall be so elected unless he shall be the absolute owner of at least twenty shares of the stock of the Company upon which all calls made by the Company have been paid up.

Annual general meetings.

Notice.

Election of Directors by ballot.

Qualification for director.

7. The failure to hold the first annual general meeting or any other meeting, or to elect such Board of Directors, shall not dissolve the said corporation; but such failure or omission shall and may be supplied by and at any special meeting to be called as the said Directors may appoint for that purpose; and until such election of a new Board those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

Provision in case of failure of election.

8. The said Board shall have and be invested with full power and authority to conduct, manage and oversee and transact all and singular the concerns, affairs and business of the said corporation, and all matters and things whatever in anywise relating to or concerning the same, and amongst other things—

Powers of board of directors.

Firstly. To appoint and employ and remove all such engineers, agent or agents, servant or servants of the said corporation, as they may find from time to time expedient or necessary; and to regulate the duties and fix the salaries and wages of such agents and servants, and all the necessary expenditure for the management and working of the said corporation.

Appointment and removal of employees.

Secondly. To regulate the form of certificates of shares, and all matters relating to their transfer.

Certificates, &c., of shares.

Thirdly. To choose and acquire for and in the name of the said corporation, the requisite site for the construction of the said bridge and its dependencies, and to enter into the necessary arrangements

Choice of site and construction of bridge.

Agreement
with Michigan
Company.

rangements and agreements for the construction of the same; and during, upon and after its construction, to have the entire management and disposition thereof; and further to unite with any other company to be chartered by the people of the State of Michigan for a similar purpose, and to enter into all requisite contracts and agreements therewith.

Payment of
moneys.

Fourthly. To order the payment of any sum of money they may deem necessary for the purposes of this Act.

Contracting
of loans.

Fifthly. To contract a loan or loans for or in the name of the said corporation, not exceeding in the whole at any one time the sum of three hundred thousand dollars, upon such terms or at such rate of interest less than, equal to or greater than the legal rate, as may be agreed upon; and to pledge and mortgage the real and personal property of the said corporation for the payment of any such loan or interest.

Calls on
shares.

Sixthly. To make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them respectively, as the said Board shall find necessary, and, in the name of the said corporation, to sue for, recover, and get in all such calls, and to cause and declare such shares to be forfeited to the said corporation in case of non-payment of any such call, and in such way as they shall see fit to prescribe by any by-law: and an action of debt may be brought to recover any money due on any such call; and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the capital stock of the said corporation, and is indebted to the said corporation in the sum to which the call or calls amount (as the case may be, stating the number and amount of such calls) whereby an action hath accrued to the said corporation to recover the same from such defendant by virtue of this Act; and it shall be sufficient, to maintain such action, to prove by any one witness that the defendant at the time of making any such call was a shareholder in the number of shares alleged, and that any call sued for was made and notice thereof given in conformity with any such by-law prescribing such call; and it shall not be necessary to prove the appointment of the said Directors or any other matter whatsoever.

Recovery on
non-payment.

Allegations in
Declaration
when suit

What shall be
sufficient
proof.

Making of
by-laws.

Seventhly. To make the necessary by-laws in reference to the powers and duties imposed and conferred upon the said Board by this Act, and generally for the government and management of the said corporation, subject always to the provisions of this Act and of the laws of Canada, with power to the said Board to vary, alter, repeal or revive any of the said by-laws: Provided always nevertheless, that all such by-laws, rules or orders, and any such variation, alteration or repeal thereof, may be revived or disallowed at any general meeting of the said shareholders.

Subject to
approval by
general meet-
ing.

9. The said Board shall and may call and convene special and general meetings of the shareholders whenever it shall be necessary, and so often as shall be required, upon the requisition of at least five shareholders; and shall give the public notice hereinbefore mentioned of the holding of any such general special meeting; and shall, at each annual general meeting or at any special meeting to be called for that purpose, submit to the shareholders a clear and detailed statement of the affairs and the accounts of the said corporation, whereupon at such meeting the same shall be examined and audited; and, if any dividend upon the capital stock is thereupon to be made, the same shall at such meeting thereby be declared.

Board may call meetings at will.

Statement of affairs, &c., to be submitted at annual meeting

10. In the absence of the President and Vice President, at any meeting thereof, it shall be in the power of the Directors present to elect from among themselves a chairman for the time being, who, in addition to his own vote, shall, also, in case of an equal division of votes, have a casting vote at such meeting; and in the event of the death, resignation, continued absence, incapacity or disqualification of any member of the said Board, the shareholders shall, at a meeting to be called for that purpose as hereinbefore provided, choose a shareholder instead and in place of such member, and such shareholder, so chosen, shall form part of the said Board until the then next annual election.

Chairman at meeting.

Filling vacancy in Board.

11. The said corporation is hereby empowered to purchase, receive and hold such real estate, to the extent of ten acres in the whole, as may be necessary and convenient in accomplishing the object for which this charter is granted; and may, by their surveyors and engineers, enter upon such sites and locations and take possession of the same: all such sites and possessions shall be purchased of the owner or owners, at a price to be mutually agreed upon; or, in case of disagreement as respects the acquisition of the said lands, the several clauses of the Railway Act, with respect to "lands and their valuation," in so far as the same may be applicable to the objects of this Act, shall be incorporated herewith and form part of this Act, as if the same had been expressly set forth herein.

Corporation may hold real estate.

Railway Act to apply in certain cases.

12. The said Company shall not commence the said bridge, or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridge, and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose, touching the said bridge and works, shall have been complied with; nor shall any such plan be altered, nor deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that the said bridge shall be constructed so as not materially to obstruct the navigation of the river.

Bridge not to be commenced until plans have been approved by Governor in Council.

Proviso.

Bridge may be used by any Company.

13. The bridge to be built under the authority of this Act, across the River Ste. Marie, shall or may be used by any railway company on such terms as may be mutually agreed on; and in the event of dispute the terms shall be settled by arbitration,—each disputing party to select an arbitrator, and the two so chosen to select a third, a majority of whom shall decide. Should either disputing party after ten days demand in writing, neglect or refuse to appoint an arbitrator, then, upon application to the judge of the District of Algoma, accompanied by an affidavit of an officer of the company having appointed an arbitrator that the opposite party so refuses to appoint an arbitrator, the judge shall appoint an arbitrator for the party so refusing; and the use of said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council.

Judge of Algoma to appoint arbitrator in case party refuses to do so.

Regulations for use of Bridge.

Company may collect tolls.

14. Whenever the bridge authorized by this Act shall be completed for the passage of ordinary trains and carriages, the said Company may erect toll-gates, fix and collect rates of toll, and make such erections as the Directors may deem expedient to guard the entrance to the said bridge and prevent persons from entering upon or passing the same without paying such tolls: but no greater tolls shall be charged than shall have been previously sanctioned by the Governor in Council.

Subject to approval of Governor in Council.

May make agreements with any Michigan Company.

15. It shall be lawful for the said Company to unite with any other Company incorporated, or which may be incorporated, by the laws of the Dominion of Canada, or of the State of Michigan, one of the United States of America, for a similar purpose with the Company, and to enter into all contracts and agreements therewith necessary to such union.

May amalgamate with Michigan Company.

16. It shall be lawful for the Company to amalgamate and to consolidate its stock, property and franchises with the stock, property and franchises of any corporation now existing under the laws of the Dominion of Canada, or of the State of Michigan aforesaid, or hereafter to be incorporated under said laws, for the purpose of erecting and maintaining a bridge across the Ste. Marie River, at or near the village of Sault Ste. Marie, in the District of Algoma, to a point in said State of Michigan,—and which said Company shall be by the laws of the State of Michigan, authorized to enter into such amalgamation or consolidation, under the conditions and provisions and with the effects hereinafter provided.

Directors may make agreement of amalgamation.

17. The Directors of the Pacific Junction Bridge Company, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement, in duplicate, under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the Directors and other officers thereof, and who shall be the first Directors

Directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the corporations into that of the new corporation; and how, and when, and for how long Directors and other officers of such new corporation shall be elected, and when elections shall be held,—with such other details as they shall deem necessary to perfect such new organisation and the consolidation and amalgamation of the said corporations and the after management and working thereof.

18. Such agreement shall be submitted to the stockholders of each of the said corporations, at a meeting thereof, to be held separately, for the purpose of taking the same into consideration: notice of the time and place of such meetings, and the object thereof, shall be given by written or printed notices, addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively or addressed to them by mail, if their post office address shall be known to the secretaries of such corporations; and also by a general notice to be published, in a daily newspaper published in the city of Toronto, once a week for two successive weeks. At such meetings of stockholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the ballots to be cast in person or by proxy; and if three fourths of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations, under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon, shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan; and the said agreement shall, from thence, be taken and deemed to be the agreement and act of consolidation and amalgamation of the Pacific Junction Bridge Company and of such other corporation; and a copy of such agreement, so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Agreement to be submitted to stockholders of both corporations.

Notice of meeting.

Mode of voting

Three fourths of votes necessary for adoption.

Agreement to be filed in Canada and Michigan.

19. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and filing the said agreement as in the said section provided, the several corporations parties thereto, shall be deemed and taken to be consolidated and to form one corporation by the name in the agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided.

After consolidation corporations to form one corporation.

Property of consolidating corporations to be transferred to new corporation.

Rights of creditors to attach to new corporation.

Actions not to abate.

Capital stock of new corporation.

Liability of stockholders limited.

Directors primarily liable for excess of debt over capital.

Corporation may borrow and mortgage.

Mode of voting at meetings.

20. Upon the consummation of such act of consolidation, as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation, without further act or deed: Provided however that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired by such consolidation; and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them shall abate or be affected by such consolidation; but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

21. The capital stock of such new corporation shall be personal property, and no stockholder shall be liable for the payment of any debt or obligation due by the said corporation, except as provided in the next following section.

22. All the stockholders in the said new corporation shall be severally and individually liable, to an amount equal to the amount of the capital stock held by them respectively, to the creditors of such corporation, until the whole amount of its capital stock shall have been paid in; all payments on the capital stock of the companies so consolidated shall, for the purposes of this section, be deemed payments on the capital stock of the said new corporation; if the Directors of such new corporation shall contract debts for the said corporation, which, with the debts assumed by it by such act of consolidation, at any one time shall exceed the amount of its capital stock, they shall be primarily personally liable for such excess, and the stockholders shall be secondarily personally liable for such excess in the rates of their respective shares of stock.

23. The said new corporation shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing its bridge and for the acquiring of the necessary real estate for the site thereof and approaches thereto; and to mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such corporation shall not at any time exceed the sum of three hundred thousand dollars.

24. At all meetings of the stockholders of the Pacific Junction Bridge Company, or of the stockholders of such new corporation, each stockholder shall be entitled to cast one vote for each share of stock

stock held by him, and to vote either in person or by proxy; and the Directors of the said Company may also, at any meeting of the Board, vote by proxy, such proxy to be held by another Director.

25. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of Michigan incorporating any company for objects similar to those contemplated by this Act, and of any Act of Congress of the United States conferring necessary powers in respect of the same are filed in the Department of the Secretary of State for Canada; upon which the Governor in Council may by Proclamation order that from and after a day to be mentioned therein, this Act shall be of full force and effect; and this Act shall accordingly thenceforth have full force and effect.

Conditions preliminary to the coming into force of this Act.

26. If the said bridge be not commenced within five years and completed within seven years from the coming into force of this Act, the said corporation shall from thenceforth cease.

Forfeiture for non-user.

CAP. XC.

An Act to incorporate the St. Lawrence International Bridge Company.

[Assented to 14th June, 1872.]

WHEREAS it has been represented, that the greatly increasing trade of the Ottawa country renders it imperatively necessary that complete and uninterrupted communication should exist between Canada and the United States, and that to effect such object it is expedient that a bridge should be constructed across the River St. Lawrence from a point at or near the Town of Prescott or some other point in the County of Grenville, to or near the City of Ogdensburgh, in the State of New York, one of the United States of America; and certain persons hereinafter named (amongst others) have petitioned for an Act of incorporation for facilitating that object; and whereas it is expedient to grant the prayer of their 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 St. Lawrence International Bridge is hereby declared to be a work for the general advantage of Canada.

Declaratory.

2. This Act may be known and cited as "The St. Lawrence International Bridge Act, 1872."

Short title.

3. The words "the Company" shall mean "The St. Lawrence International Bridge Company."

Interpretation.

Railway Act
to apply.

4. "*The Railway Act, 1868*," is hereby incorporated, except as hereinafter mentioned, with this Act, and shall form part hereof; and the several provisions of "*The Railway Act, 1868*," applicable to a railway company, and to a railway, shall, except as varied by this Act, apply to the Company hereby incorporated, and to the bridge hereby authorized to be constructed. But the sections of "*The Railway Act, 1868*," headed "Highways and Bridges," "Fences," "Working of the Railway," "The Railway Committee," "General Provisions," "Application of Penalties," "Railway Fund," shall not apply hereto or be incorporated with this Act.

Ex ceptions,

Persons
incorporated,
&c.

5. Thomas Reynolds of the City of Ottawa, Esquire, Joseph Robinson, Thomas Robinson, Alexander Robert Eyre, and William Carter, respectively of the City of London, England, iron masters, Sir Hugh Allan of the City of Montreal, George Stephen and Donald Lorn Macdougall, of the City of Montreal, Esquires, William Perley, Henry Franklin Bronson, Levi Young, John R. Booth and Ezra Butler Eddy, Esquires, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the St. Lawrence International Bridge Company, and shall, as such, be invested with all the powers, privileges and immunities necessary to carry into effect the intention and objects of this Act, and of "*The Railway Act, 1868*," in so far as the last mentioned Act is applicable, and which are incident to such corporation.

Corporate
name and
general
persons.

Purposes of
the Company.
Bridge and
real estate.

6. The Company shall have full power and authority to build, construct, maintain, work and manage a bridge across the River St. Lawrence, from a point at or near the Town of Prescott or some other point in the County of Grenville, to or near the City of Ogdensburgh in the State of New York, one of the United States of America; and may purchase, acquire and hold real and personal property for the purposes thereof; and may from time to time sell, alienate and dispose thereof, and may acquire other real and personal estate in lieu thereof, as may be requisite for the object aforesaid, according to the provisions of "*The Railway Act, 1868*."

Capital and
shares.

7. The capital of the Company shall be one million dollars, divided into twenty thousand shares of fifty dollars each.

Provisional
Directors.

8. The said Thomas Reynolds, Joseph Robinson, Thomas Robinson, Alexander Robert Eyre, William Carter, Sir Hugh Allan, George Stephen and Donald Lorn Macdougall are hereby constituted the Board of Provisional Directors of the Company.

Their powers
and duties.

9. The Board of Provisional Directors of the Company shall hold office as such until the first election of Directors under this Act; and shall have power and authority to open stock books and procure subscriptions of stock for the undertaking,—giving at least four weeks' previous notice in the *Canada Gazette* and any newspaper

paper in the cities of Montreal and Ottawa, of the time and place of their meeting to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Plans and surveys.

10. No subscription of stock in the capital of the Company shall be legal or valid, unless ten per centum shall have been actually and *bond fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, to be designated by the said Directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of the Company, or upon the dissolution of the Company from any cause whatever; and the said Directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the objects of the Company.

Subscriptions and payment on subscribing

Apportionment if too much is subscribed.

11. All Shareholders in the Company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal right to hold stock in the Company, and to vote on the same, and to be eligible to office in the Company.

Aliens may hold stock and vote.

12. So soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent *bond fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the Directors or a majority of them, shall call a meeting of the shareholders of the Company at such time and place as they may think proper,—giving at least two weeks notice in the *Canada Gazette* and in any newspaper in the cities of Montreal and Ottawa; at which meeting the shareholders shall elect seven Directors from the shareholders possessing the qualifications hereinafter mentioned; which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided; and any Provisional Director may vote by proxy; and every Provisional Director shall be eligible for election as a Director; and four shall be the quorum of a Board of Directors.

First general meeting.

Election of directors.

13. Any railway company whose road now has, or shall hereafter have, a terminus at, or shall run its trains to or from any point at or near the said Town of Prescott, or other point in the County of Grenville, or the said City of Ogdensburgh, or shall run its

Railway Companies may lend the credit to the Company.

its trains in connection with any road having such terminus, or upon which trains are or shall be run to or from the localities aforesaid, may, with the consent of a majority of the shareholders of its stock, loan its credit to the corporation hereby created, or may subscribe to, or become the owner of the stock thereof, in like manner and with like rights as individuals; and any municipal corporation, either county, town, township or village, beneficially affected by or interested in the said bridge, and thereunto legally authorized, may also subscribe to, and become the owner of such stock, in the manner and with the rights aforesaid; or give any land or lands, or bonus or sum or sums of money towards the undertaking, subject to the provisions of the municipal laws in force in the Province of Ontario.

Aid by Municipal Corporations.

Annual general meetings.

14. The annual general meeting of the shareholders for the election of Directors and other general purposes, shall be held on the first Wednesday in June, in each year, at the City of Ottawa or elsewhere, as may be appointed by by-law; and two weeks previous notice thereof shall be given by publication, as provided in the ninth section.

Qualification of directors.

15. No person shall be elected a Director of the Company unless he shall be the holder and owner of at least fifty shares in the stock of the Company, and shall have paid up all calls made thereon.

Calls.

16. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the Company beyond the unpaid amount on any stock held by him.

Borrowing powers and bonds.

17. The power to borrow money conferred by the twelfth subsection of the seventh section of "*The Railway Act, 1868*," may be exercised by the Company in the issue of bonds under the seal of the Company, and made and signed by the President or Vice-President of the Company, and countersigned by the Secretary, and with or without coupons; and such bonds shall, without filing or registration or formal conveyance, or instrument of hypothec, mortgage or pledge, or filing or registration, be and be taken as an hypothec, mortgage and pledge, according to the rank and priority which may be therein mentioned, upon the railway and undertaking and the real and personal property, franchises, tolls and revenues of the Company then existing and thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders of bonds of the same issue, rank and priority upon the railway and undertaking and all and every the property of the Company hereinafore mentioned; and such bonds may be sold and disposed of by the Company at their marketable value: Provided that the sanction of the shareholders or a majority thereof, be first obtained at any special general meeting, called for carrying into effect the powers in this section contained.

Mortgages for securing bonds.

Bonds may be sold at marketable value. Provide.

18. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange, made, drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President or Secretary and Treasurer of the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the notes of a bank.

Bills of exchange and promissory notes.

Proviso.

19. The Company shall not commence the said bridge or any work thereunto appertaining until they shall have submitted to the Governor in Council plans of such bridge, and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge and works shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that the said bridge shall be constructed so as not materially to obstruct the navigation of the River St. Lawrence; and the said bridge shall have at least one draw across the main channel of the river, which said draw shall be of ample width to 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 otherwise be tended and moved at the expense of the Company, so as not to hinder unnecessarily the passage of any vessel. From sundown until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels approaching the said draw; and, for assisting the passage of any vessel through the said draw, the Company shall at all times keep in readiness a steam-tug suitable for towing the said vessels through the said draw, and shall tow all the said vessels through the said draw respectively, whenever requested so to do by the officers of such vessels, without charge; and the Company shall be liable to pay the owners of any vessel or of the cargo or freight thereof, all

Plans of bridge and works must be first approved by Governor in Council.

Proviso.

Drawbridges.

Lights and assistance through the draw.

Damages.

damages

damages they may respectively sustain by reason of any neglect of any of the foregoing provisions.

Notice before commencing the works.

20. The Company shall, three months before any steps are taken in erecting the piers of the said bridge, cause to be published in one of the public newspapers in the cities of Ottawa and Montreal, and in the County of Grenville, a notice in which shall be stated the particular location of the said bridge with reference to known landmarks, the number of its piers, the length and breadth of its piers, and the distances between them, the width in the clear, of the draw opening, and the entire length of the bridge from land to land, and its height above the water at ordinary stages; and a copy of this notice, the facts of which shall be verified by the oath of the engineer, signed by the President and Secretary of the Company, and acknowledged by them before a magistrate or notary public, shall be filed in the office of the Clerk of the Peace of the united counties of Leeds and Grenville.

Power to use highways, &c.

21. The Company shall have power to use any of the public highways for the construction and maintenance of the bridge or the works authorized by this Act, with the consent of the Municipal Council having jurisdiction over such highway; and the Company may enter upon and take beaches of the River St. Lawrence and lands covered with water, the property of the Crown, and erect coffer dams and such other works in the said river as may be necessary for the construction of such bridge: Provided the navigation of such river shall not be unnecessarily obstructed by such works. And it shall be the duty of the said Company during the construction of such bridge to put up and maintain in the night time during the season of navigation, a good and sufficient light at each end of any coffer dam or pier which may be erected by the said Company,—the said light to be placed at least five feet above the said dam or pier, and also such buoys during both day and night as may be necessary for the guidance of persons navigating the said river: Provided always that before commencing the works of the said bridge, or taking possession of any part of the beach or land covered with water, or other property of the Crown, the Company shall obtain the consent of the Governor in Council, who may impose such conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid.

Lights on piers, &c., during construction.

Proviso: as to beaches, &c.

As to extra land required by the Company.

22. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said bridge, to purchase more land than is required for such stations or gravel pits or other purposes, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their bridge, in such manner, and for such purposes connected with the constructing, maintenance or use of the said bridge, as they may deem expedient, and shall sell and convey the same, or parts thereof, not permanently required for the use of the bridge.

23. It shall be lawful for the Company to enter into any agreement with any railway company or companies in Canada, or in the United States of America, for leasing the said bridge, or the use thereof, at any time or time, or for any period, to such railway company or companies; or for leasing or hiring from such company or companies any railway, or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, steam vessels or moveable property; and generally to make any agreement or agreements with any such company or companies, touching the use, by one, or the other or others, of the bridge or railway or railways, or moveable property of either, or of any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway company or companies may agree for the loan of its credit by direct guarantee or traffic contract or otherwise to, or may subscribe to and become the owner of the stock of the Company hereby created, in like manner, and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company accepting and executing such lease, shall be and is empowered to exercise all the rights and privileges hereby conferred.

Agreements
with Railway
Companies,
&c.

24. When the said railway bridge is completed and ready for traffic, all trains of all railways or railroads terminating at or near the town of Prescott aforesaid, or in the State of New York, at or near some point opposite the said Town of Prescott, (now constructed, or hereafter to be constructed,) shall have the right to pass over the said bridge,—including the cars of any other railway company which may be brought over such railways,—at corresponding tariff rates, for the persons and property transported, so that no discrimination in tariff rates for such transportation, shall be made in favor of or against any railway whose trains or business pass over the said bridge.

No preference
to be given as
to right of
passage or
toll.

25. In case of any disagreement, and, as often as the same may arise, as to the rights of any railway whose trains or business shall pass over the said work hereby authorized to be constructed, the same shall be determined by arbitrators,—one to be appointed by the Company, and another by the company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the superior courts of the Province of Ontario, upon application to such court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Arbitration in
case of
difference.

Award and
its duration.

26. Whenever the said bridge is so completed as to admit of the passage of railway trains, the Company may erect such gates and fixtures to guard the entrance of such trains upon the bridge, as the said Directors may deem proper; and make such by-laws, rules

Toll-gate on
bridge.

rules and regulations, not inconsistent with the provisions of this Act, in relation to the use of the said bridge, its machinery, appurtenances, and approaches, by railway companies, their trains and carriages, as well as by passengers on foot or on horseback or in vehicles, and by vehicles of all kinds, as the Directors may think proper, and the tolls or charges therefor.

Punishment for attempting to pass without payment of tolls, &c.

27. If any person shall force, or attempt to force, any gate or guard of the said bridge, or the approaches thereto; or if any person shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the said bridge, its lights, stations, works, machinery, fixtures or other appurtenances thereto, or any part thereof, or any work or approach appertaining thereto, shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the Company treble the damages sustained by means of such offence or injury,—to be recovered in the name of the Company, with costs of suit, by any proper action for that purpose; and shall moreover be guilty of a misdemeanor, and be punished by fine or imprisonment or both, by any court or justice having cognizance of the offence.

Amalgamation with Companies in New York.

28. It shall be lawful for the Company to unite, amalgamate and consolidate its stock, property and franchises, with the stock, property and franchises of any company, incorporated or which may be incorporated by the laws of the State of New York, one of the United States of America, or by the Congress of the United States, for a similar purpose with the Company, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation,—and which said company shall be, by the laws of the State of New York or of Congress, authorized to enter into such amalgamation or consolidation.

Agreement for amalgamation.

29. The Directors of the Company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect; the name of the new corporation; the number and names of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation; and how, and when, and for how long, Directors and other officers of such new corporation shall be elected, and when elections shall be held,—with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations and the after management and working thereof: and such new corporation shall have power to consolidate or unite with either or any of the lines of railway having powers of

Its terms and effect.

of consolidation or union, connecting with the said bridge, by the same means and to the same ends as the same may be consolidated by this Act.

30. Such agreement shall be submitted to the shareholders of each of the said corporations at a meeting thereof, to be held separately, for the purpose of taking the same into consideration: notice of the time and place of such meetings and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail, at their last known post office address or place of residence; and also by a general notice to be published in a newspaper published in the County of Grenville, and in the Cities of Ottawa and Montreal, once a week for two successive weeks. At such meetings of shareholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote,—and the said ballots to be cast in person or by proxy; and if two thirds of the votes of all the shareholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of Canada, and the other in the office of the Secretary of State of the State of New York; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Agreement must be confirmed by shareholders.

Votes.

When to be filed of record

31. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated and to form one corporation by the name in the said agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein provided.

Effect of amalgamation.

32. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, subscriptions, and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to, and vested in such new corporation,

Further provision as to such effect.

Proviso: as to
creditors of
either
Company.

corporation, without further act or deed: Provided however that all rights of creditors, and all liens upon the property of either of such corporations, shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it: and provided also that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation; but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Borrowing,
powers of
amalgamated
Company.

33. The said new corporation shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing the works hereby authorised, and for the acquiring of the necessary real estate for the site thereof, and approaches thereto, and may mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such corporation shall not at any time exceed the sum of three million dollars; and the power under this section may be exercised as prescribed by the seventeenth section of this Act,—which said section shall apply to all sums of money to be borrowed by such new corporation, and the rank or priority of the bonds and coupons thereof.

Proviso.

One vote for
each share.

34. At all meetings of the shareholders of the Company hereby incorporated each shareholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the Directors of the Company may also, at any meeting of the Board, vote by proxy,—such proxy to be held by another Director: Provided that no more than two proxies be held by one Director, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Proxies.

Quorum.

Commence-
ment and
completion of
the work.

35. The work shall be commenced within three years, and completed within six years, from the coming into force of this Act.

Conditions
preliminary to
the coming in
to force of
this Act.

36. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of New York, incorporating any company for objects similar to those contemplated by this Act, and of any Act of Congress of the United States conferring necessary powers in respect to the same, are filed in the Department of the Secretary of State of Canada; upon which the Governor in Council may, by Proclamation, order that on, from and after a day to be mentioned therein, this Act shall be of full force and effect, and this Act shall accordingly thenceforth have full force and effect.

CAP. XCI.

An Act to incorporate the Detroit River Railway Bridge Company.

[Assented to 14th June, 1872.]

WHEREAS the Canada Southern Railway Company, and the Preamble.
 persons hereinafter named, Directors of the said Company, have petitioned for power to build a railway bridge across the Detroit River, at some point near the town of Amherstburgh in the County of Essex and for the incorporation of a company for that purpose; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Detroit River bridge is hereby declared to be a work Declaratory.
 for the general advantage of Canada.

2. Milton Courtright, of the City of Erie, in the State of Certain persons incorporated.
 Pennsylvania, John F. Tracy, of the City of Chicago, State of Illinois: Sidney Dillon of the City of New York, William A. Thomson, of Queenston in the Province of Ontario; Oliver S. Chapman, of the City of Canton, in the State of Massachusetts; Daniel Drew, of the City of New York; William L. Scott, of the City of Erie; John Ross, of the City of New York, and Benjamin F. Ham, of the said City of New York, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the Corporate name and general powers.
 name of "The Detroit River Railway Bridge Company;" and the said Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property as may be necessary for the purpose of constructing the said bridge, or for the convenient using of the same, and also for the construction of such branch railway, not exceeding three miles in length, as may be necessary to approach the said bridge.

3. "*The Railway Act, 1868*," is hereby incorporated with this Act, Railway Act to form part of this Act.
 and shall form part thereof, and be construed therewith as forming one Act.

4. The Company hereby incorporated shall have full power Power to construct Bridge
 under this Act to construct, maintain, work and manage a railway bridge across the Detroit River for railway purposes, from some point at or near the Town of Amherstburgh in the County of Essex, towards the Island of Grosse Isle in the State of Michigan, in the United States of America.

Power to work trains over the Bridge, and into Amherstburgh

5. The Company are hereby authorised to work trains by steam or horse power for local passengers and freight traffic between the State of Michigan and the County of Essex, over the bridge hereby authorised to be constructed, and to connect the said trains with other railways; and, by rails or otherwise, to work the said trains into the Town of Amherstburgh and within its corporate limits.

Provisional Directors.

6. The persons named in the second section are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act; and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking,—giving at least four weeks previous notice by advertisement in the "Canada Gazette," of the time and place of their meeting to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Their powers.

Subscriptions of Stock.

7. No subscription of stock in the capital of the said Company shall be legal or valid, unless ten per centum shall have been actually and *bonâ fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada,—to be designated by the said Directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway bridge, or upon the dissolution of the Company from any cause whatever; and the said Directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and, if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the building of the said railway bridge.

Directors may exclude objectionable subscribers.

And allocate surplus Stock.

All shareholders to have equal rights.

8. All shareholders in the said Company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Capital.

9. The capital stock of the said Company shall be five hundred thousand dollars divided into five thousand shares of one hundred dollars each, with power to increase the same to one million of dollars.

10. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent *bonâ fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company at such time and place as they may think proper,—giving at least two weeks notice in the *Canada and Ontario Gazettes*; at which meeting the shareholders shall elect nine Directors from the shareholders possessing the qualifications hereinafter mentioned; which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

First meeting of Shareholders.

Election of Directors.

11. The annual general meeting of the shareholders for the election of Directors and other general purposes, shall be held at Amherstburgh or elsewhere, as may be appointed by by-law, on the first Wednesday in the month of June in each year; and two weeks previous notice thereof shall be given by publication, as provided in the last preceding section.

Annual general meeting and election.

12. No person shall be elected a Director of the said Company unless he shall be the holder and owner of at least forty shares in the stock of the said Company, and shall have paid up all calls made thereon.

Qualification of Directors.

13. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the Company beyond the amount unpaid on any stock held by him.

Callson shares.

Liability limited.

14. It shall be lawful for the Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to borrow money to an amount not exceeding six hundred thousand dollars upon the corporate bonds of the said Company, secured by a mortgage or mortgages upon all or any part of the property of the Company real and personal and then existing or at any time thereafter acquired, and upon all the rights, revenues and franchises of the Company; and such bonds may be for any term of years not exceeding thirty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the Directors at their marketable value.

Power to issue Bonds.

Mortgage.

15. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted, or endorsed, by the President or Vice-President

Company may become parties to Notes.

Form.

dent of the said Company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President, or Secretary and Treasurer of the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: **Provido.** Provided always that nothing in this section shall be construed to, authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the notes of a bank.

Plans, &c., to be submitted to Governor in Council for approval.

Navigation of River not to be obstructed unnecessarily by Bridge.

Draws in Bridge.

Lights.

Steam-tug.

No charge for towage.

Damages for neglect.

Maintenance of lights on coffer dams, &c.

16. The said Company shall not commence the said bridge or any work thereunto appertaining until the Company shall have submitted to the Governor in Council plans of such bridge, and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose, touching the said bridge and works, shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that the said bridge shall be constructed so as not materially to obstruct the navigation of the Detroit River: and the said bridge shall have two draws in the main channel of the river, which said draws shall each be of the width of one hundred and sixty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draws 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 otherwise be tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessel. From sundown until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels approaching the said draws; and for assisting the passage of any vessel through the said draws, the said Company shall at all times keep in readiness a steam-tug suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the said draws respectively, whenever requested so to do by the officers of such vessels, without charge; and the said Company shall be liable to pay the owners of any vessel or of the cargoes or freight thereof, all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions; and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council.

17. It shall be the duty of the said Company during the construction of such bridge to put up and maintain in the night time during

during the season of navigation, a good and sufficient light at each end of any coffer dam or pier which may be erected by the said Company,—the said light to be placed at least five feet above the said dam or pier, and also such buoys during both day and night as may be necessary for the guidance of persons navigating the said river: Provided always that before commencing the works of the said bridge, or taking possession of any part of the beach or land covered with water or other property of the Crown, the Company shall obtain the consent of the Governor in Council; who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid, provided the navigation of such river shall not be unnecessarily obstructed by such work.

Buoys.

Proviso:
Consent of
Governor in
Council
required be-
fore com-
mencing.

18. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said bridge, to purchase more land than is required for such stations or gravel pits, or other purposes, the said Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their bridge, in such manner, and for such purposes connected with the constructing, maintenance or use of the said bridge, as they may deem expedient, and shall sell and convey the same, or parts thereof, not permanently required for the use of the bridge.

Sale of land
not required
by Company.

19. It shall be lawful for the said Company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge, or the use thereof, at any time or times, or for any period, to such railway or railroad company or companies; or for leasing or hiring from such company or companies, any railway, or railroad, or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or moveable property; and generally to make any agreement or agreements with any such company or such companies, touching the use, by one or the other or others of the bridge, or railway or railways, or railroad or railroads, or moveable property of either or of any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway or railroad company, or companies may agree for the loan of its credit to, or may subscribe to and become the owner of the stock of the Company hereby created, in like manner, and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any Company accepting and executing such lease, shall be and is empowered to exercise all the rights and privileges in this charter conferred.

Company
may lease
Bridge,

or hire Rail-
way,

or Rolling
Stock,
or make
agreement
for use.

Railway Com-
panies may be-
come Stock-
holders, &c.

20. When the said railway bridge is completed and ready for traffic, all trains of all railways or railroads terminating at or

Tariff rates to
be same for all
Railways.

near

passing over
Bridge.

near the Town of Amherstburgh aforesaid, or in the State of Michigan, at or near some point opposite the said Town of Amherstburgh, now constructed, or hereafter to be constructed, (including the cars of any other railway company which may be brought over such railways), shall have the right to pass over the said bridge, at corresponding tariff rates, for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad, whose trains or business pass over the said bridge.

Arbitrators
in case of dis-
agreement.

21. In case of any disagreement, and, as often as the same may arise, as to the rights of any railroad or railway whose trains or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators,—one to be appointed by the Company hereby incorporated, and another by the company with whom the disagreement shall have arisen, and a third, (who shall be some person experienced in railway affairs), by one of the superior courts of the Province of Ontario upon application to such court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Award to be
final:
Proviso.

Power to unite
with a Michi-
gan Company.

22. It shall be lawful for the said Company to unite, amalgamate and consolidate its stock, property and franchises, with the stock, property and franchises of The Detroit River Railroad and Bridge Company, or of any other company incorporated, or which may be incorporated by the laws of the State of Michigan, one of the United States of America, for a similar purpose with the Company hereby incorporated, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation,—and which said company shall be, by the laws of the State of Michigan, authorized to enter into such amalgamation or consolidation.

Power granted
to Directors to
enter into
agreement
with Michigan
Company, and
regulate de-
tails.

23. The Directors of the Company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect; the name of the new corporation; the number and names of the Directors, and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation; and how, and when, and for how long, Directors and other officers of such new corporation shall be elected, and when elections shall be held,—with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and work-
ing

ing thereof; and such new corporation shall have power to consolidate or unite with either or any of the lines of railway having powers of consolidation or union, connecting with the said bridge, by the same means and to the same ends as the same may be consolidated by this Act.

New Corporation may unite with any connecting lines of Railway.

24. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof, to be held separately, for the purpose of taking the same into consideration. Notice of the time and place of such meetings and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail, at their last known post office address or place of residence; and also by a general notice to be published in a newspaper published in the County of Essex and in the City of Detroit, once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Agreement to be submitted to stockholders of each corporation.

Notice to be given.

Voting on agreement.

If adopted, agreement to be filed with Secretary of State of Canada, and with the Secretary of State of Michigan.

25. Upon the making and perfecting of the said agreement and Act of consolidation as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein provided.

Powers of consolidated corporation.

26. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, subscriptions, and other debts due on whatever account, and other things

Property and rights of several corporations to be transferred to and vested in in

new corpora- in action belonging to such corporations, or either of them, shall
 tion. be taken and deemed to be transferred, to and vested in such new
 corporation, without further act or deed: Provided however that
 Rights of all rights of creditors and all liens upon the property of either of
 creditors pro- such corporations shall be unimpaired by such consolidation, and
 tected. all debts, liabilities and duties of either of the said corporations
 shall thenceforth attach to the new corporation, and be enforced
 And rights of that no action or proceeding, legal or equitable, by or against the
 suitors. said corporations so consolidated, or either of them, shall abate or
 be affected by such consolidation; but for all the purposes of such
 action or proceeding such corporation may be deemed still to
 exist, or the new corporation may be substituted in such action
 or proceeding in the place thereof.

New corpora- **27.** The said new corporation shall have power, from time to
 tion may time, to borrow such sums of money as may be necessary for con-
 negotiate structing and completing the work hereby authorized, and for the
 loans, &c. acquiring of the necessary real estate for the site thereof, and ap-
 proaches thereto, and to mortgage its corporate property and
 franchises to secure the payment thereof; but the principal of the
 Mortgage debt mortgage debt of such corporation shall not at any time exceed the
 limited. sum of one million two hundred thousand dollars.

Mode of voting **28.** At all meetings of the stockholders of the Company hereby
 at all meetings. incorporated, each stockholder shall be entitled to cast one vote
 for each share of stock held by him, and to vote either in person
 or by proxy; and the Directors of the said Company may also, at
 any meeting of the Board, vote by proxy,—such proxy to be held
 by another Director: Provided that no more than two proxies be
 held by one Director, of the other Directors, and not less than four
 Directors shall be present in person at any meeting of the Board
 of Directors for the transaction of business.

Limitation **29.** One hundred thousand dollars shall be paid in within two
 clause. years, and the works shall be commenced within two years, and
 completed within six years, from the passing of this Act.

Conditions to **30.** This Act shall have no force or effect until duly certified
 be observed copies of any Act passed by the Legislature of the State of
 before this Michigan incorporating any company for objects similar to those
 Act shall be contemplated by this Act, and of any Act of Congress of the
 in force. United States, conferring necessary powers in respect to the same,
 are filed in the Department of the Secretary of State of Canada;
 upon which the Governor in Council may by Proclamation order
 that from and after a day to be mentioned therein, this Act shall
 be of full force and effect; and this Act shall accordingly thence-
 forth have full force and effect.

CAP. XCII.

An Act to amend the Act of Incorporation of the Caughnawaga Ship Canal Company.

[Assented to 14th June, 1872]

WHEREAS the Caughnawaga Ship Canal Company have Preamble. represented, by their petition, the necessity of extending the time for the commencement and completion of said canal, and for a larger issue of debentures or bonds of the Company, in proportion to its capital stock; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The time for the commencement of the works of the said Caughnawaga canal shall be extended for a period of two years from the time of the passing of this Act; and the time for its completion shall be also extended to five years from the passing of this Act, notwithstanding anything in the said Act of incorporation as to the time of commencement and completion of the said canal. Time of commencement extended.

2. The said Company may from time to time lawfully borrow, either in Canada, or elsewhere, such sum or sums of money as they may find expedient; and may make the bonds, debentures, or other securities they shall grant for the sums so borrowed payable either in currency or in sterling, and at such place or places within or without this Dominion, as they may deem advisable; and may mortgage or pledge the lands, tolls, revenues or other property of the said Company for the due payment of the said sums, and the interest thereon: and the said Company may issue debentures in sums of not less than four hundred dollars currency, at not less than twelve months: Provided always that the sum or sums so borrowed, together with the sum or sums raised by stock or subscription, shall not at any time exceed the sum of five millions of dollars, notwithstanding anything in the said Act incorporating the Caughnawaga Ship Canal Company. Power to company to borrow money. Proviso: amount limited.

CAP XCIII.

An Act to amend the Act of incorporation of the Ontario and Erie Ship Canal Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the Ontario and Erie Ship Canal Company have represented, by their petition, the necessity of extending the time for the commencement and completion of the said canal, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Time for commencement of the work extended.

1. The time for the commencement of the works of the Ontario and Erie Ship Canal shall be extended for a period of two years from the time of the passing of this Act; and the time for its completion shall be also extended to five years from the passing of this Act,—notwithstanding anything in the said Act of incorporation as to the time of commencement and completion of the said Canal, and although the time prescribed by the said Act for its commencement should have expired before the passing of this Act.

CAP. XCIV.

An Act to incorporate the Gananoque and Wiltsie Navigation Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS an Act was passed by the legislature of the late Province of Upper Canada, in the sixth year of the reign of His late Majesty King William the Fourth, intituled "*An Act to incorporate certain persons under the style and title of the Gananoque and Wiltsie Navigation Company*;" and whereas the persons hereinafter named and others have, by their petition, represented that the improvements authorized by the said Act were not carried into effect, and that they are desirous that the powers thereby conferred may be revived and extended, so as to empower them to improve the navigation of the rivers Gananoque and Wiltsie, and the adjacent waters extending to the Rideau Canal; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. David Ford Jones, Samuel McCammon, Joshua Legge, Junr., Henry Green, Reuben P. Colton, Robert Byers, Peter Green, W. Webster, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the "Gananoque and Wiltsie Navigation Company."

Incorporation
and corporate
name.

2. The said Company shall have power to explore the country through which the Gananoque and Wiltsie Rivers now run, and the waters adjacent thereto leading to the Rideau Canal, and to construct such works as may be necessary to improve the navigation thereof, and to form a continuous navigation from the Rideau Canal to the River St. Lawrence; or, at their option, to connect any points on the said line of navigation by means of one or more short rail or tramways, which said works are hereby declared to be for the general advantage of Canada.

Powers of
Company.

3. The capital stock of the said Company shall be fifty thousand dollars, to be held in shares of twenty dollars each; and the shares of the said capital stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same to any other person or persons; but no assignment or transfer shall be valid and effectual, unless it be made with the consent of the Directors, and registered in the books to be kept by the said Company for that purpose.

Capital stock
and shares.

Transfer
of shares.

4. David Ford Jones, Thomas Cornett, William Webster, Joshua Legge, Junr., Henry Green, Reuben P. Colton, and William Johnston are hereby constituted a board of Provisional Directors of the said Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders; and shall have power and authority to fill vacancies occurring therein; to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers; to cause surveys and plans to be made and executed; and to call a general meeting of shareholders for the election of other Directors as hereinafter provided. The said Directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said Company, and all parties subscribing to the capital stock of the said Company shall be considered proprietors and partners in the same.

Provisional
Directors and
their powers.

5. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, and one-tenth of the amount so subscribed paid in, the said Directors or a majority of them, may call a meeting of shareholders at such time and place as they shall think proper,—giving at least two weeks' notice in one or more newspapers published at Gananoque; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present either in person or by proxy, shall elect not less than three, nor more than seven

First general
meeting.

seven

Election of directors.

seven Directors (as may be provided by by-law), in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office until the first Tuesday in February in the year following their election.

Annual general meeting and election.

6. On the said first Tuesday in February in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the shareholders of the Company; at which meeting the said shareholders shall elect a like number of not less than three nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more newspapers in the village of Gananogue, and the election for Directors shall be by ballot, and the persons so elected shall form the Board of Directors: Provided however that no person shall be elected a Director unless he shall be the holder and owner of at least five shares of the said Company and shall have paid up all calls upon the stock.

Notice of.

Qualification of Directors.

Company may borrow and grant bonds, debentures and mortgages.

7. The said Company may from time to time lawfully borrow, either in Canada or elsewhere, such sum or sums of money as they may find expedient, and may make the bonds, debentures or other securities, they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places within or without this Dominion, as they may deem advisable; and may mortgage or pledge the lands, tolls, revenues or other property of the said Company for the due payment of the said sums and the interest thereon; and the said Company may issue debentures, in sums of not less than one hundred dollars currency, at not less than twelve months: Provided always that the sum or sums so borrowed, shall not at any time exceed the sum of twenty-five thousand dollars.

Proviso: amount limited.

Plans, &c., to be submitted to Governor in Council and approved before commencing work, &c.

8. Before the said Company shall break ground or commence the construction of the above mentioned works, the plans, location and all necessary particulars of the same shall have been submitted to and received the sanction of the Governor in Council: Provided always that the said Company shall, at their own cost and charges, make and maintain such works as may be necessary to secure the safest and most prompt working of the trains upon any line of railway that their works may intersect; that the charges of watching any such works shall be paid for by the Navigation Company; that all works rendered necessary by the intersection of any lines of railway shall be submitted by the companies owning the said railway lines, and approved of by the Governor General in Council before being commenced; and that full and proper compensation shall be made to the railway companies for the injury and damage done to their lines by such intersection.

Duty of Company as to intersecting railways.

Right of entry on lands for survey, &c.

9. For the purposes of this Act, the said Company, their deputies, servants, agents and workmen, are hereby authorized and

and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate or collegiate, or communities or persons whatsoever; and to survey and take levels of the same, or any part thereof; and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said works hereby authorized; and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended works; and to dig, cut, trench, get, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand or any other matters or things which may be dug or got in the making of any canal, or in deepening or improving the navigation of any river or rivers, lake or lakes, in connection with and forming part of the intended navigation, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said works, or which may hinder or obstruct the making, completing, and using the same; and the same to lay in or upon the boundaries of any canal, river and lake forming portions of the said navigation, or in and upon the land of any other person or persons adjoining thereto; and also to make, build, erect and set up in and upon the said navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges and other ways, roads and works, as the said Company shall think requisite and convenient for the purpose of the said navigation; and also from time to time, to alter, enlarge, amend and repair the said works, or any of them for conveying all manner of materials necessary for making, erecting, altering or repairing, widening or enlarging the said works, or any part thereof; and also to place, lay, work and manufacture the said materials, and erect such workshops, forges, and other erections as they may deem necessary, upon the lands near the said works; and to make, maintain, and alter any places or passages, over, under or through any part of the said navigation; and also to make, purchase, set up and build or construct such tug or tow-boats, barges, vessels or rafts, for the use of the said navigation, as they shall see fit; also to erect and keep in repair any piers, arches or other works, in, upon and across, any rivers, brooks or lakes, for making, using, maintaining and repairing the rivers and navigable waters forming part of the said intended navigation, and the towing paths and other conveniences connected therewith; and also to construct, make and do all other works, matters and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said navigation, in pursuance of, and within the true meaning of this Act, they, the [said Company, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments and tenements.

To deposit earth, &c., on lands adjoining navigation.

To erect wharves.

To alter works and erect workshops.

To make passages.

To build and use tugboats.

General powers.

Company to make a plan of the navigation with book of reference.

10. For the purposes of this Act, the said Company shall, and may, by a sworn land surveyor, for the Province of Ontario, and by an engineer by them appointed, cause to be taken and made, surveys and levels of the said lands, through which the said works are to be carried, together with a map or plan of such intended navigation, and the course and direction thereof, and of the said lands through which the same is to pass; and also a book of reference of the said navigation in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as the same can be ascertained, and in which shall be contained everything that is necessary for the right understanding of such map or plan,—copies of which said map, or plan and book of reference shall, on the completion of such survey, map and book of reference, be deposited by the said Company in the office of the Registrar for the County of Leeds, and also in the office of the Secretary of State of Canada; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts therefrom or copies thereof, as occasion shall require, paying to the said Secretary of State, or to the said Registrar, at the rate of ten cents current money of the Dominion, for every one hundred words; and the said copies of the said map, or plan, and book of reference so deposited, or a true copy or copies thereof, certified by the said Secretary of State, or by the said Registrar shall severally be, and they are hereby declared to be, good evidence in the courts of law, and elsewhere.

And deposit them with Registrar of Leeds and Secretary of State.

Power to hold, but not to alienate, public beach or beach road, not interfering with navigation.

11. The said Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road or of the land covered with the waters of the rivers or lakes which the said navigation may cross, start from or terminate at, as may be required for the wharves or other works of the same, for making easy entrances thereto and other works which they are hereby authorized to construct,—doing no damage to nor causing any obstruction in the navigation of the said rivers or lakes, and conforming in all respects to the plan and mode of construction sanctioned as aforesaid by the Governor in Council, except in so far only as he may at any time authorize a deviation from such plan and mode of construction.

LANDS AND THEIR VALUATION.

After any lands have so been set out certain parties may convey to company.

12. After any lands shall be set out and ascertained in manner aforesaid, for making and completing the said works, and other the purposes and conveniences hereinbefore mentioned:—

1. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*

covert or other persons, seized, possessed of or interested in any lands, may contract, sell or convey unto the Company all or any part thereof :

2. But the powers by the next preceding sub-section conferred upon ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the Company :

Limitation in certain cases.

3. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding sub-sections shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Company, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever ; and the corporation or person so conveying is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act :

Contract or agreement for sale.

4. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into court for his benefit, as hereinafter provided :

Disposition of purchase money.

5. Any contract or agreement made, as it may be, by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the works of the Company, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award :

As to contract before deposit of map.

6. All corporations or parties who cannot in common course of law sell or alienate any lands so set out and ascertained shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands ; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed ; and for the payment of the said annual rent, and for every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the works of the said Company and the tolls thereon shall be liable and chargeable

Fixed annual rent to be paid in certain cases.

in preference to all other claims and demands thereon whatsoever.—the deed creating such charge and liability being duly registered in the registry office of the county :

As to joint tenants or tenants in common.

7. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenant or tenants in common ; and the proprietor or proprietors who have so agreed, may deliver possession of such land or empower the entry upon the same, as the case may be :

Application to owners, after deposit of map.

8. After the deposit of the map or plan and book of reference, and after notice thereof given for one month in at least one newspaper published at Gananoque, the Company may apply to the owners of lands or to parties empowered to convey lands, or interests in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for their said works; and in the case of Indian lands application shall be made to the Secretary of State for the Provinces; and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties; and in case of disagreement between them, or any of them, then all questions which arise between them, shall be settled as follows, that is to say:—

Indian lands.

Deposit to be general notice

9. The deposit of a map or plan or book of reference, and the notice of such deposit, shall be deemed a general notice to all the parties of the lands which will be required for the said works;

Notice to party, what to contain.

10. The notice served upon the parties shall contain—

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

c. The name of a person to be appointed as the arbitrator of the Company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for the Province of Ontario, disinterested in the matter, and not being the arbitrator named in the notice;

That the land if the notice relate to the taking of land, shewn on the said map or plan, is required for the works of the Company, or is within the limits of deviation hereby allowed;

That

That he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and,

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages aforesaid.

11. If the opposite party is absent from the county, or is unknown, then, upon application to the judge of the county court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, (but without a certificate), to be inserted three times in the course of one month in some newspaper published at Gananoque, to be named by the Judge :

If the owner be absent or unknown.

12. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the Judge shall, on the application of the Company, appoint a sworn surveyor for the Province of Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid :

Party not accepting offer, and not appointing an arbitrator.

13. If the opposite party within the time aforesaid, notifies to the Company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence) then the Minister of Public Works shall, on the application of the party or of the Company (previous notice of it at least two clear days having been given to the other party), appoint one of the official arbitrators to be a third arbitrator :

If he appoints one, Third arbitrator.

14. The arbitrators, or two of them, or the sole arbitrator, being sworn before some Justice of the Peace for the county, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best and the award of such arbitrators, or any of them, or of the sole arbitrator, shall be final and conclusive : but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least two clear days' notice, or to which some meeting at which the third arbitrator was present, had been adjourned : and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required :

Duties of arbitrators.

Award by majority.

15. The arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the works of the Company will pass, by reason of the passage through or over the same, or by reason of the construction of the

Increased value by works to be considered in award.

the

the said works, and to set off the increased value that will attach to the said lands or grounds against the inconvenience, loss or damage that might be suffered or sustained by reason of the Company taking possession of or using the said lands or grounds as aforesaid; but they shall not award damages for the overflowing of any lands below the usual high water mark, as it has stood for the last ten years:

Amount of
award.
Costs how
paid.

16. The award given by any sole arbitrator shall never be for a less sum than that offered by the Company, as aforesaid; and, if in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the Company; and in either case they may, if not agreed upon, be taxed by the judge:

Power to ex-
amine parties
or witnesses on
oath.

17. The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly:

Time for
making award

18. The judge by whom any third arbitrator or sole arbitrator is appointed, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by order of the judge, (as it may be, for reasonable cause shown on the application of the sole arbitrator or of one of the arbitrators, after one clear day's notice to the others) then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them:

Arbitrator
dying or
refusing to
act.

19. If the sole arbitrator appointed by the judge, or the official arbitrator appointed by the Minister of Public Works, or any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole arbitrator, the judge, upon the application of either party, and in the case of the official arbitrator, the Minister of Public Works, upon a like application, (the judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure) may appoint another arbitrator in his place; and in the case of any arbitrator appointed by the parties, the Company or party respectively may appoint an arbitrator in the place of his or their arbitrator so deceased or not acting, notifying the other party or his or their arbitrator of such appointment, but no recommencement or repetition of prior proceedings shall be required in any case:

20. Any such notice for lands, as aforesaid, may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party; but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist:

21. The surveyor or other person offered or appointed as valuator or as sole arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge:

Desisting from notice and giving a new one.

Certain persons not disqualified as arbitrators.

22. No cause of disqualification shall be urged against any arbitrator appointed by the Company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any case of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after two clear days' notice to the other; and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator:

Time for objecting.

No objection allowed after a certain time.

23. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award:

Awards not avoidable for want of form.

24. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the county, or to a bailiff, as he may deem most suitable, to put the Company in possession, and to put down such resistance or opposition; which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do:

Possession on payment or tender of compensation.

Warrant of possession.

Warrant may issue in certain cases before award.

25. Such warrant may also be granted by the judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the said works with which the Company are ready forthwith to proceed, and upon the Company giving security to his satisfaction, (and in a sum which shall not be less than double the amount mentioned in the notice), to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company :

Security in such cases.

Compensation to stand in place of lands.

26. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands ; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into a claim to the compensation, or to a like proportion thereof ; and they shall be responsible accordingly whenever they have paid such compensation or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party :

Proceedings if Company fears incumbrances, &c.

27. If the Company has any reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the hands of the judge of the County Court, with the interest thereon for six months, and may deliver to the said judge an authentic copy of the conveyance, or of the award (if there be no conveyance), and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned ; and proceedings shall thereupon be had for the confirmation of the title of the Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the judge shall state that the title of the Company (that is the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof ; and all such claims shall be received and adjudged upon by the Court :

Effect of judgment of confirmation.

28. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same ; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the provisions of this Act and to law, shall appertain :

29. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the said judge, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from an error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the judge the interest for such further period as may be right:

Costs, how paid.

Interest.

30. If the amount of the said compensation do not exceed eighty dollars, the same may be paid by the Company to the party in whose possession, as proprietor, the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party; and proof of such payment, and the award, conveyance or agreement, shall be a sufficient title to the said Company, and shall forever discharge them from all claims of any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation:

If the amount do not exceed eighty dollars.

31. With regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken, or damage shall have been done by the Company without previously complying with the requirements of this Act, the rights of the Company and of other parties shall be governed by the ordinary rules of law.

As to lands which may not be taken without consent.

13. Whenever any highway or public road shall be cut through by any canal that may be made by the said Company, they shall, within one month thereafter, cause to be constructed a secure and sufficient bridge over the same, with proper approaches not exceeding a grade of one foot in twenty feet, so as to establish the communication between the several parts of such highway, under a penalty of twenty dollars per day for every day after the expiring of the said time, during which the said Company shall neglect to construct the said bridge: Provided always, that in the meantime some temporary means of passing along the said highway shall be constructed or provided; provided also that the said Company shall, at their own costs and charges, make and maintain such works as may be necessary to secure the safest and most thorough working of the trains upon any lines of railway that the said canal may intersect; that the charges of watching any such works shall be paid for by the Company; that all works rendered necessary by the intersection of any line of railway shall be intimated to the companies owning such railway lines, and approved of by the Governor General in Council before being commenced; and full and proper compensation shall be made to the railway companies for the injury and damage done to their lines by the intersection of the canal.

Bridges to be built over canal for highways.

Penalty for delaying communication.

Temporary crossings.

Facilities and compensation to be rendered to railways intersecting.

Punishment
of persons in-
juring works.

14. If any person or persons shall maliciously, or wilfully break, injure throw down or destroy, any bank, lock-gate, sluice or any other work, machine or other device belonging or pertaining to the said Company, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution, the completing and supporting the said navigation, or any of its branches, feeders or other connections or works belonging to the said Company, every such person or persons so offending shall forfeit, and pay to the said Company, the full value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done, —such damages, with costs of suit in that behalf incurred, to be recovered in any Court having competent jurisdiction; and such wilful and malicious act shall be a misdemeanor, and the party or parties committing the same shall and may be indicted and tried for a misdemeanor, in any Court of competent jurisdiction, and on conviction thereof, may be committed to the common gaol for any time not exceeding twelve months, at the discretion of the Court before whom such offenders shall have been convicted.

Act to be a
misdemeanor.

Punishment
of persons ob-
structing
navigation of
canal.

15. If any person shall obstruct or impede the navigation of any canal, or other portion of the said intended navigation, by the introducing of any timber, or boats, or vessels, contrary to the rules and regulations laid down for the government of the same, to be made by the said Directors, and shall not immediately, upon notice given to the owner or person in charge of such timber, raft, boat or vessel so obstructing the navigation, remove the same, every such owner or person in charge of such timber, raft, boat or vessel so obstructing or impeding the navigation as aforesaid, shall forfeit and pay a sum not exceeding twenty dollars currency, for every hour during which the said obstruction shall continue: and it shall be lawful for the Company, or their servants, to cause such obstruction to be removed, and to cause every such boat, vessel or raft as shall be so overladen as to cause obstruction, to be detained and unloaded, so as to prevent or remove such obstruction; and to recover the cost of so doing from the owner or person in charge of the same; and to seize and detain such vessel, boat or raft and the cargo thereof, or any part of the cargo or furniture of such vessel, boat or raft, until the charges occasioned by such unloading or removal, or both, shall be paid or satisfied. And if any vessel, boat or raft shall be sunk in any part of the said navigation, and the owners shall neglect or refuse to weigh and remove the same forthwith, the said Company may cause the same to be weighed and removed, and to retain the same until all the charges necessarily incurred in so doing shall be paid or satisfied; and all such charges may be recovered, in any Court of competent jurisdiction, from the owners or persons in charge of such vessel, boat or raft.

Penalty.

Vessels over-
laden or
wrecked in
canal or sunk.

Company may
take earth
from adjoining
lands for re-
pairs.

16. In case of any accident requiring immediate repair on any canal or any part of the said navigation, the said Company, their agents or workmen may enter upon the adjoining land (not being an

an orchard or garden) without any previous treaty with the owners or occupiers thereof, and dig for, work, get and carry away and use all such gravel, stone, earth, clay or other materials, as may be necessary for the repair of the accident aforesaid,—doing as little damage as may be to such land, and making compensation therefor; and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration, as hereinbefore provided: Provided however that if any action or suit shall be brought against the said Company, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months after the fact committed, and not afterwards.

Proviso.

17. The said Company shall have the power to use, sell, lease, rent or otherwise dispose of, for their sole use and benefit, any water brought by their said works which may not be required for the purpose thereof, but which may be used or found useful and applicable to drive any machinery in mills, warehouses, manufactories or otherwise, on such terms as they may deem expedient and advisable.

Company may lease surplus water.

18. The said Company may make arrangements with any railway company whose line their works may cross or connect with, and with the authorities in charge of the Rideau Canal, or the proprietors or lessees of steam or other vessels navigating the same, for purposes of mutual accommodation and traffic, including the construction of any switch or tramway that may be necessary for purposes of connection.

Company may make arrangements with intersecting or connecting railways or canals.

19. The said Company may from time to time, and at all times hereafter, ask, demand, take and recover, to and for their own proper use and behoof, for all passengers, goods, wares, merchandize and commodities, of whatever description, transported upon the said navigation, or vessels using the same, such tolls as they may deem expedient; which said tolls shall be from time to time fixed and regulated by by-laws of the Company, or by the Directors, if thereunto authorized by the said by-laws, and shall be submitted for approval of the Governor in Council; and, when so approved, such tolls shall be paid to such person or persons, and at such places near to the said navigation, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint; and in case of denial or neglect of payment of any such rates or dues, or any part thereof on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction; or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such vessels, goods, wares, merchandize or other commodities for or in respect whereof such rates or dues ought to be paid, and to detain the same until payment

Company may levy tolls on persons or vessels using the navigation.

May sue for tolls or seize vessels, goods, and detain until tolls are paid.

payment

payment thereof; and in the meantime the said vessels, goods, wares, merchandize or other commodities, shall be at the risk of the owner or owners thereof.

Company must post up list of tolls.

20. The said Company shall from time to time print and put up, in a conspicuous place in their office, and in every place where the tolls are to be collected, a printed paper or board specifying all the tolls payable under this Act.

Owners of lands adjoining navigation may use it for transport, with limitations.

21. The owners and occupiers of any land adjoining the said navigation, may use any boats thereon for the purposes of husbandry, or for conveying cattle from one farm or portion of a farm to another pertaining to the same owner or occupier (not passing through any lock without the consent of the person in charge thereof for the time being, but not paying any rate or toll for the same) so as the same be not made use of for the carriage of any goods, wares, or merchandize to market, or for sale or for hire, and so as not to obstruct the navigation or the towing paths.

Parliament may impose further obligations.

22. Any enactments, which the Parliament of Canada may hereafter deem it expedient to make, or any Order in Council which the Governor General may hereafter deem it expedient to pass, with regard to the exclusive use of the canal by the Government at any time, or the carriage of Her Majesty's Mails or Her Majesty's Forces and other persons and articles, or the rates to be paid for carrying the same, or other service to be rendered by the Company to the Government shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Offences against this Act, not specially provided for.

23. Any contravention of this Act by the said Company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party), from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof or by law the same be forfeited by such contravention.

Rights of the Crown saved.

24. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her heirs and successors, or of any person or persons, or any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Crown may assume the works.

25. Her Majesty, Her heirs and successors may, at any time, assume the possession and property of the said canal and works and of all the rights, privileges and advantages of the Company (all of which shall after such assumption be vested in Her Majesty, Her heirs and successors) on giving to the said Company one week's notice thereof, and, on paying to the said Company the value of the same, to be fixed by arbitrators, one to be chosen by the Government, another by the Company, and, in case of disagreement, by a third arbitrator to be chosen by the said two arbitrators:

arbitrators: Provided that such value shall not be fixed at less than the capital stock of the Company with interest from the time of the investment thereof at eight per cent.,—deducting however, all dividends declared and paid to the shareholders.

26. Nothing herein contained shall be construed to except the canal by this Act authorized to be made, from the provisions of any general Act, which may be passed during the present or any future session of Parliament; and no further provision which Parliament may make for enforcing any of the provisions of this Act, or for protecting the public or the rights of private parties shall be deemed an infringement of the rights of the said Company.

Company to be subject to any general Act.

27. The said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall, and they are hereby required to make and deposit the map or plan and book of reference mentioned in this Act within two years after the passing thereof, and to make and complete the said works within ten years from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said two years, or if the whole of the stock of the said company be not subscribed and at least ten per centum thereon paid up and either expended for the purposes of this Act, or deposited in some chartered bank or banks in Canada, within two years from the passing of this Act, or if the said navigation be not so made and completed within the period of ten years, so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained shall cease and be utterly null and void.

Time for commencing and completing the works limited.

28. The said Company shall annually submit to the Parliament of Canada, within the first fifteen days after the opening of each session thereof, after the opening of the said navigation or any part thereof to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of the vessels, passengers, and freight that have been conveyed along the said navigation; and no further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Company to submit to Parliament annual detailed statement.

29. The provisions of the "*Canada Joint Stock Companies* 32-33 Vic., *Clauses Act, 1869*," shall apply to and form part of this Act, except in so far as they may be inconsistent herewith. c. 12, to apply.

CAP. XCV.

An Act to extend the powers of The Montreal Telegraph Company, and for other purposes.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS The Montreal Telegraph Company have by their petition prayed that the powers of the Company may be extended to all parts of the Dominion, that the capital stock of the Company may be increased and that the scale of voting, as well as the day for holding their annual meeting, may be changed; 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, enacts as follows:—

Powers of
Company
extended to
the whole
Dominion.

1. The powers, privileges, and franchises conferred upon the said Company in and by any Act of the Parliament of the late Province of Canada, shall be and are hereby extended to, and may by the said Company be exercised and enjoyed in the Provinces of Manitoba, British Columbia and New Brunswick, and in the North West Territory, as fully and amply, to all intents and purposes, as if the clauses and provisions granting the same had been herein set forth at length, and extended and made applicable to the said Provinces and Territory; and all Acts of the legislature of the late Province of Canada relating to the said Company shall have the same force and effect in and in relation to the said Provinces and Territory, from and after the passing of this Act, as they now have in and in relation to the Provinces of Quebec and Ontario.

Capital stock
increased.

2. The capital stock of the Company is hereby increased to, and shall hereafter be, the sum of five million dollars, divided into one hundred and twenty-five thousand shares of forty dollars each.

Day of annual
meeting.

3. The day of holding the annual meeting of the Company for the election of Directors and the transaction of other business is hereby changed to the second Thursday of January in every year.

Proportion of
votes to shares.

4. Notwithstanding anything in the said Acts contained, each shareholder in the Company shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least thirty days before the time of meeting.

CAP. XCVI.

An Act to amend the Act to incorporate the Canadian and European Telegraph Company.

[Assented to 14th June, 1872.]

WHFREAS the Canadian and European Telegraph Company, Preamble, 32, 33 V. c. 63. have represented by their petition the necessity of extending the time for the commencement and completion of laying down an ocean telegraph cable from the north of Scotland to Canada, and of changing the name and increasing the capital stock 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 :—

1. The time limited for the commencement of the work by the Act incorporating the said Company for the connection of Europe and Canada, by a telegraph cable shall be extended for a period of two years from the passing of this Act, and the time for its completion shall also be extended to five years from the passing of this Act,—notwithstanding anything to the contrary in the said Act of incorporation as to the time of commencement and completion of the said telegraph. Time for commencing and completing the work.

2. The name of the Company shall, after the passing of this Act, be the “Canadian and Great Northern Telegraph Company,” instead of the “Canadian and European Telegraph Company.” Name changed.

3. The capital of the said Company shall be four millions of dollars, and may be increased by the Directors with the consent of a majority in value of the shareholders: Provided, the capital stock shall at no time exceed the sum of six millions of dollars. Capital increased. Proviso.

4. The provision contained in the twenty-sixth section of the Act for incorporating the Company shall extend to and include messages from Great Britain and Ireland on the subjects in the said section mentioned, and all messages and despatches to and from the Imperial Government, if required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State for the Colonies, or otherwise, requiring the transmission of messages or despatches on behalf of the Imperial Government. Provisions of s. 26—of 32, 33 V. 6, c. 63 extended.

CAP. XCVII.

An Act to incorporate the Thunder Bay Silver Mines
Telegraph Company,

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the Honorable John Hamilton Gray, William Fontaine Bruff, George Wells Owen, Charles Eley and William Henry Stanton, have by their petition prayed to be incorporated under the name of the "Thunder Bay Silver Mines Telegraph Company," for the construction, laying and operating of a submarine telegraphic cable from a point or points on the north shore of Lake Superior, in the district of Algoma, between Fort William and Neepigon Bay (touching at Silver Islet) through and under the waters of Lake Superior, to the boundary line of the United States in Lake Superior, and there to connect with a submarine telegraphic cable from the United States; with power to construct branch lines on land or in water to any points or islands in Lake Superior, and to land all of any such cables; and to connect with the Canadian or American system of telegraphs, and to amalgamate therewith; and for such other powers as may be necessary for the undertaking; and whereas the construction of the said submarine cables and telegraph lines would materially advance the interests of the District of Algoma, and it is expedient to grant the prayer of the said petitioners, and that the said persons and others who may be associated with them, should be incorporated for the said purpose: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The Honorable John Hamilton Gray, William Fontaine Bruff, George Wells Owen, Charles Eley, William Henry Stanton and such other persons as may become shareholders in the corporation to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation, body politic and corporate, by the name of "The Thunder Bay Silver Mines Telegraph Company;" and the head office of the said Company shall be at the City of Toronto, in the Province of Ontario.

Name and Head office.

Company may lay sub-marine telegraphic Cable.

2. The said Company shall have power to construct, lay and operate a submarine telegraphic cable from any point or points on the north shore of Lake Superior, in the district of Algoma, between Fort William and Neepigon Bay, touching at Silver Islet, through and under the waters of Lake Superior to the boundary line of the United States, in Lake Superior, and there to connect with a submarine telegraphic cable from the United States; and shall have power to construct branch lines on land, or in water, to any points or islands in Lake Superior, and to land all or any such cables and to connect with the Canadian or American system of telegraphs; and to amalgamate therewith; and shall have power to

And construct and work branch lines on land and water.

to establish, land, construct, purchase, lease, operate and work any line or lines of telegraph or submarine cable from and to any place or places in the Province of Ontario, either by land or water, and to make connection with the line or lines of any telegraphic or submarine cable company in the United States of America or elsewhere.

3. The said Company may land, lay down, erect and maintain its line or lines of telegraph and submarine cables along the sides of and across any public highways, bridges, watercourses or other such places, or under any navigable rivers, lakes or waters, either wholly in Ontario or dividing Canada from any other country, (provided the said Company shall not interfere with the public right of travelling thereon), and may enter upon any lands, waters or places, and survey, set off, use, occupy and take such parts thereof as may be necessary for such line or lines of telegraph or submarine cable; and in case of disagreement between the said Company and any owner or occupier of lands or water which the said Company may take or require to use for the purposes aforesaid, or in respect to any damage done to the same by constructing the line or lines or in laying the submarine cable under, through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third; and the decision on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier, or the agent of the Company, neglects or refuses to choose an arbitrator within four days after notice in writing from the opposite party, and upon proof of personal service of such notice, or if such two arbitrators when duly chosen disagree in the choice of a third arbitrator,—in any such case it shall be lawful for the Minister of Public Works for the time being to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same powers as if chosen in manner above provided: Provided always, that nothing herein contained shall be construed to confer on the said Company the right of building a bridge over any navigable river in Ontario, or of erecting posts or placing their lines of telegraph upon the line of any railway without the consent of the Company to which such railway belongs.

Powers for laying cables and constructing lines of telegraph.

Arbitration as to damages.

Proviso as to navigable rivers.

4. The said Company shall have power and authority to purchase or lease, for any term of years, any telegraph line or submarine cable established or to be established either in Ontario or in the territory or territories of any foreign power or state connecting or hereafter to be connected with the lines or submarine cables which the Company is authorized to construct and lay; or to purchase or lease for any term of years the right of any Company to construct any such telegraph line or lay such submarine cable; and shall also have power and authority to amalgamate with any company, board or persons possessing, as proprietors, any line of telegraphic communication or submarine cable connecting

Power to lease other lines or submarine cables, or amalgamate with other companies.

necting or to be connected with the Company's lines or submarine cable, either in Ontario or in the territory of any foreign state or power on the continent of America.

Capital and shares.

5. The capital stock of the said Company shall be one hundred and fifty thousand dollars of lawful money of Canada; and shall be divided into three thousand shares of fifty dollars each,—of which fifty thousand dollars shall have to be paid up before commencing business; and the said capital stock may be increased from time to time by resolution of the Board of Directors, by and with the consent of a majority in value of the shareholders, but such capital stock shall at no time be made to exceed three hundred thousand dollars.

Increase of capital.

Provisional directors appointed.

6. The Honorable John Hamilton Gray, William Fontaine Bruff, George Wells Owen, Charles Eley and William Henry Stanton, are hereby constituted the Provisional Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected by the shareholders in the manner hereinafter provided.

Power to open stock books, and to adopt other preliminary measures.

7. The Provisional Directors of the Company shall have power and authority to open stock books and to procure subscriptions for the undertaking, to make calls upon the subscribers; and to cause surveys and estimates to be made, to cause plans to be executed; to enter upon and occupy lands and waters required for the undertaking; to enter into contracts with any person or persons for materials necessary to the undertaking, or for constructing the said lines or laying and landing said submarine cables, until the first general meeting of subscribers hereinafter provided for.

Subscribers or holders of stock to become members.

8. Every subscriber to or holder of any of the stock of the said Company shall thereby become a member of the said Company and shall have the same rights and privileges as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company.

Board of Directors; qualification.

9. The business of the Company shall be managed by a Board of Directors to consist of five members; and each such Director shall be proprietor of at least ten shares in the capital stock of the Company; and such Directors shall be elected and hold office as hereinafter provided.

Rights of aliens, and limited liability of Shareholders.

10. Aliens shall have equal rights with British subjects to take stock, and to vote and be eligible to office in the said Company; and no shareholder shall be liable beyond the extent of the stock subscribed by him for any debt contracted by the Company or loss or liability incurred by said Company.

President and Vice-President, &c.

11. The Directors shall appoint one of their number to act as President and another to act as Vice-President, and may appoint such other officers and agents as they may deem necessary; and the

the Directors may remove all officers appointed by them, and appoint others in their places, and may fill all vacancies in the offices: three of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present; and upon every equal division the President or chairman for the time being shall give his casting vote in addition to the vote previously given by him as one of the Directors.

Quorum of Directors.

Casting vote.

12. Any Director or Provisional Director in said Company may hold the proxy of any other Director or Provisional Director to vote and act for him as such Director or Provisional Director at all meetings.

Directors may appoint proxies.

13. The Provisional Directors of the said Company for the time being, may open or cause to be opened stock books for the subscription of parties desiring to become shareholders in the capital stock of the said Company in such places as they shall think fit, and may make such shares payable in such manner as they shall deem advisable; and may make the dividends thereon payable at such place or places as to them shall from time to time seem fit; and from time to time appoint agents of the said Company in or out of Canada, and may delegate to such agents such powers as to them shall from time to time seem fit; and may make such rules and regulations as they shall from time to time deem advisable as to the issuing of shares, and as to the mode, time, place or places of the transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise as shall be deemed requisite or beneficial for giving full effect to the powers hereby vested in them in respect of issuing such shares.

Stock books may be opened.

Further powers of Directors. Agents.

Issue and transfer of Shares, Dividends, &c.

14. The said Provisional Directors shall hold office until the first general meeting of the stockholders of the Company after the passing of this Act; and at all meetings of the stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy,—but no person but a stockholder shall hold a proxy.

Term of office.

Votes and proxies.

15. On such day, after the payment of the said sum of fifty thousand dollars, as the said Provisional Directors may appoint there shall be held the first general meeting for the election of Directors at the City of Toronto; and in each year thereafter on the same day, or on such other day as the Directors by any by-law from time to time appoint, there shall be held a general meeting for the election of Directors at the City of Toronto; and one month's notice of every such meeting shall be given by the Directors or Provisional Directors as the case may be in "The Ontario Gazette," and in one or more newspapers published in the City of Toronto; and at every such general meeting the Directors in office or any of them may be re-elected.

First general meeting.

Annual general meetings for election of directors.

Vacancies
how filled.

16. Whenever one or more of such Directors shall die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

Power to make
by-laws and
regulations.

17. The Directors may from time to time make, alter, amend or repeal such regulations and by-laws as may be necessary for the management of the affairs of the Company generally.

Calling in
stock and
enforcing pay-
ment.

18. The Directors may require payments of subscription to the said capital stock at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon; and the said Company may sue for and recover all such subscriptions: notices of the times and places of such payments shall be published for four weeks previous to such times at least once in each week in the "Ontario Gazette," and in such other newspapers as the Directors may think proper.

Notice.

Transfer of
shares.

19. All and every the shares in the capital stock of the said corporation, and all profits and advantages thereof shall be deemed to be personal estate, and shall be transferable and transmissible as such: Provided always that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; and provided also that whenever any stockholder shall transfer in manner aforesaid, all his stock or shares in the said Company, such stockholder shall cease to be a member of the said corporation.

Proviso.

Proviso.

Power to enter
on lands,
waters, &c.,
and to do cer-
tain work
thereon and
therein.

20. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the waters, lands covered with water, lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate or communities whatsoever, and survey and take levels of the same or any part thereof; and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended telegraph, and laying and landing such submarine cables, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, protecting and improving, completing, maintaining and using the said intended telegraph lines, cables and other works; and also to bore, dig, cut, trench, get, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand or any other matters or things which may be dug or got in making the said intended telegraph lines, cables or other works on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended telegraph lines, cables or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining or protecting the same respectively according to the intent and purpose of this Act; and to build, erect and set up in or upon such lands such and so many station houses and observatories, watch houses and other works, ways, roads and conveniences as and where the said

said Company shall think requisite and convenient for the purposes of the said telegraph lines and cables; and also from time to time to alter, repair, divert, enlarge and extend the same; and to construct, erect and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks for the making, using, maintaining and repairing the said intended telegraph lines or cables; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, protecting and completing and easy using of the said intended telegraph lines and cables and other works in pursuance of and according to the true intent and meaning of this Act: and whensoever and wheresoever the said telegraph shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet, on each side of the said telegraph, upon which such trees and underwood may be,—they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted and making satisfaction, whenever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements or hereditaments, water, water-courses, brooks or rivers respectively which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of all or any of the powers by this Act conferred: Provided always that the said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament, or any fruit tree, unless it be necessary so to do for the erection, use or safety of any of its lines.

Buildings, &c.

Compensation for damage done.

Proviso: Fruit or shade trees.

21. The said Company shall have full power and authority to set up posts for supporting the wires of the said telegraph or cable in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface thereof, or of any navigable or other water; and such posts and wires and other apparatus therewith connected shall be the property of the said Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of land or water by said Company for the purposes aforesaid, although the lands or waters on which the same are set up or carried under the surface be not the property of the said Company.

Power to set up posts on roads, &c.

22. It shall be the duty of the Company (subject to the provision in the next following section) to transmit all despatches in the order in which they are received under a penalty of not less than twenty nor more than one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatches and to receive, collect and recover such rates of payment as shall be from time to time fixed by by-laws made by the Directors:

Company bound to transmit despatches in regular order

Proviso as to Government messages, &c.

23. Provided that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada.

Penalty if operators or employés divulge contents of despatches.

24. Any operator of the said telegraph line or cable, or person employed by the said Company, divulging the contents of a private despatch shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the court before which the conviction shall be had.

Punishment of persons injuring or obstructing the works.

25. Any person who shall wilfully, unlawfully or maliciously injure, molest or destroy any of the said lines, posts, piers, abutments, submarine cables or the material or property belonging thereto or to the said Company, or in any way obstruct the working of the said lines of telegraph, or submarine cables shall, on conviction thereof, be deemed guilty of a misdemeanor, and be liable to be punished in the manner provided by law for such offences.

Interpretation clause.

Sections 41, 42, of 32 and 33 Vic., Cap. 22, to apply to Submarine Telegraphic Cables.

26. Sections forty-one and forty-two of an Act passed in the thirty-second and thirty-third year of Her Majesty's Reign, chapter twenty-two, intituled "*An Act respecting malicious injuries to property*" shall, for the purposes of this Act (in addition to the property therein enumerated to be protected from unlawful or malicious injury) be held to comprise and include "Submarine Telegraphic Cables" and all the penalties by that Act imposed shall be applicable to any injury or obstruction caused to such Submarine Telegraphic Cable as though the words "Submarine Telegraphic Cables" had been incorporated in the said sections.

"Canada Joint Stock Companies Clauses Act 1869," to apply.

27. The Act known as "*The Canadian Joint Stock Companies Clauses Act, 1869*" and all the provisions thereof shall be applicable to and be incorporated in this Act so far as the same may not be inconsistent with this Act.

Short title.

28. This Act shall be known and cited as "*The Thunder Bay Silver Mines Telegraph Company Act.*"

CAP. XCVIII.

An Act to amend the Act incorporating the British America Assurance Company, and the subsequent Acts affecting the said Company.

[Assented to 14th June, 1872.]

WHEREAS the British America Assurance Company have petitioned for certain amendments to their Act of incorporation and other Acts affecting the same; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The fourteenth section of the said Act of incorporation, so much of the third section of the Act of the legislature of Upper Canada, sixth William Fourth, chapter twenty, amending the said Act of incorporation as renders stockholders not residing in the Province ineligible as Directors in the said Company and limits the qualification of a Director to the holding of twenty shares of the capital stock of the said Company, and the fourth and ninth sections of the last mentioned Act shall be and are hereby repealed.

2. Each and every stockholder in the said Company, shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least fifteen days before the time of meeting.

3. Each and every stockholder who shall hold at least fifty shares in the capital stock of the said Company, shall be eligible to be elected and to continue as a Director in the said Company; and it shall and may be lawful for any Director in the said Company to accept the office of and act as a Director in any other insurance company or association not engaged in the same branch of insurance business carried on by the said British America Assurance Company.

4. The Governor or Deputy Governor with the Managing Director of the said Company shall have power to make, grant, and enter into all and any assurances in the name and on the behalf of the said Company: Provided always that all and any policy of assurance, grant of annuity or other contract of assurance, shall be under the seal of the said Company, and signed by the Governor or Deputy Governor, together with the Managing Director.

5. The shareholders of the said Company may, by by-law to be passed at any annual general meeting, or at any special general meeting of the proprietors, to be called for that special purpose, increase the capital stock of the said Company to an amount not exceeding

Preamble.
Act of U. C.
3 W. IV.,
c. 18.

Enactments
repealed.

Scale of
Votes.

Qualification
for Director.

May be Direc-
tor in any
other non-con-
flicting Com-
pany.

Certain offi-
cers to grant
policies.

Proviso:
rates to be
observed.

Capital may
be increased.

exceeding in the whole one million of Dollars; and such additional stock may be issued and allotted in such amounts, at such time or times, rate or rates, and in such manner as the Directors of the said Company for the time being may order or direct: Provided always that all calls for the payment of such additional stock, and the forfeiture of shares for the non-payment of calls shall be made according to the provisions of the Acts hereinbefore mentioned.

P.ov.so.

Number of
Directors may
be increased
or limited.

Proviso.

6. The Directors of the said Company are hereby authorized, by by-laws from time to time to be passed, to increase or diminish the number of the Directors of the said Company; and to change the time or times for the holding of the annual meetings of the said Company: Provided always, that such by-law or by-laws shall have no force or effect until it or they are confirmed by a majority of the shareholders present in person or by proxy at any annual general meeting or any other general meeting specially called for that purpose.

to be repealed
of inconsistent
enactments.

7. All provisions contained in any previous Act, inconsistent with the provisions of this Act, relating to the said Company, are hereby repealed.

CAP. XCIX.

An Act further to amend the Act incorporating the
Western Assurance Company.

[Assented to 14th June, 1872.]

Preamble 14.
15 V., c. 162.

WHEREAS the Western Assurance Company, incorporated by an Act of the legislature of the late Province of Canada, have by their petition represented, that by the sixth and seventh sections of their Act of incorporation, they are empowered to carry on the business of fire and marine assurance; and also to effect assurance on lives, to grant annuities, to receive money for investment, to purchase reversionary interests, and to invest their funds in certain public and other securities; that the said Company has been for twenty-one years engaged in the fire and marine assurance business, and is now desirous of carrying on the business of life assurance,—but before commencing the same, they deem it expedient that their Act of incorporation be so amended as to provide that the funds and books of account pertaining to the life business shall be kept distinct and separate from those of the fire and marine business; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Separate
account to be
kept for the

1. When and so soon as the said Company shall commence the business of life assurance, separate books of account shall be opened
and

and kept for all transactions connected with that branch of the business of the Company; and the funds pertaining to the said branch shall be kept distinct and separate from those pertaining to the fire and marine business of the Company; and the funds derivable from the said life branch shall not be applicable to any losses or claims whatsoever that may happen in the fire and marine branch; and in like manner the accounts in the fire and marine branch shall be kept distinct and separate from those of the life branch, and the funds of the same shall not be applicable to any losses or claims whatsoever arising in the life branch.

Life and the
Fire Insurance
branches.

2. Before commencing the business of such life branch, the Board of Directors shall set apart such portion of the capital stock of the Company as has been subscribed during the present year as may be deemed advisable (not exceeding two hundred thousand nor less than one hundred thousand dollars), which shall from thenceforth belong exclusively to the said life branch, and shall be liable, as regards both the amount paid in thereon and the amount unpaid upon the said stock, for losses and claims connected with the business of that branch, and for no other losses or claims whatsoever.

Capital to be
set apart for
Life branch.

3. The general expenses of management of the said Company in the transaction or its business, shall be apportioned by the Board of Directors between the different branches in proportion to the amount of business in each, from time to time.

Apportion-
ment of
expenses.

4. And whereas the said Company are desirous of increasing the capital stock of the fire and marine branch of the said Company to the extent of at least two hundred thousand dollars; and whereas doubts may arise whether the said Company has power under the limitations of the seventh section of their Act of incorporation, to invest any portion of their funds and capital in foreign securities and it is expedient to empower them to invest in such securities, for the requirements of their foreign agencies: be it enacted, that notwithstanding anything in the said section, the Company shall have power to invest in the debentures, stock, or other Government securities of any foreign country, such a proportion of their funds as may be necessary for the prosecution of their business through their agencies established in such country, not exceeding such amount of the said new capital applicable to the fire and marine branch as shall have been subscribed and paid up.

Investments in
foreign
securities.

5. The Act thirty-first Victoria, chapter forty-eight, intituled "An Act respecting Insurance Companies," as amended by the Act thirty-fourth Victoria, chapter nine, shall apply to this Act, and the Company therein mentioned.

Act 31 V. c
48, to apply.

CAP. C.

An Act to incorporate the Inland Marine and Fire Insurance Company of Canada.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS Thomas McGaw, John D. Nevin, George Greig, Alexander Prentice, Charles H. H. Nichols, John J. McCulloch, Thomas R. Wood, Henry Winnett, N. J. Somerville, William F. McMaster and Larratt W. Smith, all of Toronto, John Ross, of Montreal, Benjamin W. Folger and Matthew H. Folger of Kingston, have, by their petition, represented that the establishment of an association for the insurance of vessels and other property on water and land would be beneficial to the interests of the Dominion, and promote the extension of that business in the hands of Canadians; and have prayed that they may be incorporated for the purpose of carrying on a business of that description by the name and style of the "Inland Marine and Fire Insurance Company of Canada;" and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Persons incorporated.

1. The said Thomas McGaw, John D. Nevin, George Greig, Alexander Prentice, Charles H. H. Nichols, John J. McCulloch, Thomas R. Wood, Henry Winnett, N. J. Somerville, William F. McMaster, Larratt W. Smith, John Ross, Benjamin W. Folger and Matthew H. Folger, having complied with the requirements of this Act, as to subscriptions of stock, and all such persons as now are, or hereafter shall become shareholders of the said Company, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in law, in fact and in name, by the style and title of the "Inland Marine and Fire Insurance Company of Canada."

Corporate name.

Capital and shares.

2. The capital stock of the said Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always, that it shall and may be lawful for the said Company to increase its capital stock to such sum not exceeding one million dollars, as a majority of the shareholders at a special general meeting, to be expressly convened for that purpose, shall agree upon.

May be increased.

Provisional Directors.

3. For the purpose of organizing the said Company, the persons named in the preamble to this Act, shall be Provisional Directors thereof; and they, or a majority of them, may cause stock books to be opened, after giving due public notice thereof, upon which stock books shall be recorded the subscriptions of such persons as

Stock books.

desire

desire to become shareholders in the said Company ; and such books shall be opened in the City of Toronto and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they deem it necessary.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed, as aforesaid, and ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders, at some place to be named in the City of Toronto,—giving at least twenty days' notice thereof in the "Canada Gazette" and also in some daily newspaper published in the said city ; at which general meeting the shareholders present, in person or by proxy, shall elect thirteen Directors, in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the first Wednesday in July in the year following their election.

First general meeting.

Notice of.

Board of Directors.

5. The shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint : no such instalment shall exceed ten per cent., of which call two months' notice shall be given ; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be, and they are hereby respectively indemnified for paying the same : Provided always, that it shall not be lawful for the said Company to commence the business of insurance until a sum not less than fifty thousand dollars shall have been actually paid in on account of the subscribed stock.

Payment of shares.

Amount to be paid in before commencing business.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by thirteen Directors, one of whom shall be chosen President, and one Vice-President, who, except as is hereinbefore provided for, shall hold office for one year ; which Directors shall be shareholders, and shall be elected at the annual general meeting of shareholders, to be holden at Toronto, on the first Wednesday in July, in each year, or such other day as may be appointed by by-law,—not less than twenty days notice of such meeting being given, as provided in section four ; and the said election shall be held and made by such of the shareholders present, in person or by proxy, as shall have paid all calls made by the Directors and then due ; and all such elections shall be by ballot ; and the thirteen persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed ; and if two or more persons have an equal number of votes, in such a manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have a greater number of votes, or the majority of them, shall determine which of the said persons, so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of thirteen : and the said Directors, as soon as may be after the said election, shall proceed in like manner to

Directors and officers.

Meeting for election of Directors.

Manner of conducting election.

Election of president and vice-president.

Filling of any vacancy.

Qualification of Director.

Failure of election not to dissolve Company.

Vote at general meetings.

Majority of votes to determine.

Employées may not vote.

Powers of Company, for insurance purposer.

to elect by ballot one of their number to be the President, and one to be the Vice-President: and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office: Provided always that no person shall be eligible to be or continue as Director, unless he shall hold in his name, and for his own use, stock in the said Company to the amount of twenty shares, (whereof at least ten per cent. shall have been paid in), and shall have paid all calls made upon his stock, and all liability incurred by him to the Company.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when, pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall be lawful, on any other day, to hold and make an election in such manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

8. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid: such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and no shareholder shall be entitled to give more than one hundred votes upon proxies held by him: and all questions proposed for the consideration of the shareholders, shall be determined by the majority of votes,—the Chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no clerk or other employee of the said Company, shall vote either in person or by proxy at the election of Directors.

9. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate against loss or damage of or to sea or lake going ships, boats, vessels, steamboats or other craft, or on any ships, boats, vessels, steamboats or other craft navigating the ocean, lakes, rivers, high seas or any other navigable waters whatsoever, from any port or ports in Canada to any other port or ports in Canada or to any foreign port or ports upon the ocean, lakes, rivers or other navigable waters aforesaid, or from one foreign port to another foreign port, or from any foreign port or ports to any port or ports in Canada or elsewhere, upon all or any of the seas, lakes, rivers and navigable waters aforesaid; and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof; or of or to timber or

or other property of any description conveyed in any manner upon all or any of the seas, lakes, rivers and navigable waters aforesaid; or on any railway; or stored in any warehouse, or railway station; and generally to do all matters and things relating to or connected with marine insurances, on all or any of the seas, lakes, rivers and navigable waters aforesaid, and to make and grant policies therein and thereupon: and the said Company, in like manner, shall have power to effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, on any houses, stores or other buildings whatsoever; and also on any goods, chattels or personal estate whatsoever for such time or times and for such premiums and considerations, and under such modifications and restrictions and upon such conditions as may be bargained or agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, or to insure any other assurance company against any loss or risk which such other company have incurred in the course of their business; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects: and all contracts or policies of insurance issued or entered into by the said Company shall be under the seal of the said Company, and shall be signed by the President, Vice-President or Managing Director for the time being, and countersigned by the Manager or Secretary, or otherwise as may be directed by the by-laws, rules and regulations of the Company, in case of the absence of any of the said parties; and, being so sealed, signed and countersigned, shall be deemed valid and binding upon them according to the tenor and meaning thereof: and the chief place of business of the said Company shall be in Toronto, or in such other place in Canada as may be agreed upon at a special general meeting convened for the purpose: and no insurance shall be effected by them, in any Province or place other than the Province of Ontario, until the Company shall have established an office in such other Province or place, with a local agent, and in that case the service of process in such other Province may be made at such local office, or upon such local agent personally.

Marine Insurance.

Fire Insurance.

Re-insurance of Company.

Insuring other Insurance Company.

Requisites of policies.

Head office.

Other offices.

Service of process.

Agents of the Company.

10. It shall be lawful for the Inland Marine and Fire Insurance Company of Canada to appoint under the corporate seal of the Company, resident agents at any port or place within the Dominion of Canada or elsewhere, for the purpose of effecting, at such ports or places, marine insurances upon ships, freights and cargoes, and insurances against losses by fire on buildings and other property real and personal, subject to such conditions, restrictions and provisos as the said Company shall, from time to time, establish and impose.

11. It shall and may be lawful for any person or persons, or body politic or corporate, to subscribe for such and so many shares

Subscriptions for shares.

as

as he, she or they may think fit,—not however exceeding, during the first month after the subscription books are opened, one hundred shares: Provided nevertheless that after the expiration of such first month there shall be no limitation to the subscription for or acquisition of any number of shares.

Proviso.

Forfeiture for refusal to pay instalments.

12. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the Directors, after such notice as they may direct; and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

Proviso.

Requisite allegations in suits for arrears or calls.

13. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatsoever, other than what is hereinbefore mentioned: a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or a Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

What proof shall be sufficient.

Proof of by-laws, rules, &c.

Quorum of Directors.

14. At all meetings of Directors five shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes; and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director.

Casting vote.

At annual meeting all business may be transacted.

15. At the annual meeting of the shareholders the election of Directors shall be held and all business transacted, without the necessity

necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as shall be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the President, or, in his absence, the Vice-President, or, in the absence of both of them, a Director chosen by the shareholders, shall preside,—who, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Annual statement.

Special general meetings.

Casting vote of person, presiding

16. The Directors shall have full power and authority to make, and from time to time to alter, such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company; the management and disposition of its stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the appointment of a Managing Director, and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital; the appointment and removal of officers and agents of the Company; the regulation of their powers and duties, and the salaries to be paid to them; the regulation of the transfer of stock, and the form thereof; the compensation of Directors, and the establishment and regulation of agencies: Provided always, that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting; and provided further, that such by-laws do not contravene the provisions of this Act.

Power of Directors to make by-laws for certain purposes.

Proviso:
By-laws to approved be at annual general meeting.

17. The Company shall have power to acquire and hold real estate for the purposes of its business, within the Dominion of Canada, of an annual value not exceeding ten thousand dollars; and to sell or dispose of the same and acquire other property in its place as may be deemed expedient; and to take, hold and acquire all such lands and tenements, real or immoveable estate as shall have been *bond 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 purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owner thereof, and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or of any of the Provinces thereof, or of any foreign State or States, (such investment in the securities of foreign States not to exceed fifty per cent. of the capital stock of the Company), or in the stocks of any chartered banks or building societies, or in the bonds

As to real estate held by Company.

Company may invest in Dominion or Provincial securities, &c.

bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate.

Transfers of stock.

18. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Proviso.

Liability of shareholders limited.

19. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided always that nothing in this section shall be construed to alter or diminish the additional liabilities of the Directors of the Company herein provided for.

Proviso: liability of Directors.

Dividends.

20. The Directors of the Company, at a meeting held for such specified purpose, may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends; and also may, by resolution, order that the holders of policies or other instruments, shall be paid such portion of the actual realized profits, in such proportions, at such time, and in such manner as the said Directors may think proper; and may enter into obligations so to do either by endorsement on the policies or otherwise: Provided always that the holders of policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said Company.

Policy holders may participate in profits.

This Act to be subject to provisions of 31 V., c. 48, and 34 V. c. 9, and other Acts.

21. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred shall be subject to the provisions contained in the Act, thirty-first Victoria, chapter forty-eight, intituled, "*An Act respecting Insurance Companies*," as amended by the Act thirty-fourth Victoria, chapter nine, and to such other legislation on the subject of insurance, as may from time to time be passed.

CAP. CI.

An Act to amend the Act incorporating the Mutual Life Association of Canada.

[Assented to 14th June, 1872.]

WHEREAS the Mutual Life Association of Canada have by Preamble.
 their petition prayed that certain amendments may be made to their Act of incorporation, and it is expedient that the prayer of their petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The fifth, sixth, seventh and eighth sections of chapter fifty-seven of the Statutes of Canada, passed in the thirty-fourth year of Her Majesty's reign, are hereby amended by substituting the word "Hamilton" therein for the word "Toronto" wherever the latter word occurs. "Hamilton" substituted for "Toronto," in 34 V., c. 57.

2. The eleventh section of the said Act is hereby amended by substituting the word "twelve" for "nine" wherever the latter word occurs in the said section, and by adding thereto—"and the nine Directors chosen at the annual meeting of eighteen hundred and seventy-two, shall be empowered to elect three other qualified members of the society as Directors, who shall remain in office only until the next annual meeting, but shall be eligible for re-election." Number of directors increased.

3. The nineteenth section of the said Act is hereby repealed, and in lieu thereof it is enacted, that if any vacancy occurs among the Directors by death, resignation, failure to accept office or otherwise, it shall be filled for the remainder of the year by the Directors, at a meeting specially convened for that purpose. Vacancy amongst directors, how filled.

4. The seventh section of the said Act is hereby further amended by adding the words: "If the election of Directors be not held on the day when by the terms of this Act it ought to be held, the members of the Association may hold the same on any other day at an extraordinary meeting to be specially called for the purpose, or as may be provided for in any by-law to be passed for that purpose; and all acts of the Directors until their successors be elected shall be valid." Provision in case of failure to elect directors.

CAP. CII.

An Act to incorporate the Manitoba Insurance Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS Sir Hugh Allan, Donald A. Smith, George Stephen, James McKay and others have by their petitionre presented that they are desirous of establishing a Company for carrying on the business of insurance against loss by fire, and have prayed that they may be incorporated for such purpose under the name of the Manitoba Insurance Company ; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Company in-
corporated.
Name.

1. All such persons as now are, or hereafter shall become shareholders of the said Company, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in law, in fact and in name, by the style and title of "The Manitoba Insurance Company."

Capital and
shares.

2. The capital stock of the said Company shall be two hundred and fifty thousand dollars, divided into two thousand five hundred shares of one hundred dollars each ; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns : Provided always that it shall and may be lawful for the said Company to increase its capital stock to such sum, not exceeding five hundred thousand dollars, as a majority of the shareholders at a special general meeting, to be expressly convened for that purpose, shall agree upon.

Increase of
Capital.Provisional
Directors.

3. For the purpose of organizing the said Company, Sir Hugh Allan, Donald A. Smith, George Stephen, James McKay and John McTavish, the Honorable Marc A. Girard and Andrew G. B. Bannatyne shall be Provisional Directors thereof, and they, or a majority of them, may cause stock books to be opened, after giving due public notice thereof; upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company ; and such books shall be opened in the City of Montreal and in the Province of Manitoba and elsewhere, at the discretion of the Provisional Directors, and shall remain open so long as they deem it necessary.

To open stock
books and
where.First election
of Directors.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed, as aforesaid, and five per cent of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders, at some place to be named,—giving at least ten days notice thereof in the "Canada Gazette," and also in some newspaper published in the City of Montreal

Montreal and in the Province of Manitoba; at which general meeting the shareholders present, in person or by proxy, shall elect seven Directors, in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the first Wednesday in July in the year following their election.

5. The shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; no such instalment shall exceed ten per cent., and not less than six months notice thereof shall be given; and Executors, Administrators, and Curators paying instalments upon the shares of deceased shareholders, shall be, and they are hereby respectively indemnified for paying the same: Provided always that it shall not be lawful for the said Company to commence the business of fire insurance until a sum not less than fifty thousand dollars shall have been actually paid in on account of the subscribed stock.

Calls on shares.

Amount to be paid in before commencing business.

6. The head office of the Company shall be at such place in the Province of Manitoba as the Company may determine, and the stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be chosen President, and one Vice-President, who (except as herein provided for) shall hold office for one year; which Directors shall be shareholders, residing in Canada, and be elected at the annual general meeting of shareholders, to be holden in Manitoba on the first Wednesday in July in each year, or such other day as may be appointed by by-law,—not less than ten days notice of such meeting being given, as provided in section four; and the said election shall be held and made by such of the shareholders present, in person or by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot; and the said proxies shall only be held by shareholders then present; and the seven persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be the President, and one to be the Vice-President; but shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall move his domicile out of Canada, his office shall be considered as vacant; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority

Head office and management.

Annual general meeting, and election of Directors.

Votes and Proxies, ballot.

President and Vice-President.

Vacancies how filled.

Qualification
of Directors.

majority of them, electing in such place or places, a shareholder or shareholders eligible for such office: Provided always that no person shall be eligible to be or continue as Director unless he shall hold in his name, and for his own use, stock in the said Company to the amount of twenty shares, whereof at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock and all liabilities incurred by him to the Company.

Company not
dissolved by
failure to hold
election.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when, pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

Scale of
voting at
general
meetings.

8. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting upon which all calls then due have been paid; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the Chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no clerk or other employé of the said Company shall vote either in person or by proxy at the election of Directors.

Proviso.

Business
powers of
Company.

9. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and, in like manner, on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications, restrictions, and upon such conditions as may be bargained or agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance; and to cause themselves to be re-insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects; and all policies or contracts of insurance issued or entered into by the said Company shall be under the seal of the said Company, and shall be signed by the President or Vice-President, and countersigned by the Managing Director or Secretary, or (otherwise as may be directed by the by-laws, rules and regulations of the Company in case of the absence of any of the parties), and being so sealed, signed and countersigned, shall be deemed valid and binding upon the Company according to the tenor and meaning thereof; and no insurance shall be effected by them in any Province other than the Province of Manitoba until the Company shall have established an office in such other Province with a local agent, and in that case service of process in such other Province may be made at such local office or upon such local agent personally.

Policies and
contracts how
signed.

As to insur-
ance out of
Manitoba.

10. It shall and may be lawful for any person or persons to subscribe for such and so many shares as he, she, or they may think fit, not however exceeding during the first month after the subscription books are opened, one hundred shares: Provided, nevertheless, that after the expiration of such first month, there shall be no limitation to the subscription for or acquisition of any number of shares.

Temporary limitation of number of shares.
Proviso.

11. If any shareholder shall refuse or neglect to pay the instalment due upon any share or shares held by him, he shall forfeit such share or shares, together with the amount previously paid thereon; and such forfeited share or shares may be sold at public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest, and expenses.

Forfeiture of shares for non-payment of calls.

Proviso: as to surplus on shares forfeited.

12. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the said Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and, on the trial, it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matters whatsoever, other than what is before mentioned: a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Calls may be paid after forfeiture.

Suits for recovery of calls: allegation and proof therein.

Proof of by-laws, rules, &c.

13. At all meetings of Directors, four shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director.

Quorum of Directors.

14. At the annual meeting of the shareholders, the election of Directors shall be held, and all business transacted, without the necessity

Business to be transacted at annual meeting.

Statement of
affairs.

Special
general
meetings.
President,
&c., to preside.

necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as shall be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders, the President, or, in his absence, the Vice-President, or, in the absence of both of them, a Director chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Power of
Directors to
make by-laws,
&c.

15. The Directors shall have full power and authority to make and from time to time to alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company; the management and disposition of its stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the appointment of a Managing Director, and of Sub-Boards to facilitate the details of business, and the definition of the duties and powers of such Sub-Boards; the making of calls upon the subscribed capital; the appointment of officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them; the regulation of the transfer of stock, and the form thereof: the compensation of Directors; and the establishment and regulation of Agencies: Provided always that all such by-laws, rules, regulations and ordinances made by the Directors, as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting; and provided further that such by-laws do not contravene the provisions of this Act.

Proviso:

By-laws to be
submitted for
approval of
shareholders.

Power to hold
real estate.

16. The Company shall have power to acquire and hold real estate for the purpose of its business, of an annual value not exceeding five thousand dollars, and to sell or dispose of the same and acquire other property in its place as may be deemed expedient; and to take, hold, and acquire all such lands and tenements, real or immoveable estate, as shall have been *bonâ 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 purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owner thereof; and to retain the same for a period not exceeding ten years: and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or any of the Provinces thereof, or in the stocks of any banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate.

Investing
funds.

17. No transfer of any share of the said Company shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the Company is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer, or receive a dividend, until such debt is paid or secured to the satisfaction of the Directors, and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Transfer of shares.
Proviso.

18. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided always that nothing in this section shall be construed to alter or diminish the additional liabilities of the Directors of the Company hereinbefore provided for.

Liability of shareholders.
Proviso.

19. The shareholders of the Company at the annual meetings thereof may declare such dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends; and may also, by resolution, order that the holders of policies or other instruments, shall be paid such portion of the actual realized profits, in such proportions, at such time and in such manner as the said shareholders may direct; and may authorize the Directors to enter into obligations so to do either by endorsement on the policies or otherwise: Provided always that the holders of policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said Company.

Declaration of dividends.
Insured may share in profits.
Proviso.

20. This Act and the Company hereby incorporated, and the exercise of the powers conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled "*An Act respecting Insurance Companies*," and to the Act thirty-fourth Victoria, chapter nine, intituled "*An Act to amend the Act respecting Insurance Companies*," and to such other enactments on the subject of insurance as may from time to time be passed.

Act subject to existing and future Insurance Acts.

CAP. CIII.

An Act to incorporate the Anchor Marine Insurance Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the Honorable William Pearce Howland, John McNab, James Watson, Robert W. Elliot, Frank Shanly, William B. Scarth, Alexander Fisher and others have by their petition prayed that they may be incorporated for the purpose of establishing a company in the City of Toronto for the transaction of the business of marine insurance, to be called the Anchor Marine Insurance Company; and whereas it is desirable to grant the prayer of their 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 several persons hereinbefore named and such other persons as may become shareholders in the Company to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic under the name and style of "The Anchor Marine Insurance Company;" and shall have power to acquire and hold real estate for the management of their business, not exceeding the yearly value of ten thousand dollars, and the same to sell and dispose of, and other to acquire as may be deemed expedient; and to take and hold any real estate *bond fide* mortgaged to the said company by way of security, or conveyed to them in satisfaction or payment of any debt previously contracted in the course of their dealings, or purchased at any sale under any judgment, execution or decree which may have been obtained for such debt, or by virtue of any proceeding at law or in equity, or acquired by purchase to avoid loss to the Company, and to hold the same for any period not exceeding five years, during which time the said Company shall be bound to sell and dispose of the same, or to institute the necessary proceedings for that purpose where it is necessary to have recourse to any court of law or equity therefor.

Corporate name.

What real estate the Company may hold and on what conditions.

Business of the Company.

2. The said Company shall have power and authority to make with any person or persons all insurances connected with marine risks of navigation and transportation by water, against loss or damage either by fire or by peril of navigation of or to any vessel, steamer, boat or other craft, either seagoing or navigating upon lakes, rivers or navigable waters; and of or to any cargo, goods, merchandise, specie, bullion, jewels, bank notes, bills of exchange and other evidences of debt conveyed therein, or on any railway or stored in any warehouse or railway station while in transit; and of and to any timber or other property of any description borne or carried by water; and of and to any freight, profit, commission, bottomry or respondentia interest; and to cause themselves to be reinsured

reinsured when deemed expedient against any loss or risk upon which they have made or may make insurance, and generally to do and perform all other matters and things necessary to such objects.

3. The capital of the said Company shall be five hundred thousand dollars, consisting of five thousand shares of one hundred dollars each; but it shall be lawful for the said Company from time to time to increase the capital stock to an amount not exceeding in the whole one million dollars, by a resolution adopted by a majority of the shareholders present at a meeting expressly convened for that purpose.

Capita and
shares.

Increase.

4. It shall be lawful for the said Company within the limits of Canada, to invest their funds or any part thereof, in loans upon public or landed securities, and the same to call in and to reloan as occasion may require; and in the purchase of mortgages upon real estate, the public securities of the Dominion or any Province thereof, the bonds and debentures of any municipal corporation, or the stock of any incorporated bank in Canada; and to sell and transfer the same as occasion may require: Provided always, that the said Company shall not deal in any goods, wares or merchandize other than such as they shall become possessed of by virtue of any insurance made thereon, and which may be abandoned to them.

Investment of
funds.

Proviso.

5. The property, affairs and business of the Company shall be managed by a Board of not more than fifteen nor less than seven Directors, one of whom shall be chosen President and one Vice-President; which Board, in the first instance, and until others shall be appointed as hereinafter provided, shall consist of the persons named in the preamble of this Act, and they or a majority of them may cause stock books to be opened, upon which shall be recorded the subscriptions of such persons as desire to become shareholders of the said Company.

Provisional
Board of
Directors.

6. So soon as the sum of one hundred thousand dollars shall have been subscribed as aforesaid, it shall be lawful for such subscribers to proceed to the election by ballot of a Board of Directors at such time and place as the Provisional Board shall appoint,—giving fifteen days' notice thereof in one newspaper at least, published in the City of Toronto; which Directors shall be subscribers at the time of their election and during their continuance in office, to the amount of twenty-five shares each; and shall have power to choose from amongst themselves a President and Vice-President; and the said Directors shall hold office until the first annual general meeting of the shareholders thereafter: Provided always that the said Company shall not begin the business of insurance, until the sum of at least two hundred and fifty thousand dollars shall have been subscribed, and ten per cent thereof paid up.

First election
of Directors.

Proviso: as to
commencing
business.

7. A general meeting of the shareholders of the said Company shall be held in the City of Toronto on such day of each and every year

General
meetings,
notice and
voting.

year as a majority of the Directors may appoint, after giving thirty days' notice thereof in at least one newspaper published in the Cities of Toronto and Montreal respectively; and the stockholders present at such meeting, either in person or by proxy, shall proceed to elect by ballot the Directors for the ensuing year: **Proviso.** Provided that nothing herein contained shall be held to render the retiring Directors ineligible for re-election.

Scale of votes.

Proxies.

Ties at Elections.

8. Each stockholder shall be entitled to one vote for each share he shall hold in his own name at least one month prior to the time of voting, upon which all calls then due shall have been paid; and all votes given at any meeting may be given either personally or by proxy,—the holders of such proxies being stockholders authorized by writing under the hands of the stockholders nominating them; and any proposition at any such meeting shall be determined by a majority of the votes of the parties present, including proxies; and if two or more persons have an equal number of votes in such a manner that a greater number of persons shall appear to be chosen as Directors than is provided for by this Act, then the Directors who shall have a greater number of votes or a majority of them shall determine which of such persons so having an equal number of votes shall be a Director or Directors, so as to complete the full number required to be elected.

Vacancies how filled.

9. If any Director shall die, resign or become disqualified or incompetent to act as a Director, or shall cease to be a Director through any other cause, the remaining Directors, if they think proper so to do, may elect in his place any stockholder duly qualified to be a Director; and the stockholder so elected to fill up such vacancy shall continue in office until the first annual meeting thereafter.

Annual statement of affairs.

10. At the annual general meeting of the Company, and before the shareholders then assembled, the Board of Directors shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and securities,—shewing the amount of real estate, of bonds and mortgages and other securities and investments, and the amount due to and by the said Company.

Provision in case of failure of election.

11. If it shall happen at any time, or for any cause, that an election of Directors shall not be made on any day, when pursuant to this Act or the ordinances of the Company, it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful on any other day to hold and to make an election of Directors in such manner as may have been regulated by the by-laws of the Company; and the Directors in office shall so continue until a new election shall have been made.

Powers of Directors as to by-laws.

12. Any number of the Directors of the Company, being a majority thereof, shall have full power and authority to make, prescribe and alter such by-laws, rules, or ordinances and regulations, as shall appear to them right, proper and needful, touching the

the government, management and well ordering of the Company, its business and affairs, servants and agents; the rates and amount on any one risk of insurance; the terms and conditions of policies, and the mode of issuing the same; the calling of special general meetings; the management and control of local boards, and of the stock, property, estate, and effects of the Company: and also to call in any instalment or instalments of the subscribed stock at such times or seasons and in such manner as they may see fit,—giving due notice thereof as hereinafter provided; and also to declare and cause to be paid or distributed to the respective shareholders of the Company any dividend or dividends at such times and seasons as they may deem expedient: and also to appoint a Manager, Secretary, Treasurer and other officers, or any of them, with such salary or allowance to each, as may be agreed upon, and to take security for the due performance of their respective duties as such Directors shall think advisable: Provided always, that for the purposes in this section mentioned, a majority of the Directors shall be present, except as hereinafter specially provided.

Calls.

Dividends.

Officers.

Proviso.

13. There shall be, as may be fixed by the by-laws of the Company, a weekly, fortnightly or monthly meeting of the Directors, and any three or more of the Directors shall be a quorum for the general management of the business and affairs of the Company; and at all meetings of the Directors, all questions shall be decided by a majority of the voices or votes; and in case of an equality of votes, the President, Vice-President or Presiding Director shall give a casting vote over his proper vote as a Director.

Meetings of Directors.

Majority to decide.

Casting vote.

14. All policies, cheques and other instruments, issued or entered into by the said Company, shall be signed by the President or Vice-President, and countersigned by the Manager or Secretary,—or as otherwise directed by the rules and regulations of the Company, in case of their absence; and being so signed and countersigned shall be deemed valid and binding upon the Company according to the intent and meaning thereof.

Signing policies, cheques, &c.

15. The Directors may make such calls upon the respective shareholders, in respect of the shares subscribed or held by them respectively, as they may from time to time deem expedient; and if any shareholder refuse or neglect to pay to the said Directors, or to such person or persons as they may appoint, and at such place, the instalments called for, due or to become due upon any share or shares held by him, when required so to do, he shall forfeit his shares together with the amount paid thereon; and such forfeited share or shares, may be sold by the Directors, after such notice to the holder thereof as they may direct, and the money arising from such sale, shall be applied for the purposes of this Act: Provided always, that the Directors shall have power to enforce such calls of payments by law; and in any action for the payment of calls, it shall be sufficient to prove that the defendant is the holder of one or more shares, that such calls were in fact made, and that notice was given as directed by this Act;

Calls how made. Forfeiture for non-payment.

Proviso. Calls may be recovered by suit. Proof in such case.

Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatever.

Transfer of shares.

16. No transfer of any share or shares of the capital stock of the said Company shall be valid until entered in the books thereof, according to such form as the Directors may from time to time determine; and until the whole of the said share or shares of the said Company are paid up, it shall be necessary to obtain the consent of the majority of the Directors to such transfer being made: Provided always that no stockholder indebted to the said Company shall be permitted to make a transfer or receive a dividend, until such debt is paid or secured to the satisfaction of the Directors.

Proviso.
Lien on shares.

Liability of shareholders limited.

17. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, but no further.

Shares personalty.

18. All shares in the said Company shall be deemed personal property.

Dividends limited.

19. No dividend shall be declared or paid out of the capital stock of the Company; nor shall any dividend out of the net profits be declared or paid unless the said capital shall be unimpaired.

Places of business.

20. The operations and business of the Company shall be carried on at such place in the City of Toronto as the said Board may direct; but agencies, with or without Branch Boards of Directors, may be established elsewhere as the said Board may deem expedient.

Suits by or against Company

21. Suits against the Company may be prosecuted or maintained by any shareholder therein, and no shareholder of the Company shall be incompetent as a witness in any proceedings by or against the Company.

Act and Company subject to 31 V., c. 48, and 34 V. c. 9, &c.

22. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, as amended by the Act thirty-fourth Victoria, chapter nine, and to such other legislation on the subject of insurance as may from time to time be passed.

CAP. CIV.

An Act to incorporate the Canada Agricultural Insurance Company.

[Assented to 14th June, 1872.]

WHEREAS the Honourable Louis Archambeault, M.P., the Preamble.
Honourable Asa Belknap Foster, Senator, George B. Baker, M.P., Charles C. Colby, M.P., William H. Webb, M.P., Basile Benoit, M.P., Lieut. Col. Antoine Chartier de Lotbinière Harwood, D.A.G., Asa Westover, Erastus O. Brigham, Edmund L. Chandler, David A. Manson and Edward H. Goff, have by their petition represented that the establishment of an association for the insurance of farm property and residences against loss and damage by fire and lightning, would be greatly beneficial to the interests of the people of Canada, especially as there is no company in Canada that confines its business to this class of risks, and have prayed that they may be incorporated for the purpose of carrying on a business of this description, by the name of the "Canada Agricultural Insurance Company;" and it is expedient to grant their prayer: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The several persons mentioned in the preamble, together Company Incorporated.
with all such persons as now are, or shall hereafter become members of the said Company, and their respective administrators, executors and assigns shall be and are hereby constituted and declared to be a corporation, body politic and corporate, under the name of "The Canada Agricultural Insurance Company;" and Name.
shall be legally authorized to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire or lightning, on dwellings, barns and outbuildings, with their contents, and other detached property, for such time, and for such premiums or considerations, and Business of the Company.
under such modifications and restrictions, and upon such conditions as may be bargained or agreed upon, or set forth by and between the Company and the person or persons agreeing with them for such insurance; and to cause themselves to be reinsured against any loss or risk they may incur in the course of their business; and generally to do and perform all other necessary matters and things connected with and proper to promote the objects aforesaid.

2. All policies or contracts of insurance issued or entered into Policies to be under seal and by whom signed.
by the said Company, shall be under the seal of the said Company, and shall be signed by the President or Vice-President, and countersigned by the Managing Director or Secretary, or otherwise, as may be directed by the by-laws, rules and regulations of the Company; and being so sealed, signed and countersigned shall be deemed

Chief place of business. deemed valid and binding upon them, according to the tenor and meaning thereof; and the chief place of business of the said Company shall be in the City of Montreal.

Capital stock and shares. **3.** The capital stock of the said Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always, that it shall be lawful for the said Company to increase its capital to one million dollars, as a majority of the shareholders at a special general meeting, to be expressly convened for that purpose, may agree upon.

Proviso: for increase.

Provisional Directors.

To open stock books.

4. For the purpose of organizing the said Company, the persons named in the preamble to this Act, together with the Honorable John Henry Pope, M.P., the Honourable Lucius Seth Huntingdon, Q.C., M.P., and Matthew H. Cochrane shall be Provisional Directors thereof; and they or a majority of them may cause stock books to be opened, after giving due public notice thereof, upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the Company; and such books shall be opened in the City of Montreal and elsewhere and for such time as the Provisional Directors shall deem necessary.

First general meeting and election of Directors.

5. When and so soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid and ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders at some place to be named in the City of Montreal,—giving at least ten days notice thereof in the “Canada Gazette,” and also in some daily newspaper published in the said City: at which general meeting the shareholders present, in person or by proxy, shall elect fifteen directors, in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the first Wednesday, in January, in the year following their election.

Term of office.

Calls on shares.

6. The shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint: no such instalment shall exceed ten per cent., and not less than one month's notice thereof shall be given: Provided always, that it shall not be lawful for the said Company to commence the business of fire insurance until a sum not less than fifty thousand dollars shall have been actually paid in on the subscribed stock.

Proviso: as to commencing business.

Directors, &c., annual general meetings.

7. The stock, property, affairs and concerns of the said Company shall be managed and conducted by fifteen Directors, one of whom, shall be chosen President and one Vice-President, who, excepting as hereinbefore provided for, shall hold office for one year; which Directors shall be shareholders, residing in Canada, and be elected at the annual general meeting of shareholders, to be holden in the City

City of Montreal, on the first Wednesday in January in each year, or such other day as may be appointed by by-law,—not less than ten days notice of such meeting being given, as provided in section five: and the said election shall be held and made by such of the shareholders present, in person or by proxy, as shall have paid all calls made by the Directors, and then due; and all such elections shall be by ballot; and the fifteen persons who shall have the greatest number of votes at any such election, shall be Directors, except as hereinafter provided; and if two or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of fifteen; and the said Directors as soon as may be after the election, shall proceed in like manner to elect, by ballot, one of their number to be the President, and one to be Vice-President; but shareholders not residing within the Dominion of Canada shall be ineligible, and if any director shall move his domicile out of Canada, his office shall be considered as vacant; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or a majority of them, electing in such place or places, a shareholder or shareholders, eligible for such office: Provided always, that no person shall be eligible to be or continue as Director, unless he shall hold in his name, and for his own use, stock in the said Company to the amount of twenty shares, whereof at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock, and all liability incurred by him to the Company.

Election of Directors.

Who may vote; proxies, ballot.

Ties at elections.

President and Vice President

Vacancies, how filled.

Proviso: qualifications of Directors.

8. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when, pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election, in such a manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

Provision in case of failure to hold any election.

9. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid: such votes may be given either in person or by proxy,—the holder of any such proxy being himself a shareholder; and no shareholder shall be entitled to give more than one hundred votes upon proxies held by him; and all questions proposed for the consideration of the shareholders, shall be determined by the majority of votes,—the chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no clerk or other employee of the

Scale of voting at general meetings.

Proxies.

Casting vote.

Proviso.

the

the said Company shall vote either in person or by proxy at the election of Directors.

Temporary limitation of number of shares to be held by one party.

Proviso.

10. It shall and may be lawful for any person or persons, or body politic or corporate, to subscribe for such and so many shares as he, she or they may think fit,—not, however, exceeding, during the first six months after the subscription books are opened, fifty shares: Provided nevertheless that, after the expiration of such first six months, there shall be no limitation to the subscription for, or acquisition of, any number of shares.

Forfeiture of shares for non-payment of calls.

11. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold, or any part thereof, for the benefit of the Company, to any other person or persons.

Calls may be paid after forfeiture.

Suits for recovery of calls and what only need be alleged and proved therein.

12. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner, as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act: and it shall not be necessary to prove the appointment of the Directors who made such calls, or any matter whatsoever other than what is before mentioned: a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract, under the hand of the President, or Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Proof of By-Laws and other documents.

Quorum of Directors.

13. At all meetings of Directors, five shall be a quorum for the transaction of business: and all questions before them shall be decided by a majority of votes; and in case of an equality of votes, the President, Vice-President or presiding Director shall give the casting vote, in addition to his vote as a Director.

Casting vote.

Business at annual meeting.

14. At the annual meeting of the shareholders the election of Directors shall be held, and all business transacted, without the necessity for specifying such business in the notice of such meeting;

ing : and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as shall be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws ; and at all meetings of the shareholders, the President, or in his absence the Vice-President, or in the absence of both of them, a Director chosen by the shareholders, shall preside, who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder.

Statement of Affairs.

Special general meetings. President, &c., to preside at meetings.

15. The Directors shall have full power and authority to make and from time to time, to alter such by-laws, rules, regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its stock, property, estate and effects ; the calling of special general meetings ; the regulation of the meetings of the Board of Directors ; the appointment of a Managing Director, and of Sub-boards to facilitate the details of business, and the definition of the duties and powers of such Sub-boards ; the making of calls upon the subscribed capital ; the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them ; the regulation of the transfer of stock, and the form thereof ; the compensation of Directors ; and the establishment and regulation of agencies : Provided always, that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect, as so approved or modified at such meeting ; and provided further that such by-laws do not contravene the provisions of this Act.

Powers of directors to make by-laws, appoint officers, &c.

Proviso.

By-laws to be submitted for approval of shareholders.

16. The Company shall have power to acquire and hold real estate for the purpose of its business within the Dominion of Canada of an annual value not exceeding ten thousand dollars ; and to sell or dispose of the same and acquire other property in its place as may be deemed expedient ; and to take, acquire and hold all such lands and tenements, real or immovable 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 purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owner thereof ; and to retain the same for a period not exceeding ten years : and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or of any of the Provinces thereof, or in the stocks of any banks or building societies in Canada or in the bonds or debentures of any incorporated city, town or municipality in Canada authorized to issue bonds or debentures, or in mortgages on real estate.

Power to hold real estate for its own accomodation ; and for other purposes during a certain time.

Investment of funds of the company.

Transfer of shares.

17. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company, according to such form as may from time to time be fixed by the by-laws; and, until the whole of the capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always that no shareholder indebted to the Company shall be permitted to make a transfer, or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid up.

Proviso:—debts to company to be previously paid.

Liability of shareholders limited.

18. In the event of the property and assets of the said Company being insufficient to satisfy its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided always, that nothing in this section shall be construed to alter or diminish the additional liabilities of the Directors of the Company hereinbefore provided for.

Proviso as to directors.

Declaration of dividends, and when only to be made.

19. The Directors of the Company, at the annual meetings thereof, shall declare such dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends.

This Act and the Company to be subject to Insurance Acts.

20. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled: "*An Act respecting Insurance Companies*," as amended by the Act thirty-fourth Victoria, chapter nine, and to such other enactments on the subject of insurance as may from time to time be passed.

CAP. CV.

An Act to incorporate The Accident Insurance Company of Canada.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed that they may be incorporated for the purpose of establishing a company to carry on the business of insurance against accidents and casualties from whatsoever cause arising; and have represented the necessity of establishing a company of a national or Canadian character which will transact no other insurance business of any nature soever, and that such a company would be of public benefit; and whereas it

it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sir Alexander T. Galt, John Rankin, D. Lorn Macdougall, John Molson, Robert James Reekie, James Rose, Edward McKay, John Cassie Hatton, and Edward Rawlings, of the City of Montreal, and such other persons as may become shareholders in the Company, to be by this Act created, shall be, and they are hereby constituted and declared to be, a body corporate and politic for the purposes herein mentioned under the name of "The Accident Insurance Company of Canada;" and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure; and may, by such name, sue and be sued, implead and be impleaded in all courts of law and equity.
2. The capital stock of the said Company shall be two hundred and fifty thousand dollars, and shall be divided into two thousand five hundred shares of one hundred dollars each; which shares shall be and are hereby vested in the several persons who shall subscribe for the same: Provided always that it shall and may be lawful for the said Company to increase its capital stock to a sum not exceeding five hundred thousand dollars, as a majority of the shareholders, at a special general meeting, to be expressly convened for that purpose, shall agree upon.
3. For the purpose of organizing the said Company, the persons named in the first section of this Act shall be Provisional Directors thereof; and they, or a majority of them, may cause a stock book or books to be opened, upon which stock book or books shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company; and such book or books shall be opened in the City of Montreal and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they deem it necessary.
4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and not less than ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders at some place to be named in the City of Montreal,—giving at least ten days' notice thereof in the "Canada Gazette" and also in some daily newspaper published in the said city: at which general meeting the shareholders present in person or by proxy, shall elect seven Directors in the manner, and qualified as hereinafter provided, who shall constitute a Board of Directors and shall hold office as hereinafter provided: Provided always that no person shall be eligible to be or continue a Director, unless he shall hold in his own name and for his own use, at least ten shares of the capital stock of the Company and shall have paid all calls thereon and all liabilities incurred by him to the Company: and the

Persons incorporated.

Corporate name, and rights.

Capital and shares.

Provision for increase.

Provisional Directors.

To open stock books.

General meeting for election of Directors.

Notice.

Qualification for Director.

shareholders

Number of Directors may be altered.

shareholders shall have power to increase the number of Directors at any general meeting, to any number not exceeding eleven, or to reduce them to any number not less than five.

Payment of shares.

Cases.

Amount to be paid in before commencing business.

5. The shares of the capital stock subscribed for, shall be paid in and by such instalments and at such times and places as the said Directors shall appoint; no such instalment shall exceed ten per cent., and not less than thirty days' notice thereof shall be given; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be, and are hereby respectively indemnified for paying the same: Provided always that it shall not be lawful for the said Company to commence the business of accident insurance until a sum of not less than twenty-five thousand dollars shall have been actually paid in on account of the subscribed stock.

Directors.

Retirement by rotation.

Filling vacancies.

Election of Directors.

Place and time of election.

Voters and manner of voting.

Ties.

Election of officers.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by the said Directors, one of whom shall be chosen President and one Vice-President; three of the said Directors shall, in rotation, retire each year, and the three who shall first retire shall be determined by the Directors, by lot, and so in rotation, but any retiring director shall be eligible for re-election: if any vacancy should at any time happen amongst the said Directors, by death, during the term of office of any Director, such vacancy shall be filled for the remainder of the term by the remaining Directors, or the majority of them, electing, in such place or places, a shareholder or shareholders eligible for such office. All elections of Directors shall be made and take place at the annual general meeting of the shareholders to be holden at the head office of the Company or elsewhere in Montreal on the first Wednesday in January in each year or such other day as may be appointed by by-law, —not less than ten days' notice of such meeting being given as provided in section four; and the said election shall be held and made by such of the shareholders present in person or by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes, shall be Directors; and if two or three persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors than should have been chosen, then a second vote on the names of such persons shall be taken, and so on until the proper number of persons shall be elected; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect, by ballot, one of their number to be the President and one to be the Vice-President.

Provision in case of failure of election.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when, pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in

in such manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

8. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due shall have been paid; such votes may be given either in person or by proxy,—the holder of such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the Chairman presiding at such meeting having the casting vote in case of an equality of votes.

Qualification and manner of voting.

Determination of questions.

9. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct; and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always that if the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses.

Forfeiture for non-payment of instalments and sale of shares.

Proviso: Surplus to go to owner.

10. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the Defendant being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatsoever other than what is before mentioned: a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or Vice-President or the Manager of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Payment of arrears before sale of shares forfeited.

Allegations required in suits for calls.

Proof in such cases, and of By-laws, &c.

11. At all meetings of the Directors, three shall constitute a quorum for the transaction of business, of whom the President or Vice-President shall be one, and shall preside at such meetings,—except

Meetings of Directors.

except in case of illness or absence, when the Directors present may choose out of their number a chairman for such meeting.

Powers of Company to effect insurance.

12. The Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against all accidents or casualties of whatsoever nature or from whatsoever cause arising either to person 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 certain sum of money, upon such terms and conditions as may be agreed upon.

Business at annual meetings. Statement of affairs.

13. At the annual meeting of the shareholders, the election of Directors shall be held and all business transacted, and a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as shall be required by the by-laws, shall be laid before the shareholders: special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders, the President, or in his absence the Vice-President, or in the absence of both of them, a Director chosen by the shareholders, shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Special general meetings: who shall preside at meetings.

Power of Directors to make by-laws for certain purposes.

14. The Directors shall have full power and authority to make, and, from time to time, to alter such by-laws, rules, regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the appointment of a Manager, and of Sub-Boards to facilitate the details of business, and the definition of the duties and powers of such Sub-Boards; the making of calls upon the subscribed capital; the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries and allowances to be paid to them; the regulation of the transfer of stock, and the form thereof; the compensation of Directors; and the establishment and regulation of agencies: Provided that such by-laws do not contravene the provisions of this Act, and are not contrary to law.

Proviso.

Company may hold real estate for certain purposes.

15. The Company shall have power to acquire and hold such real estate as it may require for the purposes of its business, within the Dominion of Canada or elsewhere, not exceeding the annual value of five thousand dollars; and to sell and dispose of the same and acquire other property in its place as may be deemed expedient, and to take, hold and acquire all such lands and tenements, real or immovable estate as shall have been *bond 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

otherwise obtained ; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or of any of the Provinces thereof, or in the stocks of any banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate.

16. No transfer of any share of the said Company shall be valid until entered on the books of the said Company according to such form as may, from time to time, be fixed by the by-laws ; and until the whole of the capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made : Provided always that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors ; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

17. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities and engagements, the shareholders shall be liable for the deficiency,—but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock.

18. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled "*An Act respecting Insurance Companies,*" as amended by the Act thirty-fourth Victoria, chapter nine.

CAP CVI,

An Act to incorporate the Dominion Trust Company.

[Assented to 14th June, 1872.]

WHEREAS C. J. Campbell, Alexander T. Fulton, W. G. Cassels, L. Moffatt, John McMurrich, A. R. McMaster and Wm. Gooderham have by their petition prayed that they may be incorporated under the name and style of the "Dominion Trust Company," for the purpose of executing trusts, and the transaction of all business in connection therewith ; and whereas it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. The several persons hereinbefore named, and such other persons as may hereafter become shareholders in the Company by

this

this Act created, and their assigns, are hereby constituted and declared to be a corporation, under the name and style of the "Dominion Trust Company," and by that name shall have perpetual succession and a common seal, and may sue and be sued in all courts of law and equity.

Corporate name.

Business of the Company.

2. The Company are hereby authorized and empowered to accept and execute all such trusts of every description as may be committed to them by any person or persons, or by any corporation, or by any court of law or equity in the Dominion; and to take and accept by grant, assignment, transfer, devise or bequest and hold any real or personal estate on trusts created in accordance with law, and execute such legal trusts with regard to the same, upon such terms with regard to remuneration and otherwise as may be agreed on; and they are also authorized generally to act as agents or attorneys for the transaction of business, the management of estates, the collection of rents, interest, dividends, mortgages, bonds, bills, notes and other securities.

Courts may appoint the Company as Trustees, &c.

3. In all cases where an application shall be made to any court of law for the appointment of any trustee, receiver, administrator, committee of any lunatic, guardian or assignee, (other than under any Act respecting insolvency) it shall be lawful for the said court to appoint the said Company, with their consent, to hold such office or offices; and the accounts of the said Company in respect thereof shall be regularly settled and adjusted under the directions of such courts respectively; and in passing such accounts the company shall be entitled to all proper and usual charges costs, expenses and allowances.

Company's affairs subject to inspection.

4. The affairs of the Company and management thereof, and the securities held by them, shall be subject to inspection at such times and in such manner, as the said court may by general order direct.

Liability of the Company.

5. The liability of the said Company to the persons interested in the estates held by them in any fiduciary capacity under the provisions of this Act, shall be the same as if the said estates had been held by any private person in such capacity; and their power shall be the same; and the whole of the capital stock of the Company, together with its property and effects, shall be taken and considered as security for the faithful performance of their duties as aforesaid, and shall be absolutely liable in case of any loss or default; but no shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not paid up.

And of the Shareholders.

Investment of moneys of the Company.

6. The Company are empowered to lay out and invest their capital in the first place in paying and discharging all costs and expenses incurred in the application for and obtaining this Act; and the remainder thereof, or such part thereof as may from time

to time be called up, in loans upon the security of real estate, or in the public securities of the Dominion, or of any Province thereof; and the Company are also empowered to hold such real estate, not exceeding five thousand dollars in annual value, as may be necessary for the transaction of their business, or as being mortgaged to them, may be acquired by them for the protection of their investment; and may from time to time mortgage, sell, lease or otherwise dispose of the same: Provided always that it shall be incumbent upon the Company to sell any real estate acquired by them in respect of any debt due to them, within five years after such acquisition.

Power to hold certain real estate.

Proviso.

7. The capital stock of the Company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each; but it shall be lawful for the Company from time to time to increase the capital stock to an amount not exceeding in the whole one million dollars, by a resolution adopted by a majority of the shareholders at a meeting specially called for that purpose.

Capital and shares.

Provision for increase.

8. The property, affairs and business of the Company shall be managed by a board of seven Directors, one of whom shall be chosen President and one Vice-President; which board in the first instance, and till others shall be chosen and appointed as hereinafter provided, shall consist of the persons named in the preamble to this Act.

Directors, President and Vice-President.

9. When and so soon as the sum of five hundred thousand dollars shall have been subscribed, and ten per cent. thereof paid up, the Directors shall call a general meeting of the shareholders, to be held at such time and place in the City of Toronto, as the Directors may appoint,—of which meeting not less than three weeks' notice shall be given in one newspaper published in the cities of Toronto and Montreal respectively—for the purpose of electing Directors, who shall hold office for the next ensuing year; and thereupon the powers and functions of the said Provisional Directors shall cease, and the said Company may thereupon go into operation: Provided always that no dividend shall be declared or paid out of the profits of the said Company to the shareholders thereof, until the paid up capital of the said Company, together with the accumulations of the said profits shall amount to the full sum of one hundred thousand dollars, or until the said sum of one hundred thousand dollars shall have been fully paid up by calls made upon the shareholders in manner hereinafter provided.

First meeting for election of Directors.

10. Each shareholder shall be entitled to one vote for each share he or she may hold in his or her name; all votes given at any meeting may be given either personally or by proxy; and any proposition at any meeting shall be decided by a majority of the parties present, including proxies.

Votes.

Proxies.

Majority.

11. The Company shall have their head office in the City of Toronto, and an office in the City of Montreal; and a general meeting

Head office.

Annual general meetings.

meeting of the Company shall be held in the City of Toronto on such day in each and every year as the Board of Directors shall appoint, after giving fifteen days previous notice thereof in one of the newspapers of the said City; at which meeting the shareholders shall proceed to elect by ballot a Board of Directors for the ensuing year: Provided that nothing herein contained shall be held to render the retiring Directors ineligible for re-election.

Directors may be re-elected.

Quorum of Directors and their powers to make By-laws for certain purposes.

12. At all meetings of the Directors three shall be a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes; and the said Directors shall have full power and authority to make by-laws and regulations respecting the business and management of the said Company, and of the stock and effects thereof; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the appointment and removal of a Managing Director, Secretary and other officers of the Company, as well as of agents and local boards for facilitating the details of business; the making of calls upon the subscribed capital; the regulation of the powers and duties of all officers of the Company, and the remuneration to be paid to them; the transfer of stock, and the mode of effecting the same; the transmission of the interest in any share by any mode other than by transfer, and the manner of proving the same: Provided always that all such by-laws and regulations shall only be valid and binding until the next annual general meeting, unless they are then approved thereat, and shall thereafter have force and effect as so modified or approved at such meeting.

Proviso: for approval by shareholders.

Provision in case of failure of election.

13. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such manner as may be regulated and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made.

Directors resigning or dying.

14. Whenever any one or more of such Directors die or resign, the remaining Directors shall appoint a Director or Directors in the place and stead of the person or persons so dying or resigning.

Calls: and recovery of calls.

15. The Directors may require payment of subscriptions to the said capital stock, at such times and in such proportions as they may deem proper under penalty of forfeiture of all stock and previous payments thereon: and the said Company may sue for and recover all such subscriptions.

Annual statement to be transmitted to Minister of Finance.

16. The said Company shall transmit annually to the Minister of Finance, a statement in duplicate, verified by the oath of the President, Manager or Secretary, setting out the capital stock of the Company, and the proportion thereof paid up; the assets and liabilities

liabilities of the Company; the value of the trust property held by them under any grant, assignment, transfer, devise or bequest, or committed to them by any such court as aforesaid, or in any other manner acquired by them, and the amount annually received and paid over, or applied by the Company in connection therewith; and such other details as to the nature and extent of the business of the Company, as may from time to time be required by the said Minister of Finance, or in pursuance of any general Act passed to regulate trust companies: and such statement shall be made up to the thirty-first day of December in each year.

17. No shareholder shall be eligible for election as a Director, unless he is the holder of ten shares at least of the capital stock of the Company, upon which all calls have been paid; and until the whole of the said capital stock is paid up, no shareholder shall have the power to transfer his or her share or shares of the Company without the consent of a majority of the Directors being first had and obtained.

Qualification of Directors: and limitation as to transfer of shares.

18. Whosoever being a Director, member, Manager, public officer, or clerk of the said Company, fraudulently converts or appropriates any property whatever or valuable security to or for his own use, or the use of any other person, or for any purpose other than that contemplated or provided for by the trust accepted by the Company, or which may be received or intended to be received by the Company as agents or attorneys for others under the provisions of the second and third sections of this Act, is guilty of a misdemeanor; and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other place of confinement, for any term less than two years, with or without hard labor, and with or without solitary confinement.

Punishment of officers, &c., fraudulently converting property entrusted to the Company.

19. In any indictment under the next preceding section, it shall be sufficient to state any such property to belong to the Company.

Form of indictment.

20. The eighty-second and three following sections of the Act passed in the Session of the Parliament of Canada, held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter twenty-one, shall, with the addition of the words "or clerk" after the words "public officer," be considered as forming part of this Act, and the punishment of the several offences therein provided shall be the same as hereinbefore mentioned.

Sections of 32 33 V., c. 21, to apply.

21. The words "property" and "valuable security" shall be interpreted in the manner provided by the Act last above mentioned.

Interpretation.

CAP. CVII.

An Act to incorporate the Imperial Guarantee and Loan Society.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that they may be incorporated as a guarantee and loan society, having for its object the making of contracts by way of guarantee, indemnity or suretyship, the borrowing and lending of money, the purchase and dealing in public securities, and in the stocks, bonds and debentures of corporate bodies, the receiving and holding of property upon trust, and exercising the office of trustees, and the acting as agents for the investing of money and otherwise; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain persons incorporated. Provisional Directors.

1. C. J. Campbell, Thomas McCrackin, John Fiske, William McGiverin, William H. Howland, John Turner, F. W. Cumberland, John Shedden, G. W. Hawke, A. R. McMaster, W. F. McMaster, William Thomson, B. Halden, John Moat, H. C. Hammond, J. Morrison, R. J. Dallas, James Michie, R. M. Mills, A. Thornton Todd, J. S. McMurray, A. T. Fulton, J. C. Gilmor (who are hereby named Provisional Directors), and all other person or persons, body or bodies politic, who shall, from time to time, be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be and are hereby constituted a society, and shall be one body politic and corporate by the name of "The Imperial Guarantee and Loan Society;" and by that name shall have perpetual succession and a common seal, with power to break and alter such seal; and by that name may sue or be sued, plead or be impleaded in all courts whatsoever.

Corporate name and powers.

Head Office and branches.

2. The head office of the Society shall be in Toronto; but the Directors may have a branch office in the City of Montreal, and may have offices and transact business in any part of the Dominion of Canada.

Capital and shares.

3. The capital stock of the Society shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each: Provided always that it shall and may be lawful for the said Society to increase its capital stock to a sum not exceeding two million dollars, as a majority of the shareholders, at a general meeting to be expressly convened for that purpose or at a regular annual meeting, shall agree upon.

May be increased.

Stock books to be opened.

4. For the purpose of organizing the Society, the Provisional Directors or a majority of them, may cause stock books to be opened, after giving due public notice thereof in which stock books shall

shall be recorded the names and subscriptions of such persons as desire to become shareholders in the Society; and such books shall be opened in the City of Toronto and elsewhere at the discretion of the said Provisional Directors, and shall remain open so long as they deem necessary.

5. When and as soon as the said capital stock shall have been subscribed, and twenty per cent. of the amount so subscribed paid in the said Provisional Directors may call a general meeting of shareholders at some place in the City of Toronto,—giving at least four weeks' notice of the time and place for holding such meeting by publishing the same in the "Canada Gazette" and also in some daily newspaper published in each of the said cities of Toronto and Montreal respectively; at which general meeting the shareholders present or represented by proxy shall elect nine directors in the manner hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the first Thursday in July in the year following their election.

6. The said Directors shall be shareholders residing in Canada, and they shall be elected—except as above provided—at the annual general meeting of shareholders, to be holden in Toronto on the first Thursday in July in each year, or such other day as may be appointed by by-law—not less than four weeks' notice of such meeting being given as provided in the next preceding section; and all elections of Directors shall be held and made by each of the shareholders present or represented by proxy as shall have paid the twenty per cent. above prescribed, and all calls made by the Directors and then due; and all such elections shall be by ballot—and the persons who shall have the greatest number of votes at any such election shall be Directors except as hereinafter directed; and if there is any doubt or difficulty in such election by reason of two or more persons receiving an equal number of votes then there shall be a re-ballot, as between such persons, which re-ballot may be repeated as often as deemed advisable by the meeting; or instead of a re-ballot, the Directors, as to whose election there is no such doubt or difficulty, may, if deemed advisable by the meeting, determine which of the persons having an equal number of votes shall be Director or Directors: and the said Directors, so soon as they may be after their election, shall proceed in like manner to elect by ballot one of their number to be President and one to be Vice-President. But shareholders not residing within the Dominion of Canada shall be ineligible; and if any Director [shall] move his domicile out of Canada, or shall be absent from Canada more than six months at one time, without the consent of the Directors, his seat shall thereby become vacant; and if any vacancy shall at any time happen amongst the said Directors by death, resignation, disqualification or removal or otherwise during the current year of office, such vacancy shall be filled for the remainder of the year, by the remaining Directors or a majority of them electing in such place or places a shareholder or shareholders eligible for such office: Provided that no person shall be eligible to be or continue as Director unless

First meeting
of shareholders

Election of
Directors.

Directors:
and their
election.

Ties at elec-
tions.

President and
Vice-
President.

Vacancies and
how filled.

Proviso:
Qualification.

he

he shall hold in his name and for his own use stock in the said Society to the amount of ten shares, whereof at least twenty per cent. shall have been paid in, and shall have paid all calls made upon his stock and all liability incurred by him to the said Society: Provided further that notwithstanding anything in this Act contained it shall be competent to the shareholders at any special or general meeting to reduce to not fewer than seven or to increase to not more than thirteen the number of Directors: and in case that it should at any time happen that an election of Directors of the said Society should not be made on any day when, pursuant to this Act, it should have been made, the said Society shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

Proviso.
Number of
directors may
be increased
or diminished.

Paid up
capital to be
invested;
how and for
what purpose.

7. Immediately after the said election and before the Society goes into operation, the paid up capital, after payment of all preliminary expenses, shall be invested, in the name of the Manager or in the name of such of the Directors as are named by the Board, or in the name of the Society, in the public securities of the Dominion of Canada or the Province of Ontario, or in municipal debentures, or in mortgages on real estate, or partly in one class and partly in another, which security shall be deposited in any of the present chartered banks in Canada doing business in Toronto, as the Directors may direct; and the dividends or interest thereon shall be paid to the Manager, or to such person as may be appointed by the Directors; but no part of such securities shall be sold, changed or given up without a special resolution of the Board of Directors.

Investment to
be kept
unimpaired.

8. In case it shall at any time become necessary to convert any of the said securities into money for the purpose of paying any debt, liability or engagement of the Society, the amount so withdrawn shall be immediately replaced either out of the available assets of the Society, or by means of a special call upon the shareholders.

Scale of Votes.

9. At all general meetings of the said Society, each shareholder shall be entitled to give one vote for every share, held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid; such votes may be given either in person or by proxy,—the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no clerk or other employee of the said Society, shall vote either in person or by proxy at the election of Directors.

Proxies.

Majority.

Proviso.

10. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at public or private sale by the Directors, after such notice as they may direct; and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof.

Forfeiture and sale of shares for non-payment of calls.

Surplus of sales to go to owner.

Payment of call before sale.

11. The Society may institute and carry on suits or actions against any shareholder for the recovery of arrears and calls or for any other debt or engagement; and in such suits or actions it shall not be necessary to set forth the special matter, but it shall be sufficient for the Society to declare that the defendant is a shareholder and is indebted to the Society in respect of one call or more or other money due, whereby an action hath accrued to the Society by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Society, that such calls were made or such debt due, that notice was given as directed by this Act; and in all actions or suits by or against the Society, it shall not be necessary to prove the appointment of the Directors, or any other matter whatsoever other than what is before mentioned; and a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Society, certified to be a true copy or extract under the hand of the President, Vice-President, Manager or Secretary of the Society, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence thereof, without further proof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Calls may be recovered by suit: what only need be alleged and proved.

Proof of by-laws and other documents.

12. At all meetings of Directors, a majority of the whole Board shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes; and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote.

Quorum of Directors:—casting vote.

13. The Directors shall have full power and authority to make and from time to time alter such by-laws, rules and regulations and ordinances as shall appear to them proper and needful touching the well ordering of the Society. They shall also have full power and authority over the management and disposition of its stock, property, estate and effects; the regulation of the rates, terms, and conditions on which guarantee and other agreements shall

Directors may make by-laws and manage the business of the Society.

General powers.

shall be undertaken by the Society; the calling of special general meetings, the regulation of the meetings of the Board of Directors; the appointment and removal of Sub-boards to facilitate the details of business, and the definition of the duties and powers of the Sub-boards; the making of calls upon the subscribed capital; the appointment and removal of all officers and agents of the Society, the regulation of their powers and duties, and the salaries to be paid to them; the regulation of the transfer of stock and the form thereof; the compensation of Directors; the establishment and regulation of agencies; and generally the Directors may, in addition to the powers expressly conferred upon them, exercise all such powers, give all such covenants, make all such engagements and agreements, and do all such acts and things as are and shall be necessary and proper for the due management of the affairs of the Society, and for carrying out the provisions of this Act according to its true meaning and spirit: Provided always, that all such by-laws, rules, regulations and ordinances may be varied, altered or cancelled at the next annual general meeting, and shall be presumed to have been approved of by such meeting, except in so far as they shall be varied, altered or cancelled, and shall thereafter have force and effect as if approved: Provided further, that no such variation, alteration or cancellation shall invalidate anything done in pursuance or by virtue of such by-laws, rules, regulations and ordinances, or injuriously affect the position or rights of any person; and provided further, that such by-laws do not contravene the provisions of this Act.

Proviso. By-laws subject to approval.

Proviso if disapproved, &c.

Society may become parties to notes, contracts, &c.

14. The Society is hereby empowered to execute any contract by way of guarantee, indemnity or suretyship, which a private individual may make. They may take, receive, accept and hold any security or indemnity, real or personal, against loss or injury, from any guarantee or transaction hereby authorized, which a private individual may take, receive and hold. They are hereby authorized with respect to any such matters to make valid and binding contracts, and to do all acts and things whatsoever that may be necessary for realizing the said securities and indemnities and for enforcing all such contracts; and also for enforcing any conditions, fines and forfeitures imposed by any rules, regulations or by-laws; and generally to do and exercise in relation to the premises all acts and powers which any private individual may do or exercise in like circumstances.

May advance and lend money.

And act as an Agency Association.

15. The Society may from time to time invest, lend or advance the moneys authorized to be received, raised or borrowed by them in and upon any security, real or personal, which they may deem satisfactory; and they shall have power to do all acts that may be necessary for the advancing of such moneys, for the realizing of such securities and the repayment of the moneys lent or advanced thereon with interest, and for enforcing all agreements made in relation, thereto, as to sale, forfeiture or otherwise: Provided that no rate of interest charged by the said Company shall exceed the rate of eight per centum per annum.

Proviso.

16. The Society is empowered to act as an agency association, and may hold, invest and deal in its own name, or otherwise, with such moneys, mortgages, hypothecs, securities or evidences of debt as shall from time to time be transferred or delivered to them as agents; and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; and the Society may give such guarantee as may be agreed upon for repayment of principal or interest, or both, of any such moneys, mortgages, hypothecs, securities or evidences of debt: Provided that no commission as agents shall exceed one half of one per centum upon the amount of the loan.

And act as an Agency Association.

17. The Society may take, receive and hold all estates and property real and personal, which may be granted, committed, transferred and conveyed to them with their consent upon any trust or trusts whatsoever (not contrary to law), at any time or or times, by any person or persons, body or bodies corporate, or by any Court of the Dominion; and may administer, fulfil, and discharge the duties of such trusts for such remuneration as may be agreed upon; and they are also authorized to act generally as agents or attorneys for the transaction of business, the management of estates, the collection of rent, interests, dividends, mortgages, bonds, bills, notes, debts and securities therefor.

May hold property in trust.

18. The said Society shall transmit annually to the Minister of Finance, a statement in duplicate, verified by the oath of the President, Manager or Secretary, setting out the capital stock of the Society and the proportion thereof paid up; the assets and liabilities of the Society; the value of the trust property held by them under any grant, assignment, transfer, devise or bequest, or committed to them by any such court as aforesaid, or in any other manner acquired by them, and the amount annually received and paid over or applied by the Society in connection therewith; and such other details as to the nature and extent of the business of the Society as may from time to time be required by the said Minister of Finance, or in pursuance of any general Act of Parliament, passed to regulate trust companies; and such statement shall be made up to the thirty-first day of December in each year.

Annual statement to be sent to Minister of Finance.

19. The Society are also authorized to accept and execute the offices of executor, administrator, trustee, receiver, assignee, guardian of any minor, committee of any lunatic; and in all cases when application shall be made to any court for the appointment of any trustee, receiver, guardian, administrator or committee, it shall be lawful for any such court to appoint the said Society, with their consent, to hold such office or offices; and the accounts of the Society, as such trustee, receiver, guardian, administrator or committee, shall be regularly settled and adjusted by the proper officers and tribunals; and all proper, legal, usual and customary charges, costs and expenses shall be allowed to the Society for the care and management of the estates so committed to them. In case of such appointment by any court, such court, if it deem it necessary

May exercise certain civil offices under order of court.

To be subject to inspection by order of court, &c.

necessary, may from time to time appoint a suitable person to investigate the affairs and management of the Society who shall report thereon to the court, and also as to the security afforded to them by or for whom its engagements are held—the expenses of such investigation to be in the discretion of the court; or the court may direct the Society to furnish a statement of its affairs, and may thereon examine the officers or Directors of the Society under oath as to the correctness of such statement and the security afforded.

May borrow money, and grant mortgages for it, &c.

20. The Directors may receive deposits, and may from time to time borrow money, not exceeding the amount of the paid up capital of the Society, at such rates of interest and upon such terms as they may think proper. And the Directors may for the purpose of borrowing money make any mortgages, bonds, debentures or other instruments under the common seal of the Society for sums of not less than four hundred dollars each; or assign and transfer any of the documents of title, deeds, muniments, mortgages, securities and property or assets of the Society, either with or without power of sale, and other special provisions as the Directors shall deem expedient; and no lender shall be bound to enquire into the occasion of such loan.

Power to hold real estate.

21. The Society may hold such real estate as may be necessary for the transaction of their business, not exceeding in annual value the sum of four thousand dollars. They may also hold such real estate, as being mortgaged or hypothecated to them may be acquired by them, or as may be acquired by them in satisfaction of any debt, or otherwise: Provided that as to all real estate (except such as may be necessary for their business), it shall be incumbent upon them to sell the same within five years after the same shall have been so acquired.

Proviso.

Calls on shares limited.

22. The Directors shall, at the expiration of six months from the organization of the Society, make a call upon the shareholders of the Society of ten per cent. upon each share held by them; and at the expiration of each six months thereafter they shall make a like call; but so soon as any shareholder shall have paid fifty per cent. of the shares held by him, he shall not be liable to any further or other call, unless in the opinion of the Directors it is necessary for the payment of the debts or obligations of the Society, or unless the Directors are authorized to make such further call or calls at a special meeting of the shareholders to be called to consider the matter, or at a regular annual meeting: the money so raised or collected shall be invested and dealt with in the same manner, and shall be subject to the same rules and restrictions hereinbefore declared with respect to the first payment made by the shareholders upon their shares.

Investment of funds.

Notice of calls.

23. No call shall be made without giving notice to the shareholder, by mailing the same to his last known address, at least thirty days before the day on which such call shall be payable.

24. Each shareholder shall be liable to pay the amount of any call lawfully made upon him to such person, and at such time and place, as the Directors shall appoint. Liability of Shareholders for calls.

25. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed; and, if a shareholder shall fail to pay any call due from him before or on the day appointed for payment, he shall pay interest for the same at the rate of six per cent. per annum from the day appointed for payment to the time of actual payment. Interest on calls.

26. No transfer of any share of the stock of the said Society shall be valid until entered in the books of the Society according to such form as may from time to time be fixed by by-law: Provided always that no shareholder indebted to the Society shall be permitted to make or transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon shall have been paid, or with out the consent of the Directors of the Society, unless the entire amount of such share shall have been paid up. Transfers. Proviso.

27. In the event of the property and assets of the Society being insufficient to pay its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, so far as that all shareholders shall be so liable to an amount (over and above any amount not paid up on their respective shares) equal to the amount of their shares respectively: and if the Directors are unable out of the available assets of the Society to pay all its debts and liabilities, and the same remain unpaid for the period of six months after payment shall have been demanded, the Directors may and shall make calls on such shareholders to the amount they may deem necessary to pay all the debts and liabilities of the Society without waiting for the collection of any debts due to it, or the sale of any of its assets and property. Such calls shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which such call shall be payable; but any such call shall not exceed twenty per cent on each share; and payment thereof may be enforced in the manner hereinbefore provided; and the first of such calls shall be made within ten days after the expiration of the said six months. And any failure on the part of any shareholder liable to such call to pay the same when due, shall operate as a forfeiture by such shareholder of all claim in or to the assets of the Society,—such call, and any further call thereafter, being nevertheless recoverable from him, as if no such forfeiture had been incurred: Provided always that nothing in this section shall be construed to alter or affect the liabilities of the Directors for any malfeasance or misconduct in office. Liability of shareholders in the event of assets being insufficient to meet liabilities. Calls. Forfeiture for non-payment. Proviso.

28. It shall be the duty of the Directors of the Society, to declare and make quarterly or half yearly dividends of so much of Dividends.

the profits of the Society as to the majority of them may seem advisable, and to give public notice of the payment of such dividends at least ten days previously.

State ment of
affairs at
annual general
meetings.

29. At every annual meeting of the shareholders the outgoing Directors shall submit a clear and full statement of the affairs of the Society, showing in detail on the one hand the debts, liabilities and engagements of the Society, and on the other the assets and resources thereof. They shall also exhibit a full statement as to each separate transaction of the Society, giving such particulars as to the standing of all parties concerned, the extent and value of the security held by the Society, and such other information as will enable the shareholders to judge of the true position of the Society with respect to each of such transactions, and the average rate of interest derived therefrom. Such statement, however, shall not disclose the names or private affairs of any person doing business with the said Society.

Monthly
statements

30. The Directors shall cause a similar statement to be prepared at the expiration of every month; which statement shall be verified by the affidavit of the Manager or chief officer in charge of the head office (who shall be punishable as in other cases of perjury for any wilfully false statement therein) and the said statement shall be open to the inspection of all parties interested therein, and to shareholders without fee or charge.

Conveyan c
to Society.

31. All conveyances to be made by the Society under or by virtue or in pursuance of the several powers and authorities given to it by this Act, may be made according to the form in the schedule (A) to this Act annexed, or as near thereto as the circumstances will admit.

Interest and
sinking fund
on loans.

32. The Society may stipulate for and demand and receive in advance, half-yearly, the interest from time to time accruing on any loans granted by the Society; and may also receive an annual or semi-annual payment on any loans, by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Society.

Register of
securities.

33. A register of all securities held by the Society shall be kept, and, within fourteen days after the taking of any security an entry or memorial specifying the nature and amount of such security and the names of parties thereto with their proper additions shall be made in such register; and such register may be perused at all reasonable times by any of the members, without fee.

Register o f
members.

34. The Society shall keep in a book or books a register of the members of the Society, and therein shall be fairly and distinctly entered from time to time the following particulars:—the names and addresses and the occupations if any, of the members of the Society, and the number of shares held by each member distinguishing

distinguishing each share by its number, and the amount paid or agreed to be considered as paid on the shares of each member,

35. Every person who agrees to become a member of the Society, and whose name is entered on the register of members shall be deemed to be a member of the Society. Who shall be a member.

36. The register of members shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein. Register to be evidence.

37. Where any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a member of the Society in respect of the shares so allotted, and he shall be entered on the register of members in respect thereof accordingly. Allotment of shares to constitute applicant a member.

38. Every member of the Society shall, on payment of twenty cents, or such less sum as the Directors shall prescribe, be entitled to receive a certificate under the common seal of the Society, specifying the share or shares held by him, and the amount paid up thereon; and on evidence to the satisfaction of the Directors being given, that any such certificate is worn out, destroyed or lost, it may be renewed on payment of the sum of twenty cents, or such less sum as the Directors shall prescribe; and such certificate shall be *prima facie* evidence of the title of the member therein named to the share or shares therein specified. Certificate of membership.

39. If any share stands in the name of two or more persons, the first named in the register of such persons shall, as regards voting at meetings, receipt of dividends, service of notices and all other matters connected with the Society, (except transfers), be deemed the sole holder thereof; and no share in the Society shall be sub-divided. Shares standing in name of two or more persons.

40. There shall be a book called the register of transfers provided; and in such book shall be entered the particulars of every transfer of shares in the capital of the Society. Recovery of calls.

41. Every instrument of transfer of any share in the Society shall be executed by the transferrer and transferee; and the transferrer shall be deemed to remain the holder of such share and a member of the Society in respect thereof, until the name of the transferee shall be entered in the register of members in respect thereof. Execution of transfer.

42. Shares in the Society shall be transferred in the form in the schedule (B) to this Act annexed. Form of transfer.

43. The executors or administrators of any deceased member shall be the only persons recognized by the Society as having any title to his share. Title to shares of deceased members.

Transmission of shares otherwise than by transfer.

44. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member, upon such evidence being produced as shall from time to time be required by the Directors, and, on production of a request, in writing, in that behalf signed by him, (his signature being attested by at least one witness), which shall be conclusive evidence of his having agreed to become a member.

Person may be substituted as transferee.

45. Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person to be named by him registered as a member in respect of such share.

Provision in such case.

46. The person so becoming entitled, shall testify such election by executing to his nominee an instrument of transfer of such share.

Directors to examine any transfer.

47. Every such instrument of transfer shall be presented to the Directors accompanied by such evidence as the Directors may require, to prove the title of the transfer, and shall be retained by the Society.

Executor may transfer.

48. Any transfer of the share or other interest of a deceased member, made by his personal representative, shall, notwithstanding that such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of his execution of the instrument of transfer.

Transfer of forfeited shares.

49. A declaration in writing by the Manager of the Society that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any share, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share; and such declaration and the receipt of the Society for such price of such share shall constitute a good title to such share; and the purchaser shall thereupon be deemed the holder of such share discharged from all calls due prior to such purchase and shall be entered into the register of members in respect thereof; and he shall not be bound to enquire or see to the application of the purchase money; nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale.

Fee for transfer.

50. There shall be paid in respect of every transfer or transmission of shares such fee not exceeding fifty cents, as the Directors shall from time to time prescribe.

Directors may appoint trustees.

51. The Directors may from time to time appoint one or more members of their Board to accept and hold any lands or property in trust for the Society, and to cause all such deeds and things to be

be made and done as shall be requisite to vest such lands or property in the person so appointed; and they may from time to time remove any such person or persons, and appoint another or others instead.

52. Every Director of the Society and his heirs, executors, administrators and estate and effects, respectively, shall, from time to time and at all times, be indemnified and saved harmless out of the funds of the Society, from and against all costs, charges and expenses whatever, which he shall or may sustain or incur, in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses, which he shall sustain or incur in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Indemnity directors.

53. Every Director of the Society, his heirs, executors and administrators and estate and effects respectively, shall be charged and chargeable only with so much money as he shall actually receive; and shall not be answerable or accountable for his Co-Directors, or any of them, but each of them for his own acts, deeds and defaults only; nor shall the Directors, or any of them, respectively, be answerable or accountable for any person or persons who may be appointed under or by virtue of any such Act or by-laws as aforesaid, or otherwise under and by virtue of the rules and regulations of the Society for the time being in force, collect or receive any moneys payable to the Society, or in whose hands any of the moneys or properties of the Society shall or may be deposited or lodged for safe custody; nor for the insufficiency or deficiency of any title to any property which may from time to time be purchased, taken or leased, or otherwise acquired by order of the Directors, or otherwise, for or on behalf of the Society; nor for the insufficiency or deficiency of any security, in or upon which any of the moneys of the Society shall be invested; nor shall any Director be answerable for any loss, damage or misfortune whatsoever which shall happen in the execution of the duties of the office of such Director, or in relation thereto, unless the same shall happen through his own wilful neglect or default.

Directors not to be liable for each other;

nor for officers.

Nor for insufficiency of title, &c.

Nor except for their own default.

54. The profits of the Society, so far as the same shall extend, shall be divided and disposed of in manner following, that is to say:—There shall in the first place be set apart for the purposes of forming a reserve Fund to meet contingencies, or for equalizing dividends, such sum, not less in any year than two and a half per centum upon the net profits of the business of such year, as the Directors shall from time to time think fit; and the residue of such profit shall be divided amongst the members, and in such manner as the Directors, with the sanction of the Society in general meeting, shall determine.

Profits of society, how disposed of.

Investment of reserve fund.

55. The Directors may from time to time invest the sum set apart as a reserve fund in such good and convertible securities as they in their discretion may select.

Dividend not to reduce capital.

56. The Society shall not make any dividend whereby their capital stock will be in any way reduced.

Calls to be deducted from dividends.

57. The Directors may deduct from the dividends payable to any member, all such sums of money as may be due from him to the Society on account of call or otherwise.

Notice of dividend.

58. Notice of any dividend that may have been declared shall be given to each member; and no dividend shall bear interest against the Society.

Service on society.

59. Any summons, notice, order or other document required to be served upon the Society, may be served by leaving the same at the head office in Toronto, with any grown person in the employ of the Society. but not otherwise.

Notices by the society.

60. Any summons, notice, order or proceeding requiring authentication by the Society, may be signed by the Manager or any Director, Secretary or other authorized officer of the Society, and need not be under the common seal of the Society; and the same may be in writing or in print, or partly in writing and partly in print.

Notices, how served on society.

61. Notices requiring to be served by the Society upon the members may be served either personally or by leaving the same for, or sending them through the post, in prepaid letters addressed to the members at their registered places of abode.

Service of notice, &c., by Post.

62. A notice or other document served by post by the Society on a member, shall be taken as served at the time when a letter containing it would be delivered in the ordinary course of post: to prove the fact and time of service, it shall be sufficient to prove that such letter was properly addressed, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post.

Notice to person first on list to be notice to all his joint holders of share.

63. All notices directed to be given to the members, shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the register of members; and the notice so given shall be deemed sufficient notice to all the proprietors of such share.

Transferee of share to be bound by notice given to previous holder.

64. Every person who, by operation of law, transfer or other means whatsoever, shall become entitled to any share, shall be bound by any and every notice, which, previously to his name and address being entered upon the register of members in respect of such share, shall have been given to the person from whom he shall derive his title.

65. Whosoever, being a Director, member, Manager, public officer or clerk of the said Society, fraudulently converts or appropriates any property whatever or valuable security to or for his own use or the use of any other person, or for any purpose other than that contemplated or provided for by the trust accepted by the Society, or which may be received or intended to be received by the Society as agents or attorneys for others, under the provisions of the seventeenth and nineteenth sections of this Act, is guilty of a misdemeanor; and shall be liable to be imprisoned in the penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement.

Punishment of Directors, or officers fraudulently converting property entrusted to them.

66. In any indictment under the next preceding section, it shall be sufficient to state any such property to belong to the Society.

Form of indictment.

67. The eighty-second and three following sections of the Act passed in the session of the Parliament of Canada, held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter twenty-one, shall with the addition of the words "or clerk" after the words "public officer" be considered as forming part of this Act, and the punishment for the several offences therein provided for, shall be the same as hereinbefore mentioned.

Certain sections 32, 33 Vic., c. 21, to apply.

68. The words "property" and "valuable security" shall be interpreted in the manner provided for in the Act above mentioned.

Interpretation.

Schedules referred to in the foregoing Act.

SCHEDULE A.

FORM OF CONVEYANCE.

By virtue of an Act of the Parliament of Canada, passed in the year of the reign of Queen Victoria, intituled (here set forth the title of this Act) We, the Imperial Guarantee and Loan Society, in consideration of the sum of _____ to us paid, by A. B. of _____ do hereby grant to the said A. B. his heirs and assigns, all (describing the premises to be conveyed), together with all the ways, rights and appurtenances, thereunto belonging, and all such estate, right, title and interest in and to the same as we the said Company are or shall become possessed of, or are by the said Act empowered to convey. To hold the said premises to the said A. B., his heirs and assigns for ever.

Given under the Common Seal of the said Society, this _____ day of _____ in the year of our Lord _____

SCHEDULE

SCHEDULE B.

INSTRUMENT OF TRANSFER OF SHARES. IMPERIAL GUARANTEE
AND LOAN SOCIETY.

I, A. B., of _____ in consideration of the sum of _____ paid to me by (C. D.) of _____ do by this writing transfer to the said (C. D.) the share (or shares), number _____ now standing in my name in the books of the above-named Society, to hold to him, his executors, administrators and assigns, subject to the conditions on which I now hold the same, and I the said (C. D.) do by this writing accept the said share (or shares) subject to the conditions aforesaid, and agree to become a member of the said Society. As witness our respective hands this _____ day of _____ one thousand eight hundred and _____

A. B.
C. D.

Signed by the above-named
A. B. and C. D. respectively,
(with description and address.)
in presence of

N. O.

CAP. CVIII.

An Act to amend the Act incorporating the London and Canadian Loan and Agency Company, Limited.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the London and Canadian Loan and Agency Company incorporated by the Act of the legislature of the late Province of Canada passed in the twenty-seventh year of Her Majesty's reign, chapter fifty, have by their petition prayed to have their Act of incorporation amended, and further powers conferred upon them; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

New provision
as to capital
stock.

1. The thirteenth section of the said Act is hereby repealed, and in lieu thereof it is enacted that the capital of the Company shall be one million two hundred and fifty thousand dollars, in shares of fifty dollars each, of which ten per centum shall be paid in before the actual transaction of business is proceeded with; but it shall be lawful for the said Company, by a resolution passed at the first or any other general meeting of the shareholders, to increase the capital stock from time to time as may be deemed expedient to any sum not exceeding the sum of five millions of dollars; and to raise the amount of the said new stock, either by distribution

Capital may
be increased.

distribution amongst the original shareholders, or by the issue of new shares, or partly in one way and partly in the other; and the said new stock shall be subject to all such incidents, both with reference to the payment of calls and forfeiture, and as to the powers of lending and borrowing or otherwise, as the original stock.

2. So much of the sixteenth section of the said Act as requires the shares of the said Company to be distinguished by numbers, is hereby repealed. Shares not to be numbered.

3. The amount which the Directors are authorised to call up in respect of each share at one time shall be five dollars instead of one pound sterling as mentioned in the twenty-fourth section of the said Act. Calls to be \$5, instead of £1 sterling.

4. The number of Directors by whom the business of the Company shall be transacted may be increased to any number not exceeding fifteen, of whom not more than seven shall be residents of the City of Toronto. Number of Directors.

5. It shall be lawful for the Company to acquire by purchase or otherwise, mortgages upon real estate, and debentures of municipal or other corporations issued under any statutory authority; and to resell the same at such time and in such manner as to them may seem expedient. Power to purchase mortgages, &c.

6. It shall be lawful for the said Company in exercising the powers conferred by the fourth section of the said Act, as agents on behalf of others to lend money on any security, real or personal, or both, and to purchase mortgages, debentures of municipal or other corporations, the stock of incorporated banks and other securities or evidences of debt, and the same to resell as they may deem advisable, and for that purpose to execute such assignments or other instruments as may be necessary for carrying the same into effect: Provided that no commission as agents shall exceed one half of one per centum upon the amount of the loan. Business powers of the Company defined. Proviso.

7. In the exercise of any of the powers conferred by this or the recited Act, the Company may advance all moneys authorized to be loaned by them for such period as they may deem expedient, —being not less than six months. Term of loans.

8. It shall be lawful for the said Company to receive money on deposit, for such periods, and at such rate of interest, as may be agreed on: Provided that the aggregate amount of such deposits, together with the amount of the mortgages, bonds or other instruments given by the Company remaining unpaid, shall not, at any time, exceed the amount of the subscribed capital stock of the Company. Power to receive money on deposit. Proviso.

Sixth section
of Act
amended.

9. The sixth section of the said Act is hereby amended, by substituting for the words "one thousand pounds," the words "ten thousand dollars;"

Ac extended
to the whole
Dominion.

10. The provisions of the said Act, so far as they are applicable to the Province of Canada, are hereby extended to the Dominion of Canada; and the Company shall have power, at any general meeting, to appoint a local board, or local boards of Directors in each Province, and to establish offices and agencies therein.

Sections
repealed.

11. The seventh, eighth, ninth, tenth, forty-fifth, forty-sixth, forty-seventh and forty-eighth sections of the said Act are hereby repealed.

Scale of voting

12. At all meetings of the Company any member shall be entitled to one vote for each share possessed by him; and no shareholder shall be entitled either in person or by proxy to vote at any meeting unless he shall have paid all the calls upon all the shares then held by him.

Expenses may
be added to
principal.

13. It shall be lawful for the Company, instead of requiring from the borrower the payment of the expenses incidental to any loan at the time the loan is advanced, to give such time for payment of the same as they may be advised, and to add the same to the principal or interest secured by any mortgage or other security securing the loan.

Manager
substituted for
Secretary.

14. The said Act is hereby amended by substituting the word "Manager" for the word "Secretary" whenever the same occurs therein.

CAP. CIX.

An Act to change the name of the "District Permanent Building Society of Montreal," to that of the "Loan and Landed Credit Company," and to grant certain powers to the said Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the "District Permanent Building Society of Montreal," incorporated by special Act in 1863,—(twenty sixth Victoria, chapter twenty eight, a statute of the legislature of the late Province of Canada) but the origin whereof as a corporation under the name of the "District of Montreal Building Society," by virtue of a Statute of the late Province of Canada, twelfth Victoria, chapter fifty seven, dates back to the year 1857,—has become, in fact, a landed credit institution through the nature and extent of its business and the amount of the capital subscribed,

subscribed, which exceeds nine hundred thousand dollars, of which more than five hundred thousand have been already paid in; and inasmuch as the capital subscribed and the instalments paid thereon are increasing daily; and whereas in view of the circumstances aforesaid, it is desirable to give the said corporation a more appropriate name, and powers more extended and more fitted to its financial operations: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said "District Permanent Building Society of Montreal," and all its present members, their successors and assigns forever are hereby constituted a corporation under the name of the "Loan and Landed Credit Company," having its principal place of business in the City of Montreal; and under that name shall be capable of suing and being sued, and shall retain and exercise all the rights, powers and privileges that the said "District Permanent Building Society of Montreal" now possesses, which were granted by chapter sixty nine of the Consolidated Statutes for Lower Canada, and by the aforesaid Act of the late Province of Canada, twenty sixth Victoria, chapter twenty eight,—and this in the same manner and to the same degree as the said "District Permanent Building Society of Montreal" possessed and now possesses the same; and it shall not be deemed a new corporation.

Name changed.
Powers continued.
Not to be deemed a new corporation.

2. All the real and moveable property, shares or stock, obligations, debts, rights and claims of the said Building Society, are hereby transferred to, and shall be vested in the said "Loan and Landed Credit Company," and all the shareholders in the said Society shall be shareholders for like amounts and with like rights in the said Company; but all judicial proceedings heretofore begun in the name of the "District of Montreal Building Society," or in that of the "District Permanent Building Society of Montreal," may be continued and terminated under the name in which they have been instituted, for the benefit and advantage of the said Loan and Landed Credit Company.

Property to remain vested in the corporation.

Suits pending continued.

3. The present President, Directors and officers of the said "District Permanent Building Society of Montreal," shall continue in office as such in the "Loan and Landed Credit Company," with the names of President, Vice-President, Directors and officers of the said Company, until replaced in conformity with the present by-laws of the said Society; the Secretary Treasurer of the said "District Permanent Building Society of Montreal," shall act and shall under the operation of this Act, be designated under the name of the Cashier of the "Loan and Landed Credit Company," in all deeds, documents and transactions.

Officers continued.

4. All the present by-laws of the said "District Permanent Building Society of Montreal," shall continue in full force and effect and shall be binding in law, as regards the said "Loan and Landed Credit Company," its Directors, officers, shareholders and

By-laws continued

and

and borrowers, until modified, amended or repealed in conformity with the provisions of this Act.

Amending
by-laws.

5. The said "Loan and Landed Credit Company," is empowered to make, amend, repeal and establish by-laws from time to time, by the two-thirds majority of the votes of the members present, either in person or by proxy, at a general meeting held for that purpose and called in the manner mentioned in the next following section of this Act; and at such meeting, and at all other meetings of the members of the said Loan and Landed Credit Company, the members shall have one vote for each share held by them.

Scale of voting
at meetings.

General meet-
ings.

6. All general meetings of the members and shareholders of the said Loan and Landed Credit Company, whether for making, amending, repealing and establishing by-laws, or for any other object relative to the said corporation, shall be called by the President, or the Vice-President, or by the Cashier on the order of the Board of Directors, by a notice inserted at least once a week, in one newspaper in the French language and one newspaper in the English language, published in the City of Montreal aforesaid, during the two weeks next preceding the day fixed for such meeting.

How called.

May lend
money as a
building
society.

7. The said Company may lend money in conformity with the provisions of the laws authorizing the establishment of building societies in Canada, and with the by-laws of the said Company.

Returns to
Minister of
Finance.

8. The said Loan and Landed Credit Company shall furnish to the Minister of Finance on or before the fifteenth day of February in each year, and at any time when required so to do by the said Minister of Finance a detailed statement exhibiting in a full and complete manner the assets and liabilities of the said Company, and the state of its affairs, made up to the thirty-first of December of the previous year.

When this Act
shall come
into force.

9. This Act shall not have full force and effect until it shall have been approved, confirmed and ratified by a resolution passed at a general meeting of the members of the said District Permanent Building Society of Montreal, called for that purpose in conformity with section six of this Act, the said resolution to be adopted by a majority of at least two thirds of the members present or represented by proxy at such meeting; and this Act shall take effect from the day fixed by the said resolution.

The same.

10. The resolution aforesaid certified by the President and the Secretary Treasurer of the said District Permanent Building Society of Montreal, or, after the coming into force of this Act, by the President and the Cashier of the said Loan and Landed Credit Company shall be evidence of its contents.

CAP. CX.

An Act to incorporate the Canada Improvement Company.

[Assented to 14th June, 1872.]

WHEREAS Charles Garth, Henry Bulmer, William P. Bartley, Charles Legge, Duncan Macdonald and others, have by their petition represented that they are desirous of organizing a Company for the purpose of undertaking the building and construction of works of various kinds throughout the Dominion of Canada, and have prayed that they may be incorporated for that purpose; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Charles Garth, Henry Bulmer, William P. Bartley, Charles Legge and Duncan Macdonald, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the name of the "Canada Improvement Company," and the words "the Company" when used in this Act shall mean the Canada Improvement Company hereby incorporated.

2. The Company shall have power to contract with any person, firm, company or corporation, to build and construct by its agents, employés or sub-contractors, any house, church or building of any nature or kind whatsoever, or any wharf, wooden or iron railway, or part thereof, or any telegraph line, canal lock or other public improvement requiring mechanical work, in any part of the Dominion of Canada, and to supply and furnish all needful materials, labor, implements, instruments and fixtures of any and every kind whatsoever requisite for any such work, and to use any such work pending the construction thereof.

3. The Company may receive in payment of such work the bonds and securities of other companies, and sell and otherwise use or negotiate the same; and may receive and hold real estate for its own purposes of an annual value not exceeding four thousand dollars; and may also hold real estate or mortgages thereon as security for moneys due thereon.

4. The capital stock of the Company shall be four hundred thousand dollars, which amount may be raised by the parties herein named and such other persons as may become shareholders in the said stock; and such capital may be increased from time to time by the shareholders under the by-laws of the Company, as the works undertaken by the Company may render necessary: Provided always that no such increase shall take place until the stock previously subscribed for shall be paid up in full.

5. Provide: original capital to be first paid up.

First general meeting and election of directors.

5. So soon as the capital stock of the Company shall have been subscribed, and ten per cent. paid thereon, and deposited in some chartered bank of Canada to the credit of the Company, the Provisional Directors, or a majority of them, shall call a meeting of the shareholders, at such time and place in the city of Montreal as they may think proper,—giving at least two weeks' notice in one English and one French newspaper in the said city; at which general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present either in person or by proxy, shall elect by ballot such number of Directors, not less than five nor more than nine, as shall then be decided by the shareholders.

As to promissory notes.

6. The Company may become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, to be executed as provided by the by-laws.

Provisional directors and their duties.

7. Charles Garth, Henry Bulmer, William P. Bartley, Charles Legge and Duncan Macdonald, shall be the Provisional Directors of the Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders; and it shall be their duty to open stock books and procure subscriptions for the undertaking, to allot stock to the subscribers thereof; to call a general meeting of shareholders for the election of other Directors as herein provided; and generally to do all such other acts as shall be necessary for the complete organization of the Company.

Power to make by-laws for certain purposes.

8. The Company shall have power to make by-laws, not inconsistent with law, or with the provisions of this Act, providing for the execution of all deeds, instruments and contracts, including promissory notes and bills of exchange, which they are authorized to make under this Act; for the appointment and dismissal of officers, and the regulation of their functions and duties; fixing the number and qualifications of the Directors; the day of annual meeting, and the mode of calling and holding general and special meetings of the shareholders; the mode and right of voting at such meetings; the making of calls, the declaration of dividends; the making of contracts; the increase of the capital stock; and all other matters respecting the internal economy, administration and management of the said Company.

Act 32, 33 V., c. 12, to apply.

9. The provisions of "*The Canada Joint Stock Companies' clauses Act, 1869*," shall apply to this Act, except in so far as they may be inconsistent with the provisions hereof.

CAP. CXI.

An Act to incorporate the Mail Printing and Publishing Company (Limited).

[Assented to 14th June, 1872.]

WHEREAS the undermentioned persons have by their petition represented that they have opened in the City of Toronto a large printing and publishing establishment in which the business of "The Mail" newspaper, and other general printing and publishing business is conducted, and of which and of the copyrights, interests, property and assets connected therewith, the following persons and others are the proprietors, namely:— James G. Worts, William Gooderham, William H. Howland, Christopher Robinson, Thomas Charles Patteson, Matthew Crooks Cameron, Alfred Boulton, Joseph Keeler, Edward Harris, J. B. Plumb, Noah Barnhart, F. W. Glen, William Beatty, Donald A. Smith, Lewis Moffatt, Francis Shanly, Donald McInnes, A. Thornton Todd, Dalton McCarthy, junior, Nesbit Kirchhoffer, George Stephen, John Rankin, Alfred Brown, Henry Stanley Smith, Angus Morrison, John Carling and D. B. Chisholm; and that it is intended by the said persons to establish branch offices for the said newspaper and business in the several Provinces of the Dominion; And whereas it is represented that the said persons have invested a large amount of capital in the said business, and are desirous of associating others with them in the ownership of the said newspaper and printing and publishing business, and of carrying on the said business in the several Provinces of the Dominion; And whereas for securing greater efficiency and permanency in carrying on the same they are further desirous of obtaining an act of incorporation, and it is expedient that the prayer of their petition to that effect be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. James G. Worts, William Gooderham, William H. Howland, Christopher Robinson, Thomas Charles Patteson, Matthew Crooks Cameron, Alfred Boulton, Henry O'Brien, Robert Hay, George D'Arcy Boulton, Joseph Keeler, Edward Harris, J. B. Plumb, Noah Barnhart, F. W. Glen, William Beatty, Donald A. Smith, Lewis Moffatt, Francis Shanly, Donald McInnes, A. Thornton Todd, Dalton McCarthy junior, Nesbit Kirchhoffer, George Stephen, John Rankin, Alfred Brown, Henry Stanley Smith, Angus Morrison, John Carling and D. B. Chisholm, together with all such other persons as now are or may hereafter become shareholders in the Company hereby created, shall be and they are hereby constituted a body politic and corporate by the name of the "Mail Printing and Publishing Company, (limited);" and may by that name sue and be sued, implead and

Incorporation
and corporate
powers.

Agencies and property.

be impleaded, answer and be answered, defend and be defended in all courts of law and equity; and by that name they and their successors shall have perpetual succession, and may have a common seal, and may change and alter the same at pleasure; may establish agencies for the sale of the said newspaper in the several Provinces of the Dominion; may acquire for themselves and successors under any legal title whatsoever property real and personal; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require, for such price or prices and on such terms and conditions as they may see fit, and may, should they see fit, acquire other real and personal estate for the purposes of this act: Provided always that the real estate held by the said corporation at any one time shall not exceed in annual value the sum of five thousand dollars.

Proviso: as to real estate.

Business of the Company.

2. The said Company is hereby constituted for the purpose of carrying on the publication of the said "Mail" newspaper, and generally for carrying on the business of printing, publishing, stereotyping, engraving, wood-cutting, lithographing and book-binding, and to deal in and vend all articles of merchandise connected therewith; the head office of the Company to be in Toronto, with establishments or branch offices in the capitals of the several Provinces, and in any other cities, towns or places of the Dominion in which the Company may see fit to carry on business.

Capital, shares and transfers.

3. The capital stock of the said Company shall be two hundred and fifty thousand dollars, divided into two thousand five hundred shares, of one hundred dollars each; and the said stock shall be deemed personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as by the by-laws of the Company shall be prescribed.

Provisional Directors.

4. To enable the corporation to carry out the objects before mentioned the said William Henry Howland, Joseph Keeler, John Carling, Angus Morrison, Donald McInnes, James G. Worts, D. B. Chisholm and Thomas Charles Patteson, are hereby constituted Provisional Directors of the Company,—three of whom shall constitute a quorum; and who shall have power and authority to manage the affairs of the Company until Directors under the provisions of this Act shall be elected in their place; and the said Provisional Directors shall have power to open stock books, receive subscriptions of stock or shares, and generally to do all matters and things necessary for the full organization and working of the Company.

Quorum.

Powers.

First meeting; and election of Directors.

5. So soon as one thousand shares of the capital stock shall have been subscribed the Provisional Directors shall call a general meeting of the shareholders in the City of Toronto, of which meeting not less than ten days' notice shall have been given by public advertisement in the "Mail" newspaper, for the purpose of passing by-laws for the management of the affairs of the Company; the election of Directors, who shall be five in number; the appointment

appointment of officers, and generally for the exercise of the powers conferred on the shareholders by this Act and by the "*Canada Joint Stock Companies' Clauses Act, 1869.*"

6. So soon as Directors shall have been appointed under the next preceding section, the powers and functions of the Directors shall cease and determine. Provisional to cease.

7. At each annual meeting it shall be the duty of the shareholders present to estimate and establish by resolution,—such estimate to be based on the financial result of the operations of the Company, as exhibited by the statement of its affairs then before them; and in case at any time during the then next ensuing year any shares in the stock of the Company are offered for sale, and the sale thereof has not been entered on the books of the Company, or have become transmitted by bequest, inheritance, the marriage of a female shareholder, or in any other way whatsoever, then the said Company shall during the two months next after such sale, offer for sale or transmission has been notified to the Company, have the privilege of acquiring such shares so to be sold or so transmitted as aforesaid, upon payment or tender of the price of such shares calculated at the value thereof as established at the then last annual meeting,—the Company having the first preference of purchase, and then the Shareholders, and in such order and on such conditions as regards the respective shareholders as may be fixed by the by-laws of the Company. Financial statement at yearly meeting. Privilege of Company and shareholders to purchase shares offered for sale, &c.

8. The shareholders shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof: Provided always, that among the officers of the Company there shall be a Printer and Publisher who shall be held responsible in any criminal proceeding for libellous matter, published in the said "Mail" newspaper; and the said Printer and Publisher shall, in like manner, be held responsible in any criminal proceeding for libellous matter printed and published in any book, pamphlet or other printed matter issuing from the establishment of the said Mail Printing and Publishing Company; and in every issue of the said newspaper shall be contained the full name and residence of the party holding such office as Printer and Publisher. Liability of Shareholders limited. Printer and Publisher be liable criminally for libel.

9. Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the Company, and may vote accordingly as a shareholder; and shall be eligible as a Director; and every person who pledges his stock by any instrument disclosing the conditional nature of the transfer may nevertheless represent the same at all such meetings and may vote accordingly as a shareholder. Executors, &c., may vote on shares held as such.

Forfeiture for non user.

10. The charter of the Company shall be forfeited by non-user, during three consecutive years at any one time, or if the Company do not go into actual operation within three years after it is granted.

Act subject to any General Act.

11. The corporate rights hereby conferred shall at all times hereafter be subject to the provisions of any general enactment hereafter to be passed respecting incorporated Companies, and except as altered herein, to the provisions contained in the "*Canada Joint Stock Companies Clauses Act, 1869*," so far as they are applicable.

CAP. CXII.

An Act to incorporate the Canada and Newfoundland Sealing and Fishing Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS Sir Hugh Allan, William Murray, Robert Muir, Maurice Cuvillier, Henry McKay, J. W. Stabb and others have petitioned for the incorporation of themselves and others by the name of "The Canada and Newfoundland Sealing and Fishing Company," for the purpose of carrying on sealing, fishing, shipping and shipping agency business; and it is expedient to grant their petition, and to incorporate them with the powers hereinafter mentioned: 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 aforesaid persons and all others who shall become shareholders in the said Company, are hereby constituted a body

Name.

politic and corporate by the name of "The Canada and Newfoundland Sealing and Fishing Company."

Business of the Company

2. The said Company are hereby empowered to carry on sealing, fishing, trading, and general shipping and shipping agency business, between Canada, Newfoundland and Europe, and between ports in the Dominion of Canada, with all business and affairs incident thereto, including the construction, owning, maintaining, hiring, leasing, chartering, employing and navigating, selling and disposing of all kinds of vessels, boats, ships and other craft used for navigation, trade or other purposes, with their appurtenances, and the purchase and sale of goods as cargoes for such vessels.

As to Real Estate.

3. The Company may acquire by purchase, lease or otherwise, and may hold, absolutely or conditionally, any lands, tenements, real or immovable estate, for the convenient conduct and management

ment of their business, not exceeding the yearly value of ten thousand dollars; and may sell, alienate, let, release and dispose of the same from time to time, and may acquire others in their stead, not exceeding at any time the value aforesaid.

4. The capital of the Company shall be one hundred and fifty thousand dollars, with power to increase the same as occasion may require to three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be held to be personal estate, and be assignable in such manner and form as may from time to time be prescribed by the by-laws of the Company.

Capital and
increase.
Shares, and
transfer.

5. The said Sir Hugh Allan, William Murray, Robert Muir, Maurice Cuvillier, Henry McKay and J. W. Stabb shall be the Directors of the said Company until a choice of Directors by election of the shareholders shall take place in the manner hereinafter prescribed; and the said Directors and their successors or any of them shall have power to open books for the subscription of shares, receiving subscriptions to the stock of the Company, and allotting shares to the several subscribers; and no person shall thereafter be qualified to be a Director who does not hold in his own right ten shares of the capital stock of the said Company.

Provisional
Directors.

Stock books.

Qualification
of Directors.

6. An annual meeting of the shareholders of the Company for the transaction of the general business of the Company, at the City of Montreal, and the election of Directors from among the shareholders for the management of the affairs of the Company, shall be held at such time and place, and under such regulations with regard to notice, as may be determined by the by-laws of the Company; and the holding of such other meetings as may be found necessary or expedient, may also be provided for by such by-laws: and a first meeting for the putting into force of this Act, the election of Directors and the transaction of business generally shall be held within thirty days next after the passing of this Act; and one week's previous notice of the time and place of the holding of the said first meeting shall be given in one or more public newspapers by three of the Directors; and of subsequent annual meetings a like notice shall be given under the hand of the Secretary of the Company unless and until otherwise regulated by the by-laws thereof; and all or any of the Directors may be removed at any meeting of the shareholders called for the purpose, or for that purpose together with any other object or business.

Annual
meetings.

Special
meetings.

First general
meeting.

Subsequent
meetings.

7. Each share shall entitle the holder thereof to one vote at all meetings of the Company, either personally or by proxy, such proxy being also a shareholder, and having a written authority: Provided always, that no single shareholder shall be entitled to vote for any greater number of shares than one-fourth of the subscribed

One vote for
each share.

Proviso.
Majority to
decide.

scribed capital of the Company, and all questions shall be determined by the majority of votes given in respect thereof.

President,
Vice-President,
and
Officers.

8. The Company shall have a President and Vice-President who shall be elected by the Directors from among themselves; the Directors shall also appoint a Secretary, and may appoint such other officers and employ such agents and managers as they may from time to time judge expedient; and may require such officers and Secretary, agents and managers to give such security for the faithful performance of their duties as the Directors may see fit to exact; and may pay and allow such Secretary and officers, agents and managers, such salaries as may be agreed upon.

Calls.

9. The Directors may make such calls upon the respective shareholders in respect to the shares subscribed or held by them respectively, as they may from time to time deem expedient, and may require the same to be paid, with or without interest, and may impose penalties for failure of payment, not exceeding two per centum at any one time, on the amount of the call or calls made; and likewise, subject to such rules and conditions as may be imposed by by-law, may declare forfeited all such shares as may be in arrear in respect of any call or calls, interest or penalty; and such shares shall, upon such declaration, be and become forfeited in favour of the Company, as well as the amounts paid thereon, and may thereupon be sold and disposed of in such manner as the Directors may see fit, and the net proceeds applied in reduction of the claims of the Company against the shareholders in default; or the Directors may in their discretion, should they see fit, proceed by suit or action, for the recovery of any sum or sums due for a call or calls on such shares, with or without interest and penalties or either, as the case may be; and may afterwards, if not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case until the shares shall have been paid for in full.

Forfeiture
for non-pay-
ment.

Recovering by
distress.

What only
need be alleged
and proved in
suits for calls.

10. In any action or proceeding which may be brought by the Company against any shareholder for the recovery of any sum due on any call or calls, or for interest or penalties thereon, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount (together with interest and penalties if any); and it shall only be necessary to prove that the defendant was proprietor of a share or shares, and that a call or calls had been made thereon.

By-laws how
made and for
what purposes.

11. The Directors may make by-laws, and may from time to time, alter, repeal, amend or wholly substitute others for the government of the said Company, its affairs, business, managers agents

agents, officers and servants; which by-laws shall be subject to approval or disallowance by the shareholders, and shall not be in force until approved of, either at the annual or any special general meeting of shareholders, and may, among other things, besides comprehending all matters hereinbefore referred to as the subject of by-laws, be made, subject to the special provisions of this Act, for the following objects and purposes; and the same shall be accessible, at all seasonable hours, to all parties interested, viz :

1. To fix and determine the number of Directors; the manner of filling up vacancies that may occur prior to the annual election; how many Directors shall constitute a quorum; and generally the manner in which their powers shall be exercised, including the establishment of agencies in Newfoundland, and in the various Provinces of the Dominion, and elsewhere. Directors.
2. The manner of calling meetings as well of the Directors as of the shareholders, and fixing the time for annual meetings. Meetings.
3. The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner in which such forfeiture shall be declared. Calls.
4. The keeping of registers and transfer books for shares, prescribing the manner in which such transfers shall be made, and the conditions in respect to the previous payments of calls or unpaid balance of stock, on which transfers shall be allowed; also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy or otherwise than by sale; and the forfeiture of shares for non-payment of anything due thereon, or in respect thereof. Registers of shares, transfers, &c.
5. The keeping of minutes of the proceedings, and the accounts of the said Company, and rectifying any errors which may be therein; the auditing of accounts and appointment of auditors. Minutes.
6. The declaration and payment of profits of the said Company, and dividends in respect thereof. Dividends.
7. The remuneration of Directors. Directors.
8. The borrowing or advancing of money for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company for the same,—such borrowing not to exceed the limit hereinafter stated. Borrowing and lending.
9. The times and manner of proposing and voting for increasing the capital stock of the Company; the mode of taking subscriptions. Increase of Capital.

scriptions for, and allotting shares for such increase, and making calls thereon and collecting the same.

Generally.

10. Generally the transaction and management of the affairs and business of the Company, and the carrying into effect all the powers and all the duties conferred or imposed on the Company, its shareholders and Directors, by this Act.

Borrowing powers limited

12. The Company are authorized to borrow money at any time to the amount and extent of one half their paid up capital, at such rate of interest as may be agreed upon.

Notes, &c.

13. The Company may become a party to promissory notes and bills of exchange, cheques, agreements, deeds, mortgages, pledges, bottomry and other bonds, and may pledge and mortgage their property in the same manner as individuals could do.

Mortgages:**When to commence business**

14. It shall not be lawful for the said Company to proceed with their operations under this Act, until the capital stock shall have been subscribed, and ten per cent shall have been paid thereon.

Limitation of liability.

15. No shareholder in the Company shall in any manner be liable to, or be charged with the payment of any debt or demand due by the Company beyond the amount of the unpaid balance of his or her subscribed share or shares in the capital stock of the Company.

Provision in case of failure of election.

16. No failure to elect Directors, or to hold the first meeting or any annual meeting, shall operate as a dissolution of the Company; but anything omitted to be done may be afterwards performed at a meeting called in conformity to the by-laws, or at a meeting called for the purpose by the Secretary, or any three Directors.

General Act to apply.

17. The provisions of the "*Canada Joint Stock Companies' Clauses Act, 1869*," shall, except in so far as they are inconsistent with the provisions hereof, apply to the Company hereby incorporated.

CAP. CXIII.

An Act to incorporate the Ontario Shipping and Forwarding Company.

[Assented to 14th June, 1872.]

WHEREAS Thomas Dick, Charles James Campbell, William B. Scarth, George Laidlaw, Alexander M. Smith, William D. Matthews, John Fiske, John Gordon, Thomas C. Chisholm, William Galbraith, William Ramsay and Richard Grahame have by their petition prayed that they may be incorporated for the purpose of establishing a Company in the City of Toronto, for the transaction of the business of shipping and forwarding, to be called the "Ontario Shipping and Forwarding Company;" and whereas it is desirable to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, under the name and style of the "Ontario Shipping and Forwarding Company."

Incorporation.

Corporate name.

2. The said Company are hereby empowered to construct, acquire, charter, employ, navigate and maintain all kinds of vessels, boats and ships used for navigation, trade or other purposes, for the carriage and conveyance of goods and passengers and other traffic; and to carry on all such business, including the general business of shipping and shipping agency, and to do all such matters as may be incidental to the carrying out of the objects of the Company, or necessary or expedient to the more profitable prosecution thereof; with power to sell or mortgage any of the property of the Company; and to make contracts with any person or corporation whatever, for the purposes of their said business.

Business of the Company.

3. The Company may acquire by purchase, lease or otherwise and may hold absolutely or conditionally such real property, lands, tenements and buildings as may be necessary or convenient for the purposes of the Company, not exceeding the yearly value of ten thousand dollars; with power to sell, let, release, mortgage and dispose of the same, and others in their stead to acquire, not exceeding at any time the value aforesaid.

Real property limited.

4. The capital of the Company shall be five hundred thousand dollars, with power to increase the same as occasion may require to one million dollars; and shall be divided into shares of one hundred dollars each; which shares shall be held to be personal estate, and shall

Capital and shares.

shall be assignable in such manner and form as may from time to time be prescribed by the by-laws of the Company.

Provisional
Directors, and
their powers.

5. The said Thomas Dick, Charles James Campbell, William B. Scarth, George Laidlaw, Alexander M. Smith, William D. Mathews, and John Fiske shall be Directors of the said Company until a choice of Directors, by election of the shareholders shall take place in the manner hereinafter prescribed; and the said Directors and their successors, or any three of them, shall have power to open books for the subscription of shares, receiving subscriptions to the stock of the Company and allotting shares to the several subscribers; and no person shall hereafter be qualified to be a Director who does not hold, in his own right, ten shares of the capital stock of the Company.

Qualification.

Annual and
other general
meetings.

6. An annual meeting of the shareholders of the Company, for the transaction of the general business of the Company, and the election of Directors from among the shareholders for the management of the affairs of the Company, shall be held at such time and place in the City of Toronto, and under such regulations with regard to notice, as may be determined by the by-laws of the Company; and the holding of such other meetings as may be found necessary or expedient may also be provided for by such by-laws.

When the
Company may
commence
business.

7. So soon as one hundred thousand dollars of the capital stock shall have been subscribed, and ten per cent shall have been paid thereon, it shall be lawful for the Company to proceed with their operations under this Act; and forthwith thereafter a first meeting for the election of Directors, and the transaction of business generally, shall be held; and one week's previous notice of the time and place of the holding of the said first meeting, shall be given in one or more newspapers published in the City of Toronto by three of the Directors, and of subsequent annual meetings a like notice shall be given under the hand of the Secretary of the company, unless and until otherwise regulated by the by-laws thereof: and all or any of the Directors may be removed at any meeting of the shareholders called for the purpose, or for that purpose together with any other object or business.

First and other
general meet-
ings.

Directors may
be removed.

Votes:
Proxies.

8. Each share shall entitle the holder thereof to one vote at all meetings of the Company; and such vote may be given either personally or by proxy,—such proxy being also a shareholder and having a written authority: Provided always that no single shareholder shall be entitled to vote for any greater number of shares than one third of the subscribed capital of the Company; and all questions shall be determined by the majority of votes given in respect thereof.

Proviso.

Chief office:
President and
officers.

9. The Company shall have its head office in the City of Toronto; and shall have a President and Vice-President, who shall be elected by the Directors from among themselves; the Directors shall

shall also appoint a Secretary, and may appoint such other officers and employ such agents as they from time to time judge expedient; and may require such Secretary, officers and agents to give such security for the faithful performance of their duties as the Directors shall see fit to exact, and may pay and allow such Secretary, officers and agents, such salaries or other remuneration as may be agreed on.

10. The Directors may make such calls upon the shareholders, in respect to the shares subscribed or held by them respectively, as they may, from time to time, deem expedient; and may impose penalties for failure of payment not exceeding two per centum at any one time, upon the amount of the call or calls made; and likewise, subject to such rules and conditions as may be imposed by by-law, may declare forfeited all such shares as may be in arrear in respect of any such call or calls or penalty; and such shares shall, upon such declaration, be and become forfeited in favour of the Company, as well as the amounts paid thereon, and shall thereupon be sold and disposed of in such manner as the Directors may see fit, and the net proceeds applied in reduction of the claims of the Company against the shareholders in default; or the Directors may in their discretion, should they see fit, proceed by suit or action for the recovery of any sum or sums due for a call or calls on such shares with or without interest and penalties or either as the case may be, and may afterwards, if not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case, until the shares shall have been paid for in full.

Calls; how to be made and enforced.

Forfeiture for non-payment.

Enforcing by suit.

11. In any action or proceeding which may be brought by the Company against any shareholder for the recovery of any sum due on any call or calls, or for interest or penalties thereon, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount (together with interest and penalties, if any); and it shall only be necessary to prove that the defendant was proprietor of a share or shares, and that a call or calls had been made thereon.

What only need be alleged or proved in suits for calls.

12. The Directors may make by-laws, and may from time to time alter, repeal, amend or wholly substitute others for the government of the Company, its affairs, business, managers, officers and servants,—which by-laws shall be subject to approval or disallowance by the shareholders, and shall not be in force until approved of either at the annual or any special general meeting of the shareholders; and may, among other things, besides comprehending all matters hereinbefore referred to as the subject of by-laws, be made, subject to the general provisions of this Act, for the following objects and purposes; and the same shall be accessible, at all seasonable hours, to all persons interested therein, viz. :—

Directors to make by-laws for certain purposes.

- Directors. 1. To fix and determine the number of Directors; the manner of filling up vacancies that may occur between any annual elections; how many Directors shall constitute a quorum; and generally the manner in which their powers shall be exercised, including the appointment and control of subsidiary or local Boards of Directors and agents.
- Meetings. 2. The manner of calling meetings as well of the Directors as of the shareholders, and fixing the time for annual meetings.
- Calls. 3. The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner in which such forfeiture shall be declared.
- Transfer books and transfers. 4. The keeping of registers and transfer books for shares, prescribing the manner in which transfers shall be made, and the conditions in respect to the previous payments of calls or unpaid balance of the stock on which transfers shall be allowed; also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale; and the forfeiture of shares for non-payment of anything due thereon or in respect thereof.
- Forfeitures.
- Minutes. Accounts. 5. The keeping of minutes of proceedings and the accounts of the said Company, and rectifying any errors which may be therein; the auditing of accounts, and the appointment of auditors.
- Dividends. 6. The declaration and payment of the profits of the said Company, and dividends in respect thereof.
- Remuneration 7. The remuneration of Directors.
- Borrowing and lending. 8. The borrowing or advancing of money for promoting the purposes of the Company, and the securities to be given by or to the said Company for the same.
- Increase of capital. 9. The times and manner of proposing and voting for increasing the capital stock of the Company; the mode of taking subscriptions for and allotting shares for such increase, and making calls thereon, and collecting the same.
- Generally. 10. Generally the transaction and management of the affairs and business of the Company, and the carrying into effect all the powers and duties conferred or imposed on the Company, its shareholders and Directors by this Act.
- Borrowing limited. 13. The Company are authorized at any time to borrow to the amount and extent of fifty per cent of their paid-up capital, at such rate of interest as may be agreed upon.
- Company may be parties to notes, &c. 14. The Company may become a party to promissory notes and bills of exchange, cheques, agreements, deeds, mortgages, pledges,

pledges, bottomry and other bonds; and may pledge and mortgage their property in the same manner as individuals can and may do: but no such promissory note, or bill of exchange, shall be for a less sum than one hundred dollars, or be payable to bearer, or be intended to be circulated as money, or as the note of a bank. Proviso.

15. No shareholder of the Company shall in any manner be liable to or charged with the payment of any debt or demand due by the Company beyond the amount of his or her subscribed share or shares in the capital stock of the Company; and no shareholder shall be at liberty to transfer his or her share or shares without the consent of a majority of the Directors previously had and obtained until the whole of the said capital stock shall have been fully paid up. Liability of shareholders limited.

16. No failure to elect Directors, or to hold the first or any annual meeting shall operate as a dissolution of the Company; but anything omitted to be done may be afterwards performed at a meeting called in conformity to the by-laws, or at a meeting called specially for the purpose. Failure to elect &c., not to dissolve.

CAP. CXIV.

An Act to incorporate the Dominion Water Works Company.

[Assented to 14th June, 1872.]

WHEREAS George Henry Wilkes, David Curtis, Alfred Watts, Henry Yates, James W. Digby, William Paterson, Charles Horatio Waterous and John H. Stratford have by their petition represented that one Charles Horatio Waterous has invented a new and useful improvement for supplying water in villages, towns and cities, called and known as "Waterous' improved system of Fire Protection and Water Supply," and has obtained a patent therefor, under the Statute of the Parliament of Canada; and have further represented that they are desirous of forming themselves into a Company, and to become incorporated for the purpose of erecting and constructing waterworks on the improved plan of the said patent in the several villages, towns and cities in the Dominion of Canada that may desire the same; by means whereof, at a comparatively small outlay, a sure protection against fire will be secured, and an abundant supply of water for domestic use provided, whereby great benefits will be conferred upon the community; 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:—

Incorporation.

1. The said George Henry Wilkes, David Curtis, Alfred Watts, Henry Yates, James W. Digby, William Paterson, Charles Horatio Waterous and John H. Stratford, together with all such other persons as shall become shareholders in the Company hereby incorporated, are hereby constituted and made a body corporate and politic by the name of the "Dominion Waterworks Company" whose head office shall be at the Town of Brantford in the County of Brant.

Name and
Head office.Company may
contract with
Municipalities
for erection of
waterworks.

2. The said Company is hereby authorized and empowered to contract with the Municipal Corporation of any and every incorporated village, town or city in the Dominion of Canada, on such terms as the said Company and any of such municipalities shall agree upon, for the erection and construction in any of such municipalities of waterworks on and after the plan of "Waterous' Improved System of Fire Protection and Water Supply," either for the extinguishment of fires only, or for the extinguishment of fires and for domestic use; and to secure, improve and enlarge the same from time to time, as to the said Company shall seem meet, and shall be agreed upon as aforesaid; and in pursuance of any such agreement, made with any such municipalities, to erect, construct, enlarge, improve and complete the said waterworks, upon and after the plan aforesaid; and to erect and construct, place and lay down, the necessary and convenient buildings, machinery, pipes and all other appurtenances, matters and things requisite for the purposes aforesaid; and to erect and construct fire alarm telegraphs: Provided that the said Company first procure from the said Charles Horatio Waterous the privilege of using the said invention for the purposes aforesaid: and provided always that nothing in this Act contained shall be construed to render the said patent valid or invalid.

And erect the
same.Power to
exercise rights
lawfully con-
ferred by the
municipalities.

3. It shall be lawful for the said Company, and it is hereby authorized and empowered for the purposes aforesaid, to exercise all the powers, rights and privileges in respect of the acquiring of lands in any municipality requisite and necessary for the properly erecting, constructing, maintaining and operating the said waterworks; and in respect of the erecting of buildings and the lands necessary therefor; and in respect of the laying down of pipes, and the lands necessary therefor; and in respect of the laying down of pipes along the streets and public places; and in respect of the using or diverting of any stream or streams, or spring or springs of water; and in respect of erecting and constructing fire alarm telegraphs; and in respect to all other matters and things whatsoever, requisite or necessary to be done in or about the premises, which shall be lawfully conferred upon the said Company by any local authority.

Capital and
shares.

4. The capital stock of the said Company shall be five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each; and the shares of the said capital stock may, after the first instalment of five per cent. shall have

have been paid thereon, be transferred by the respective persons subscribing or holding the same to any other person or persons; and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company; and, for the purpose of organizing the said Company, the persons named in the first section of this Act, shall be Provisional Directors thereof, and they or a majority of them may cause stock books to be opened, upon which shall be recorded the subscriptions of such persons as shall become shareholders in the said Company: Provided always, that it shall be lawful for the said Company, by resolution of any general or special meeting of the shareholders, to increase the capital stock of the said Company to one million of dollars.

Transfers.

Provisional Directors.

Proviso for increase of Capital.

5. When and so soon as one hundred thousand dollars of the said capital stock shall have been taken and subscribed, and fifteen per cent. thereof paid thereon, it shall be lawful for the said Provisional Directors or any of them to call a general meeting of the said subscribers by a notice thereof to be inserted at least twenty days previously to the time of meeting in one of the daily newspapers published in the City of Toronto and in the City of Montreal, specifying the time and place where such meeting shall be held; and at such general meeting the shareholders present either in person or by proxy, who shall have paid fifteen per cent. upon the stock subscribed by them, shall elect nine persons to be Directors of the said Company; and each person so elected shall be a holder of not less than twenty shares in the said Company; and the said Directors may then forthwith or at any subsequent meeting of themselves, elect from among their own number a President of the said Company, and such Directors and President shall continue in office until the first Monday in February in the year following the election.

First general meeting and election of Directors.

Qualification. President; term of office.

6. On the said first Monday in February, and on every first Monday in February in each succeeding year, a general meeting of the shareholders of the said Company shall be held in the office of the said Company, or in some other place and at such hour as the President or the Directors of the said Company shall appoint,—ten days' notice thereof having been first given in some newspaper published at or as near as may be to the place in which the office or the said place of meeting is situate; at which meeting the shareholders present in person or by proxy shall elect from among themselves nine persons, holding each not less than twenty shares in the said Company, to be Directors in the room of the Directors for the then past year, who shall be eligible for re-election; and such Directors so elected may then forthwith or at any subsequent meeting of themselves, elect one of their number to be the President of the Company.

Annual general meeting and elections.

7. The number of Directors to form a quorum for the transaction of business shall be determined by a by-law to be passed by the said Directors; and the President, or in his absence a chairman chosen

Quorum of Directors.

President.

chosen by the Directors present from among themselves, shall preside at the meetings of the Directors; and the President or chairman shall, in addition to his vote as a Director, have also a casting vote in case of an equality of votes among such Directors.

Failure of election not to dissolve corporation.

8. In case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such manner as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made.

Vacancies how filled.

9. In case any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or otherwise, such vacancy shall be filled for the remainder of the year by the remaining Directors, or a majority of them, electing in such place or places a shareholder or shareholders eligible for such office.

Officers.

10. The Directors shall have power and authority to appoint a Manager, Secretary and Treasurer, and such clerks and other persons as may appear to them necessary for carrying on the business of the Company, with such powers and duties, salaries and allowances to each, as to the Directors may seem advisable; and they shall also have power and authority for the purposes and uses of the Company from time to time to borrow money in one sum or several sums from any individual or corporate body willing to lend or advance the same, and may mortgage, pledge, assign or hypothecate to such individual or corporate body the property, real estate, works, rates, revenues, income, rents and future calls of the Company, for the repayment of the said sum or sums so borrowed, and the interest thereon; and may issue scrip or debentures in the name of the Company for sums not less than one hundred dollars each; and the same shall be transferable by delivery merely, and shall, with the interest payable thereon, form a charge upon the property and income of the Company.

Power to borrow money on mortgage.

Debentures.

Power to Directors to manage business; make by-laws for certain purposes.

11. The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made any purchase and any description of contract which the Company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to resolution of the shareholders) regulating the calling in of instalments on stock and payment thereof; the issue and the registration of certificates of stock; the forfeiture of stock for nonpayment thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the Company; the security to be given by

by them to the Company; their remuneration, and that (if any) of the Directors; the time and place for holding the annual and other meetings of the Company; the calling of meetings of the Company, and of the Board of Directors; the requirements as to proxies; the procedure in all things at such meetings; the site of the chief place of business, and of any other offices they may require; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the Company; and every copy of any by-law under the seal of the Company, and purporting to be signed by any officer of the Company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Proof of by-laws.

12. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any shares; and the receipt of the person in whose name the same shall stand on the books of the Company shall be a discharge to the Company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such trust.

Company not responsible for trusts on shares.

13. At all meetings of the shareholders every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the Company; and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy: Provided, always, the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws of the Company.

Votes and proxies.

Proviso.

14. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatever of the Company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Company beyond the amount unpaid upon their shares in the stock thereof.

Liability limited.

15. The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid.

Stock to be personal estate.

16. Aliens, as well as British subjects, and whether resident in the Dominion or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office in the said Company as Directors or otherwise.

All shareholders to have equal rights.

17. The said Company shall have power to purchase and acquire the plant and material and all and singular the property, franchises and privileges of any existing waterworks owned by any

Power to purchase and sell waterworks.

company or by any municipal corporation; or to sell and absolutely dispose of any waterworks, the property of the Company, and other the lands, rights and privileges and other the premises belonging thereto, to any waterworks company or municipal corporation or private person or persons, upon such terms and conditions as shall be agreed upon between the Company hereby incorporated and any existing waterworks company or any municipal corporation or any person or persons.

Power to
amalgamate.

18. If any existing waterworks company owning waterworks shall desire so to do, it shall be lawful for them and for the Company hereby incorporated to amalgamate their said works, franchises and privileges together, upon such terms and conditions as shall be mutually agreed upon between them; and the Company may also make such arrangements with any municipal corporation.

Consolidated
Statutes of
Canada chap-
ter 65 to apply.

19. The several sections of the Act intituled "*An Act respecting incorporating Joint-Stock Companies for supplying cities, towns and villages with gas and water,*" chapter sixty-five of the Consolidated Statutes of Canada, in so far as they may be applicable to the said Company and are not inconsistent with the express provisions of this Act, shall be taken to be and shall form part of this Act as if they were expressly embodied in the same.

Act 33 V. c. 12
to apply.

20. The provisions of "*The Canada Joint Stock Companies' Clauses Act, 1869,*" shall, except in so far as they are inconsistent with the provisions hereof, apply to the Company hereby incorporated.

CAP. CXV.

An Act to incorporate the Anticosti Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the persons hereinafter named and others have by their petition represented that the extensive and valuable island of Anticosti, situate in the River and Gulf of St. Lawrence, contains vast resources of agricultural, forest and mineral wealth, which, with the adjacent fisheries, have been hitherto unproductive for the want of colonization, and the petitioners are desirous of procuring an Act of incorporation, with all requisite powers and privileges, to enable them to purchase and acquire the said island, with all the rights, properties and franchises thereunto pertaining; and to carry on lumbering, mining, quarrying and other operations therein; to fish upon the coasts and adjacent waters; to establish lines of steamers to different ports trading with the island, and to establish communication, by marine cable and

and otherwise, with telegraph lines on the main land; and generally to do all such things as may be necessary to develop the resources of the island; and it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. William L. Forsyth, of Quebec; the Honorable David E. Price, of Quebec; F. W. Thomas, of Montreal; Ferd. S. Winslow, of Chicago; and Christopher O. Closter, of Montreal, together with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the Anticosti Company, and by that name shall have power to carry on the business hereinafter mentioned, and shall have perpetual succession, and a common seal, which may by them be changed or varied at their pleasure; and the said Company shall be subject to the provisions of the "*Canada Joint Stock Companies' Clauses Act, 1869*," except in so far as the same may be inconsistent with the provisions of this Act.

Incorporation.

Name.

2. The said Company shall have power to purchase from the proprietors thereof the whole of the island of Anticosti, with all the right, title, privileges and interest of the said proprietors in and to the same; and upon the completion of such purchase, and the transfer of the same, the property therein shall be vested in the said Company; and it shall be lawful for the said Company to colonize the said island, and to sell or lease the whole or any part of the said island from time to time, upon such terms as to them may seem proper,—and this in so far as it is within the province of the Parliament of Canada to grant such powers.

Power to purchase and hold Anticosti.

And to colonize and settle it.

3. The Company may also acquire by purchase, lease or otherwise, and may hold absolutely or conditionally any other lands, tenements, real or immoveable estate, not exceeding in yearly value ten thousand dollars, for the convenient conducting and management of their business, and may sell, alienate, let, lease and dispose of the same from time to time, and may acquire others in their stead, not exceeding at any time the value aforesaid,—in so far as it is within the province of the Parliament of Canada to grant such powers.

To acquire other real estate.

4. The Company may carry on all such operations as may be found necessary to develop the resources of the island in respect of agriculture, forests, fisheries, mineral deposits of gold, silver, copper, iron and other metals or ores, and of coal, peat, plumbago, and salt springs, and shell marl, the opening up and working of quarries of slate, lime-stone, sand-stone, grind-stone, marble or other economic minerals or mineral substances, and to wash, dress smelt and otherwise prepare and manufacture such articles for sale,—in so far as it is within the province of the Parliament of Canada to grant such powers.

Further powers for like purposes.

And to con-
struct certain
works.

5. The said Company shall have power to construct telegraph lines ; also to lay a submarine cable from the island to some point or points on the coast of Gaspé, and thence to connect with the mainland telegraph system ; and also, if found expedient, to lay a submarine cable from the island to some point on the north shore of the St. Lawrence, and to construct a telegraph line from thence to Quebec ;—and they shall have power upon the said island to improve harbours, to erect wharves, dams, sluices and other hydraulic apparatus, for the convenience of shipping or for manufacturing purposes, and to levy and collect such tolls and charges upon any of the above mentioned works as shall be fixed by-law, subject to the approval of the Governor in Council.

To trade and
own vessels.

6. It shall be lawful for the said Company to carry on general trade and commerce, and to own, lease, charter, navigate and dispose of steamers and sailing vessels for the conveyance of freight and passengers to and from the island and ports in Canada and elsewhere.

Chief place of
business.

7. The Company may have its chief place of business on the island of Anticosti or elsewhere, with branch offices in any of the cities of Canada, Great Britain or the United States ; and so soon as such chief place of business shall have been determined upon, notice of the same shall be published for at least thirty days in the "Canada Gazette."

Capital and
shares.

8. The capital stock of the Company shall be two million five hundred thousand dollars, divided into twenty-five thousand shares of one hundred dollars each.

Provisional
Directors.

9. The said W. L. Forsyth, the Honorable David E. Price, F. W. Thomas, Ferd. S. Winslow, C. O. Closter and such other person or persons as they may nominate shall be and are hereby constituted a Board of Provisional Directors ; and shall hold office as such until other Directors shall have been appointed by the shareholders under the provisions of this Act.

Powers.

The said Directors, or a majority of them, are hereby empowered to take all necessary steps for opening stock books in the city of Montreal and elsewhere, for the subscription of parties desirous of becoming shareholders in the said Company.

When to call
first general
meeting.

10. When and as soon as one-tenth of the said capital stock shall have been subscribed as aforesaid, and ten per centum of the amount so subscribed paid in, the Provisional Directors, or a majority of them, may call a meeting of the shareholders at such time and place as they shall think proper,—giving at least two weeks' notice in the "Canada Gazette," and in one or more newspapers published in the City of Montreal ; at which general meeting, and at the annual general meetings of the Company thereafter, a Board of Directors shall be elected, consisting of not less than five nor more than thirteen, as may be prescribed by the by-laws (of the

Election of
Directors.

Provisional

Provisional or other Directors) in force at the time of such election; but they shall not be authorized to commence operations under this Act until at least fifty thousand dollars shall have been paid in.

11. No person shall be elected or chosen as a Director unless he be a shareho'der holding stock of the Company to the amount of at least ten shares in his own absolute right, and not in arrears in respect to any call thereon; and the Directors shall be elected by a majority in value of shares, represented by shareholders or their proxies at a general meeting of the Company, assembled at such time and place as the by-laws may prescribe.

Qualification of Directors.

12. In default of other express provisions in the by-laws of the Company, such elections shall take place yearly; all the members of the Board retiring shall be eligible for re-election if duly qualified, and due notice of the time and place for holding such general meetings shall be given at least thirty days previously, by notice published in the "Canada Gazette."

Annual Elections.
Notice in "Canada Gazette."

13. At all such general meetings of the Company, every shareholder shall be entitled to a vote for each share held by him, on which all calls have been duly paid: votes may be given by proxy; and the election of Directors shall be by ballot.

Votes.

14. The Directors shall, from time to time, elect, from among themselves, a President of the Company and a Vice President, a Treasurer, a Secretary and a Manager, and may also appoint and remove from time to time all such other officers as may be required for the transaction of the business of the Company; and if a vacancy should at any time occur in the Board of Directors, the same may be filled up by the Board, for the remainder of the term, from amongst the qualified shareholders of the Company.

President,
V. President
and Officers.

15. If at any time an election of Directors be not made at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose.

Provision in case of failure of Election.

16. The Directors may make by-laws, and may from time to time, alter, repeal, amend or wholly substitute others, for the government of the said Company, its affairs, business, managers, agents, officers and servants; which by-laws shall be in force when approved by a majority of votes of the shareholders present in person or by proxy, at any special or general meeting of shareholders, and may, among other things, besides comprehending all matters hereinbefore referred to as the subject of by-laws, be made, subject to the special provisions of this Act, for the following objects and purposes; and the same shall be accessible, at all seasonable hours to all parties interested, viz:—

By-laws for certain purposes.

Directors.

1. To fix and determine the number of Directors, the manner of filling up vacancies that may occur prior to the annual election, how many Directors shall constitute a quorum, and generally the manner in which their powers shall be exercised,—including the establishment of agencies in the Dominion and elsewhere :

Agencies.

Meetings.

2. The manner of calling meetings as well of the Directors as of the shareholders, and fixing the time for annual meetings :

Forfeitures.

3. The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner on and in which such forfeiture shall be declared :

Registers of shares and transfers.

4. The keeping of registers and transfer books for shares prescribing the manner in which such transfers shall be made and the conditions, in respect to the previous payments of calls or unpaid balance of stock, on which transfers shall be allowed : also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy or otherwise than by sale, and the forfeiture of shares for non-payment of anything due thereon or in respect thereof :

Minutes.

5. The keeping of minutes of the proceedings and the accounts of the said Company, and rectifying any errors which may be therein ; the auditing of accounts and appointment of auditors :

Audit.

Dividends.

6. The declaration and payment of profits of the said Company, and dividends in respect thereof.

Power to increase capital.

17. The Directors may, if they see fit, at any time after the whole capital stock of the Company shall have been subscribed and paid in, pass a by-law for increasing the capital stock of the Company to any amount not exceeding five million dollars in all, they may consider necessary to carry out the objects of the Company ; but no such by-law shall have any force whatever, until it shall have been sanctioned by a vote of not less than two-thirds in amount of all the shareholders at a general meeting of the Company called for the purpose of considering such by-law, nor until a copy thereof duly authorized shall have been filed as hereinafter mentioned with the Secretary of State of Canada.

Confirmation by shareholders.

Further formalities.

18. The Company may, within three months after a duly authenticated copy of such by-law has been filed with the Secretary of State of Canada, and after the said Secretary of State of Canada has caused a notice to be inserted in the "Canada Gazette" that such by-law has been passed and filed as aforesaid, publish a notice stating the number and amount of the shares of the new stock authorized, and the amount actually subscribed and paid in respect thereof ; and from the date of such notice, the capital stock

stock of the Company shall be increased to that amount, and in the manner and subject to the conditions set forth in such by-law.

19. The Company may, from time to time, borrow money, either by mortgage bonds issued on the security of the immoveable property of the Company or by debentures; and such mortgage bonds or debentures may be for such sums, either in sterling or in currency, as the Company may think proper,—those in sterling not being for any sum less than one hundred pounds, and those in currency not being for any sum less than five hundred dollars each: Provided always, that every such loan shall be regulated by a special by-law, setting forth the terms and conditions on which such loan shall be effected; and in the course of its general business, the Company may become a party to promissory notes, bills of exchange and cheques; but no such promissory note or bill of exchange shall be for a less sum than one hundred dollars, or be payable to bearer, or be intended to be circulated as money, or as the note of a bank.

Power to borrow money.

Proviso,

Bills and notes.
Proviso.

20. No shareholder in the Company shall in any manner be held liable to, or be charged with the payment of any debt or demand, due or owing by the Company beyond the amount remaining unpaid upon his or her subscribed shares in the capital stock thereof.

Liability of shareholders limited.

CAP. CXVI.

An Act to amend “An Act to incorporate the Managers of the Ministers’ Widows and Orphans Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland.”

[Assented to 14th June, 1872.]

WHEREAS the Managers of the Ministers’ Widows and Orphans Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland have prayed that the Act of the late Province of Canada, passed in the session held in the tenth and eleventh years of Her Majesty’s reign, intituled “An Act to incorporate the Managers of the Ministers’ Widows and Orphans Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland” may be amended so as to give the said corporation power to purchase and receive and hold property, money and goods, not to exceed in yearly value the sum hereinafter mentioned; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty,

Preamble.

Act of Canada
10 & 11 Vict.,
c. 103.

Majesty,

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

Corporation
may hold
any pro-
perty not ex-
ceeding \$20,000
in yearly value.

1. Notwithstanding anything contained in the first section of the said Act, the Corporation shall have full power and authority to purchase and receive and hold all property, money and goods as mentioned in the said Act, provided the same shall not at any time exceed in yearly value the sum of twenty thousand dollars.

CAP. CXVII.

An Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the persons hereinafter named and others associated with them, now constituting the Missionary Society of the Wesleyan Methodist Church in Canada, have for a long time been endeavouring to further the objects of the Society as hereinafter set forth under an unincorporated association entitled the Wesleyan Methodist Auxiliary Missionary Society in Canada; and whereas the said parties find great inconvenience frequently to arise from the want of corporate powers; and whereas the said parties by their Chairman and Secretary have petitioned for an Act of Incorporation for the said Society under the name and style of The Missionary Society of the Wesleyan Methodist Church in Canada: 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:—

Certain
persons
incorporated.

1. The Reverends William Morley Punshon, M.A., Enoch Wood, D.D., Egerton Ryerson, D.D., Anson Green, D.D., Ephraim Evans, D.D., Lachlan Taylor, D.D., S. S. Nelles, D.D., and the Reverends Richard Jones, Alexander Sutherland, George R. Sanderson, Samuel Rose, Edward Hartley Dewart, Samuel D. Rice, D.D., James Brock, Geo. McRitchie, Wellington Jeffers, D.D., E.B. Ryckman, M.A., J.W. McCallum, E. B. Harper, M. A., Charles Lavell, M. A., K. Creighton, F. Berry, G. Goodson, William Scott, I. B. Howard, G. H. Davis, H. F. Bland, J. A. Williams, David C. McDowell, James C. Slater, William Stephenson, George Douglass, L.L.D., James Elliott, William Hansford, George Young, George McDougall, William Pollard, James Gray, John Borland, John Gemley, John Douse, John Carroll, Thomas Cosford, William S. Griffin, George Cochran, and the Honorable J. C. Aikins, John MacDonald, A. W. Lauder, M.P.P., Richard Brown, Alfred Dredge, Samuel Rogers, William Thomas Mason, and Samuel Alcorn, of the City of Toronto, Esquires,
Edward

Edward Jackson and Joseph Lister, of the City of Hamilton, Esquires, the Honorable James Ferrier, William Clendinning and John Torrance, of the City of Montreal, Esquires, William Sawyer and James McPherson of Stanstead, Esquires, J. P. Bull, of Downsview, Zenas B. Lewis, of Clifton James Scarff, of the Town of Woodstock, Alexander Johnson, of the City of London, Thomas Coke Renwick, of Romney, Joshua Adams, of Sarnia, Robert Hay, of Hollen, A. S. Fisher, of Clinton, J. W. Armstrong, of Flesherton, David Morrow, of the Town of Barrie, J. J. Pearson, of Newmarket, W. H. Gibbs, of Oshawa, Dr. Beatty, of the Town of Cobourg, Dr. Norris, of Omemee, M. P. Roblin, of the Town of Belleville, Dr. Lavell, of the City of Kingston, W. A. Schofield, of the Town of Brockville, Thomas Elliott, of Arnprior, Esquires, John Deacon, Judge of the County Court of the County of Renfrew, Esquire, W. H. Walker, of the City of Ottawa, James Patton, junr., of the City of Montreal, W. H. Lambly, of Inverness Corners, Erastus Lawrence, of Lawrenceville, Esquires, together with such persons as may become associated with them under the provisions of this Act, and who now are, under the provisions of the revised constitution of the Missionary Society of the Wesleyan Methodist Church in Canada, as now existing, members of the Wesleyan Methodist Auxiliary Missionary Society in Canada, are hereby constituted and declared to be a body corporate and politic by the name of "The Missionary Society of the Wesleyan Methodist Church in Canada; and by that name shall have perpetual succession and a common seal, with power to break and alter such seal; and by that name may sue and be sued, plead and be impleaded, in all courts whatsoever.

Corporate name and general powers.

2. The objects of the said Society are religious and charitable, designed to diffuse the blessings of Christianity and useful knowledge; to promote and support Christian missions and missionary schools throughout the Dominion of Canada and other countries, as set forth in the constitution to be recorded in a register to be kept by the Secretary,—a copy whereof, certified by the Secretary to be a true copy, with the seal of the corporation thereto affixed, shall be *prima facie* evidence in all courts of the contents thereof.

Objects of the corporation.

3. The said Society by the name aforesaid, may receive a voluntary conveyance of, and may purchase, hold and convey such real estate as the purposes of the said Society shall require; but the annual value of the said real estate shall not at any time exceed the sum of twenty thousand dollars; and such conveyance shall be subject to the laws relating to the conveyance of real estate to religious corporations which are in force at the time of such conveyance, in the Province in which such real estate is situate.

Real estat

4. The management and disposition of the affairs and property of the said Society shall be vested in a General Committee, to be appointed and elected according to the constitution of the said Missionary Society of the Wesleyan Methodist Church in Canada, now existing as aforesaid.

Constitution

General committee.

5. The persons named in the first section of this Act shall be the members of the first General Committee of the said Society hereby incorporated, and shall hold office until others shall be appointed and elected in their places.

Society may take by devise to a certain amount.

Proviso.

6. The said Society shall be capable of taking, holding and receiving any real or personal estate by virtue of any devise contained in any last will and testament of any person whatsoever, but the clear annual value of such real estate shall not exceed the sum of ten thousand dollars: Provided always that such devise of real estate shall be subject to the laws respecting devises of real estate to religious corporations which are in force at the time of such devise in the Province in which such real estate is situate.

Revisal of constitution.

7. The said Society shall have power to alter, vary and add to the provisions of the revised constitution of the Missionary Society of the Wesleyan Methodist Church in Canada, now existing as aforesaid, and which is to be held to be as binding upon the Society hereby incorporated as if the same had been embodied in this Act: Provided that such alterations, variations and additions shall not be inconsistent with the limitations imposed by this Act and the laws of the Dominion of Canada.

Proviso

CAP. CXVIII.

An Act to Naturalize Anson Greene Phelps Dodge.

[Assented to 14th June, 1872]

Preamble.

WHEREAS Anson Greene Phelps Dodge, residing at Keswick, in the Township of North Gwillimbury, in the County of York, Province of Ontario and Dominion of Canada, lumber merchant, has by his petition represented that he is desirous of becoming a permanent resident of the said Dominion, and, in order to be relieved from the legal incapacity under which he labors as an alien, has prayed that he may be naturalized as a subject of Her Most Gracious Majesty; and whereas it is just and expedient to grant such prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

A. G. P. Dodge to be deemed naturalized on taking the oath of allegiance within a certain time.

1. The said Anson Greene Phelps Dodge shall be deemed, adjudged and taken to have obtained all the rights and capacities of a natural born British subject within the Dominion of Canada, and to have, hold, possess and enjoy the same within the limits thereof, upon, from and after the passing of this Act: Provided always that the said Anson Greene Phelps Dodge, shall within three months after the passing of this Act, take and subscribe before the judge of the County of York, who

who is hereby authorized and directed to administer the same, the oath of allegiance to Her Majesty, Her Heirs and Successors; and such oath as taken and subscribed shall be transmitted by such judge to the Secretary of State of Canada, to be kept by him amongst the records of his Office.

OTTAWA:

PRINTED BY BROWN CHAMBERLIN, LAW PRINTER TO THE QUEEN'S MOST
EXCELLENT MAJESTY.

1872.—35 VICTORIÆ.

FIFTH SESSION, FIRST PARLIAMENT

TABLE OF CONTENTS.

CAPS.	PAGES.
1. An Act to amend the Act respecting the Statutes of Canada.....	3
2. An Act relating to the Treaty of Washington, 1871.....	4
3. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively, the 30th June, 1872, and the 30th June, 1873, and for other purposes relating to the Public Service	6
4. An Act to indemnify the Members of the Executive Government and others, for the unavoidable expenditure of Public Money, without Parliamentary grant, occasioned by the sending of an expeditionary force to Manitoba, in 1871.....	25
5. An Act to amend the Act 34 Victoria, chapter 3, respecting the Loan for paying a certain sum to the Hudson's Bay Company.....	26
6. An Act respecting the Public Debt and the raising of Loans authorized by Parliament.....	27
7. An Act to amend the Act regulating the issue of Dominion Notes...	30
8. An Act to amend the Act relating to Banks and Banking	30
9. An Act to amend the chapters six and seven of the Statutes of 1871, relating to Savings Banks.....	34
10. An Act relating to Bills of Exchange and Promissory Notes.....	35
11. An Act to repeal the duties of Customs on Tea and Coffee.....	35
12. An Act to amend an Act of the present Session, and to enable the Governor in Council to impose a duty on Tea and Coffee imported from the United States, in the case therein mentioned.....	36
13. An Act to re-adjust the Representation in the House of Commons...	37
14. An Act to amend the Interim Parliamentary Elections Act, 1871.....	41

CAPS.	PAGES.
15. An Act to compel Members of the Local Legislature in any Province where dual representation is not allowed, to resign their Seats before becoming Candidates for Seats in the Dominion Parliament.	44
16. An Act to provide for the Revisal of Voters' Lists for Elections to the House of Commons, in a certain Revisal District of the County of Victoria, Nova Scotia.....	45
17. An Act to divide certain Polling Districts in the County of Inverness, in the Province of Nova Scotia, and to provide for Voters' Lists therefor.....	46
18. An Act to amend the Act respecting the Civil Service of Canada....	47
19. An Act further to amend " An Act respecting the security to be given by Officers of Canada ".....	47
20. An Act further to amend the Act 31 Victoria, Chapter 33	51
21. An Act to amend the Act 32 & 33 Victoria, Chapter 8.....	54
22. An Act to make provision for the continuation and extension of the Geological Survey of Canada, and for the maintenance of the Geological Museum.....	55
23. An Act respecting the Public Lands of the Dominion.....	56
24. An Act to remove doubts under the Act respecting the Public Works of Canada.....	92
25. An Act respecting Bridges.....	93
26. An Act respecting Patents of Invention.....	97
27. An Act relating to Quarantine.....	110
28. An Act to amend the Immigration Act of 1869.....	114
29. An Act to provide for the incorporation of Immigration Aid Societies.	120
30. An Act respecting Trade Unions	124
31. An Act to amend the Criminal Law relating to Violence, Threats and Molestation	132
32. An Act to amend the Law relating to the fraudulent marking of Merchandise.....	135
33. An Act for the avoidance of doubts respecting Larceny of Stamps...	145
34. An Act to correct a clerical error in the Act respecting malicious injuries to property.....	146
35. An Act to amend the Law relating to Advertisements respecting Stolen Goods.....	146
36. An Act to amend the Act, Chapter 47 of the Consolidated Statutes for Upper Canada intituled " An Act respecting Rivers and Streams "	147

TABLE OF CONTENTS.

iii.

CAPS.	PAGES.
37. An Act to extend the Canadian Tariff of duties of Customs and Excise, and certain Acts relating to Customs and the Revenue, to the Province of British Columbia.....	147
38. An Act to extend certain Laws relating to matters connected with Navigation, to the Province of British Columbia.....	153
39. An Act respecting the Shipping of Seamen in Nova Scotia.....	154
40. An Act for imposing Tonnage Dues and Wharfage Rates, to meet the cost of improving the navigation of the St. Lawrence between Montreal and Quebec.....	160
41. An Act to extend the Acts 32, 33 Vict., Cap. 40, and 33 Vict., Cap. 20, to the Port of Collingwood.....	160
42. An Act to provide for the appointment of a Harbour Master for the Port of Halifax.....	161
43. An Act respecting the appointment and powers of Commissioners of Pilots for the Coasts and Harbours of the County of Charlotte...	163
44. An Act to incorporate "The Saint John Board of Trade".....	164
45. An Act to incorporate the Toronto Corn Exchange Association.....	170
46. An Act to incorporate the St. Catherines (Ontario) Board of Trade...	177
47. An Act to incorporate the Board of Trade of the town of Chatham.	184
48. An Act to incorporate the Board of Trade of the town of Lévis.....	191
49. An Act to incorporate the Sorel Board of Trade.....	196
50. An Act to incorporate "The Exchange Bank of Canada".....	203
51. An Act to incorporate the "Banque Ville-Marie".....	204
52. An Act to incorporate the St. Lawrence Bank.....	206
53. An Act to incorporate the Bank of Hamilton.....	208
54. An Act to incorporate the Halifax Banking Company.....	209
55. An Act to incorporate the Bank of Acadia.....	211
56. An Act to incorporate the Bank of Saint John.....	212
57. An Act relating to the Central Bank of New Brunswick.....	214
58. An Act to incorporate the Maritime Bank of the Dominion of Canada.....	215
59. An Act to incorporate the Superior Bank of Canada.....	217
60. An Act to incorporate the Bank of Manitoba.....	219
61. An Act respecting the Toronto Savings Bank.....	220
62. An Act to legalize a certain Agreement entered into between the Grand Trunk Railway Company of Canada and the Corporation of the Town of Galt, and for other purposes therein mentioned..	222

TABLE OF CONTENTS.

CAPS.	PAGES.
63. An Act to confirm an agreement made between the Grand Trunk Railway Company of Canada, and the International Bridge Company ; and for other purposes.....	225
64. An Act respecting the Grand Trunk Railway and the Montreal and Champlain Railroad Companies.....	235
65. An Act to enable the Great Western Railway Company to extend and improve its connections.....	237
66. An Act to legalize and confirm the Lease to the Northern Railway Company of Canada of the Lines of Railway of the Northern Extension Railways Company.....	239
67. An Act to amend "The St. Lawrence and Ottawa Railway Act.....	249
68. An Act to amend the Act incorporating the Canada Central Railway Company.....	258
69. An Act to grant certain additional powers to the Ottawa, Vaudreuil and Montreal Railway Company.....	259
70. An Act to amend the St. Francis and Megantic Railway Act.....	260
71. An Act respecting the Canadian Pacific Railway.....	261
72. An Act to incorporate the Inter-oceanic Railway Company of Canada.	268
73. An Act to incorporate the Canada Pacific Railway Company.....	285
74. An Act to incorporate the Quebec Pacific Railway Company.....	300
75. An Act to incorporate the Manitoba Junction Railway Company.....	307
76. An Act to incorporate the Lake Superior and Manitoba Railway Company	313
77. An Act to incorporate the Central Railway Company of Manitoba ...	319
78. An Act to incorporate the North-Western Railway Company of Manitoba	324
79. An Act to incorporate the Lake Superior and Winnipeg Railway Company	328
80. An Act to incorporate the Thunder Bay Silver Mines Railway Company	334
81. An Act to incorporate the Quebec Frontier Railway Company.....	340
82. An Act to incorporate the Canadian Railway Equipment Company...	346
83. An Act to incorporate the Coteau and Province Line Railway and Bridge Company	357
84. An Act to amend the Act to incorporate the Queenston Suspension Bridge Company	363
85. An Act to amend an Act to incorporate the Detroit River Tunnel Company, and for other purposes	365

TABLE OF CONTENTS.

v.

CAPS.	PAGES.
86. An Act to explain and amend the Sault St. Marie Railway and Bridge Act.	368
87. An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company	370
88. An Act to incorporate the Canada and New York Bridge and Tunnel Company	378
89. An Act to incorporate the Pacific Junction Bridge Company.....	387
90. An Act to incorporate the St. Lawrence International Bridge Company	395
91. An Act to incorporate the Detroit River Railway Bridge Company...	405
92. An Act to amend the Act of Incorporation of the Caughnawaga Ship Canal Company	413
93. An Act to amend the Act of Incorporation of the Ontario and Erie Ship Canal Company.....	414
94. An Act to incorporate the Gananoque and Wiltsie Navigation Company	414
95. An Act to extend the powers of the Montreal Telegraph Company, and for other purposes.....	430
96. An Act to amend the Act to incorporate the Canadian and European Telegraph Company.....	431
97. An Act to incorporate the Thunder Bay Silver Mines Telegraph Company	432
98. An Act to amend the Act incorporating the British America Assurance Company, and the subsequent Acts affecting the said Company...	439
99. An Act further to amend the Act incorporating the Western Assurance Company	440
100. An Act to incorporate the Inland Marine and Fire Insurance Company of Canada	442
101. An Act to amend the Act incorporating the Mutual Life Association of Canada	449
102. An Act to incorporate the Manitoba Insurance Company	450
103. An Act to incorporate the Anchor Marine Insurance Company.....	456
104. An Act to incorporate the Canada Agricultural Insurance Company..	461
105. An Act to incorporate the Accident Insurance Company of Canada...	466
106. An Act to incorporate the Dominion Trust Company.....	471
107. An Act to incorporate the Imperial Guarantee and Loan Society...	476
108. An Act to amend the Act incorporating the London and Canadian Loan and Agency Company, Limited	490

TABLE OF CONTENTS.

CAPS.	PAGES.
109. An Act to change the name of the "District Permanent Building Society of Montreal," to that of the "Loan and Landed Credit Company," and to grant certain powers to the said Company.....	492
110. An Act to incorporate the Canadian Improvement Company.....	495
111. An Act to incorporate the Mail Printing and Publishing Company (Limited).....	497
112. An Act to incorporate the Canada and Newfoundland Sealing and Fishing Company	500
113. An Act to incorporate the Ontario Shipping and Forwarding Company.....	505
114. An Act to incorporate the Dominion Water Works Company.....	509
115. An Act to incorporate the Anticosti Company.....	514
116. An Act to amend "An Act to incorporate the Managers of the Minister's Widows and Orphans Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland."	519
117. An Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada	520
118. An Act to Naturalize Anson Greene Phelps Dodge.....	522

TABLE OF CONTENTS.

IMPERIAL ACTS AND ORDERS IN COUNCIL.

IMPERIAL ACTS.

	PAGES.
An Act for amending the law relating to the Coasting Trade and Merchant Shipping in British Possessions (32 Vict., ch. 11).....	iii
An Act for authorizing a guarantee of a loan to be raised by Canada for a payment in respect of the transfer of Rupert's Land (32 & 33 Vict., ch. 101.)	vi
An Act to amend the Law relating to the legal condition of Aliens and British subjects (33 Vict., ch. 14.)	ix
An Act for amending the law relating to the Extradition of Criminals (33 & 34 Vict., ch. 52.)	xx
An Act to regulate the conduct of Her Majesty's subjects during the existence of hostilities between foreign States with which Her Majesty is at peace (33 & 34 Vict., ch. 90.)	xxxv
An Act to amend the law relating to the taking of Oaths of Allegiance on Naturalization (33 & 34 Vict., ch. 102.)	xlix
An Act respecting the establishment of Provinces in the Dominion of Canada (34 & 35 Vict., ch. 28.).....	li
An Act to amend the Merchant Shipping Acts (34 & 35 Vict., ch. 110.).....	liii
An Act for amending the Law in certain cases in relation to Naturalization (35 & 36 Vict., ch. 39.)	lix

ORDERS IN COUNCIL.

Union of Rupert's Land and North-West Territory with Canada.....	lxiii
Union of British Columbia with Canada	lxxxiv

TREATIES.

Between Her Majesty and the United States, respecting Naturalization (signed 23rd February, 1871.)	lx
Between the same, known as the Treaty of Washington (signed 8th May, 1872.).....	cviii

INDEX

TO

ACTS OF CANADA,

FIFTH SESSION, FIRST PARLIAMENT, 35 VICTORIA;

AND

IMPERIAL ACTS AND ORDERS IN COUNCIL, PREFIXED.

	PAGES.
ACCIDENT ASSURANCE COMPANY, incorporated	466
Acts. <i>See</i> Statutes.	
Advertisements for stolen goods, Law amended.....	146
Anchor Marine Insurance ₂ Company, incorporated.....	456
Anticosti Company, incorporated	514
Assurance Companies. <i>See</i> Insurance.	
BANK OF ACADIA, incorporated.....	211
Bank of Hamilton, incorporated.....	208
Bank of Manitoba, incorporated.....	219
Bank of St. John, incorporated.....	212
Banks and Banking. Act relating to, amended.....	30
Bank of B. N. A., error respecting, corrected	31
Usury Laws, in certain Provinces, modified.....	31
Deposits by minors, &c.....	31, 32
Advances on grain, malt, hops, &c.....	32
“ “ stocks, bonds, &c.....	32
“ “ vessels building.....	32
Holidays and non-judicial days	33
Extent of Act.....	33
Banks. <i>See</i> Exchange Bank of Canada—Banque Ville Marie—St. Lawrence Bank—Bank of Hamilton—Halifax Banking Com- pany—Bank of Acadia—Bank of St. John—Central Bank of New Brunswick—Maritime Bank of the Dominion of Canada —Superior Bank of Canada—Bank of Manitoba—Toronto Savings Bank.	
Banque Ville Marie, incorporated.....	204
Bills and Notes, when to mature in certain cases.....	35
Board of Trade. <i>See</i> Saint John—St. Catherines—Chatham—Levis —Sorel.....	
Bridges, Act respecting.....	93
Inspection prior to opening, &c.,.....	94
Returns of accidents to be made.....	96

Bridges and Tunnels— <i>See</i> Queenston Suspension—Sault Ste. Marie, River St. Clair—Canada and New York—Pacific Junction —St. Lawrence—International—Detroit River.	
British American Assurance Company, Acts amended.....	439
British Columbia, Canadian tariffs of customs and excise extended to, Acts and provisions so extended, enumerated.....	147 148
Exceptions	150
From what time such extension shall have had effect.....	150
Special provisions as to the application of Canadian Acts....	150, 151
Certain Acts, &c., of British Columbia, repealed.....	151
Other provisions may be extended by Order in Council.....	152
Certain laws relating to navigation, light houses, sick and dis- tressed mariners, and inspection of steamboats, so extended	153
Like rates payable in B. C., under 31 Vic. cc. 64, 65.....	153
Exemptions allowed in certain cases.....	154
<i>British Columbia, Order in Council respecting.....</i>	lxxxiv
CANADA CENTRAL RAILWAY COMPANY, Act amended.....	258
Canada Pacific Railway Company, incorporated.....	285
Canada Agricultural Insurance Company, incorporated.....	461
Canada Improvement Company, incorporated.....	495
Canada and Newfoundland Sealing and Fishing Company, incorporated	500
<i>Canada, erection of Provinces in, (Imp. Act).....</i>	li
Canada and New York Bridge and Tunnel Company, incorporated...	378
Canadian Pacific Railway Company, incorporated.....	261
Canadian Railway Equipment Company, incorporated.....	346
Canadian and European Telegraph Company, Act amended.....	431
Canals and Navigation. <i>See</i> Caughnawaga Ship—Ontario and Erie— Gananogue and Wiltsie.	
Caughnawaga Ship Canal Company, Act amended.....	413
Central Railway Company of Manitoba, incorporated.....	319
Central Bank of New Brunswick, Act relating to.....	214
Chatham Board of Trade, incorporated.....	184
Charlotte County, N. B., commissioners of pilots for.....	163
Civil Service, Act respecting, amended as to promotions.....	47
Collingwood, certain Acts extended to the port of.....	160
Coteau and Province Line Railway & Bridge Company, incorporated	357
Criminal Law amended, as to violence, threats and molestations.....	132
Certain acts to be offences, and how punishable	133
Certain parties not to act as magistrates under this Act.....	134
Inconsistent provisions of law repealed.....	134
How to be prosecuted.....	134
<i>And See</i> Fraudulent marking—Larceny—Malicious Injuries.	
Customs and excise tariffs extended to British Columbia	147
Customs— <i>See</i> duties of.	
DETROIT River Railway Bridge Company, incorporated.....	405
Detroit River Tunnel Company, Act amended.....	365
District Permanent Building Society of Montreal, name changed and charter amended	492
Dodge, A. P. G. Act to Naturalize.....	522
Dominion Notes, Act respecting, amended.....	30

	PAGES.
Dominion lands, Act respecting.....	56
To what lands applicable.....	56
Interpretation of terms used in.....	57
Administration and management.....	57
System of survey.....	57, 58
Lands reserved for Hudson's Bay Company.....	61
Educational endowment.....	62
Military bounty and land claims.....	63
Ordinary purchase, sale and payment.....	64, 65
Town plots.....	65
Homestead rights or free grant lands.....	65
Grazing lands.....	67
Hay lands and mining lands.....	68
Indian title.....	69
Coal lands.....	69, 70
Timber and timber lands.....	70
" in townships surveyed for settlement.....	71
" in other places, and timber limits.....	71, 72
Liability for cutting without authority.....	74
Resisting seizure, and general provisions.....	75
Slides, and use of waters.....	77
Patents for lands.....	78
Surveys and surveyors, examination and admission.....	80
Standards of measure, and drawing lines.....	84
Evidence before surveyors, and protection of.....	86
General provision, Orders in Council, &c.....	88
Schedules of forms under this Act.....	89
Dominion Trust Company, incorporated.....	471
Dominion Water Works Company, incorporated.....	509
Dual Representation— <i>See</i> Elections.	
Duties of Customs on tea and coffee, repealed.....	35
Provisions in case of differential duties in U. S.....	36
ELECTIONS to House of Commons, Interim Act of 1871, amended	41
Provisions applying to Ontario.....	41, 42
" " to Nova Scotia and New Brunswick.....	42, 43
" " to Manitoba and British Columbia.....	43
General provision, as to corrupt practices.....	44
Members of Local Legislatures disqualified in certain cases....	44, 45
Voters' lists, revival of in Victoria, Nova Scotia.....	45
Polling districts in Inverness, Nova Scotia, divided.....	46
Exchange Bank of Canada, incorporated.....	203
Excise and customs tariffs extended to British Columbia.....	147
<i>Extradition—(Imperial Act)</i>	xx
<i>FOREIGN Enlistment—(Imperial Act)</i>	xxxv
Fraudulent marking of merchandize, law amended.....	135
Such marking to be a misdemeanor, and how punishable.....	136
Fraudulently applying trade marks, or selling articles so marked.....	136, 137
What shall be counterfeiting a trade mark.....	137

	PAGES.
Party selling articles marked, bound to give information.....	138
Falsely designating any article or selling the same.....	139
Indictments, certain matters not required in.....	139
Accessories, punishments, recovery of penalties.....	140
Limitation of time for prosecutions.....	141
Contracts for articles bearing certain trade marks or designation.....	142
Powers of Courts as to articles,—injunctions, &c.....	143
Parties aggrieved by certain Acts, may maintain actions.....	143
Commencement of Act and repeal of former enactments.....	144
GALT, Town of, and G. T. R. Company, agreement legalized.....	222
Gananoque and Wiltsie Navigation Company, incorporated.....	414
Geological survey, grant for continued for five years.....	55
Provisions respecting conduct of &c.....	55, 56
Grand Trunk Railway Co. and Town of Galt, agreement legalized.....	222
Grand Trunk Railway Co. and International Bridge Co., agreement legalized.....	225
" " and Montreal and Champlain Railway Co.	
Act respecting.....	235
Great Western Railway Co., connections extended.....	237
HALIFAX, Port of, appointment of Harbour-master for.....	161
His powers and duties.....	162
Fees and emoluments, and how payable, and accounted for...	162
Halifax Banking Company, incorporated.....	209
Holidays. <i>See</i> Banks.	
House of Commons. <i>See</i> Representation—Elections.	
Hudson's Bay Company, Act respecting loan amended.....	26
IMMIGRATION Act of 1869, amended.....	114
Duty imposed on vessels not carrying a Surgeon, and former duty repealed.....	115
Enforcing contracts made by immigrants.....	115
Immigrant runners, complaints against railway Companies...	116
Property of immigrants dying—vicious immigrants.....	116, 117
Provision for protection of female immigrants.....	117
Forms under former Act altered, penalties, &c.....	118
Immigration aid societies, for incorporation of.....	120
Formation, constitution and incorporation.....	120, 121
Powers and business of societies.....	122
Provisions for repayment and recovery of advances.....	123
And for enforcing contracts made by immigrants.....	124
Imperial Guarantee and Loan Society incorporated.....	476
Indemnity to Members of Executive Government &c., for excess of expenditure in expedition to Manitoba.....	25
Inland Marine and Fire Insurance Company of Canada, incorporated.	442
Insurance Companies. <i>See</i> British America—Western Assurance—Inland Marine and Fire—Mutual Life Association—Manitoba Insurance—Anchor Marine—Canada Agricultural—Accident Insurance.	

INDEX.

xiii.

	PAGES.
International Bridge Co. and Grand Trunk, agreement between.....	225
Inter-oceanic Railway Company incorporated.....	268
Inventions, Patents for. <i>See</i> Patents.	
JUDGES, number and salaries of, Acts amended.....	51
In Quebec and Nova Scotia.....	52
In Manitoba and British Columbia and pensions in B. C.....	53
Travelling allowances in Quebec, Manitoba and British Columbia.....	54
LAKE SUPERIOR AND MANITOBA Railway Company, incor- porated.....	313
Lake Superior and Winnipeg Railway Company incorporated.....	328
Lands Public. <i>See</i> Dominion lands.	
Larceny of stamps. <i>See</i> Stamps.	
Levis Board of Trade incorporated.....	191
Lighthouses, buoys, &c. <i>See</i> British Columbia.	
Loans to Dominion. <i>See</i> Public debt.	
Loan, and Trust, and Guarantee Companies. <i>See</i> Dominion Trust— Imperial Guarantee and Loan—London and Canadian Loan— and Landed Credit.	
Loan and Landed Credit Company, Act respecting.....	492
London and Canadian Loan and Agency Company, Act amended.....	490
MAIL Printing and Publishing Company, incorporated.....	497
Malicious injuries to property, error in 32, 33 V. C. 22, s. 3, corrected	146
Manitoba Junction Railway Company incorporated.....	307
Manitoba Insurance Company incorporated.....	450
Mariners, sick and distressed. <i>See</i> British Columbia.	
Maritime Bank of the Dominion of Canada incorporated.....	215
Merchandize, fraudulent marking of. <i>See</i> Fraudulent marking.	
<i>Merchant Shipping. (Imperial Acts.)</i>	iii, liii
Ministers' Widows and Orphans Fund, of the Synod of the Presby- terian Church of Canada in connection with the Church of Scotland, Act amended.....	519
Missionary Society of the Wesleyan Methodist Church in Canada incorporated.....	520
Montreal and Quebec, for improving navigation between	160
Montreal and Champlain, and Grand Trunk Railway Companies.....	235
Montreal Telegraph Company, powers extended.....	430
Mutual Life Association of Canada, Act amended.....	449
NATURALIZATION. (<i>Imperial Acts.</i>).....	ix, xlix—lix
Navigation. <i>See</i> British Columbia.	
<i>Neutrality—Foreign Enlistment. (Imperial Act.)</i>	xxxv
Northern Railway Co. and Northern Extension Railways Co. lease legalized and confirmed.....	239
North-Western Railway Company of Manitoba, incorporated.....	324
<i>North-West Territory and Rupert's Land. (Proclamation.)</i>	lxiii
Notes. <i>See</i> Bills and Notes.	
Nova Scotia. <i>See</i> Shipping of Seamen—Halifax—Elections—Repre- sentation.	

	PAGES.
ONTARIO AND ERIE Ship Canal Company, Act amended.....	414
Ontario Shipping and Forwarding Company, incorporated.....	505
Ottawa, Vaudreuil and Montreal Railway, Act amended.....	259
PACIFIC Junction Bridge Company, incorporated.....	387
Patents of Invention, Act respecting	97
Patent Office constituted and regulated.....	97, 98
Who may obtain patents.....	98
Conditions and formalities	99
Contents, duration, surrender and re-issue, and disclaimers...	100
Assignment and infringement of patents.....	102
Nullity, impeachment and avoidance of patents.....	103
Patents issued under former laws.....	104
Tariff of fees.....	105
Miscellaneous provisions, caveats, objections,.....	106
Interfering applications, &c.....	107
Access to specifications, &c.; use in foreign vessels.....	108
Use by previous purchaser; marking patented articles.....	109
Repeal of inconsistent enactments	110
Postage stamps, larceny of	145
Presbyterian Church. <i>See</i> Ministers, Widows, &c.	
<i>Provinces, Erection of in Canada. (Imperial Act.)</i>	li
Public debt and loans, Act respecting.....	27
Changing form of funded debt.....	28
Loans, how raised;—temporary loans.....	28
Trusts on stock, and effect of regulations	29
Public lands in Manitoba and N. W. Territories. <i>See</i> Dominion lands	
Public Officers, security to be given by, Act amended.....	47
Public Works, Act for removing doubts respecting.....	92
QUARANTINE, Act relating to.....	110
Regulations by Governor in Council.....	111
What vessels may be required to perform.....	111
Powers of officers, medical officers, penalties.....	112, 113
Vessels coming to ports to which they are not bound.....	113
“ in certain cases may go to sea again, instead of qua- rantine	113
Repeal of 31, V. C. 63—regulations to remain until revoked...	114
Effect of revocation.....	114
Quebec and Montreal, for improving navigation between.....	160
Quebec Pacific Railway Company, incorporated.....	300
Quebec Frontier Railway Company, incorporated.....	340
Queenston Suspension Bridge Company, Act amended.....	363
RAILWAYS. <i>See</i> Grand Trunk—Montreal & Champlain—Internation- al Bridge—Great Western—St. Lawrence and Ottawa —Canada Central—Ottawa, Vaudreuil and Montreal— St. Francis and Megantic—Canadian Pacific—Inter- oceanic—Canada Pacific—Quebec Pacific—Manitoba	

	PAGES.
Junction—Lake Superior and Manitoba—Central Railway of Manitoba—North-Western of Manitoba—Thunder Bay Silver Mines—Quebec Frontier—Canadian Railway Equipment—Coteau and Province line—Sault St. Mary— <i>And see</i> Bridges and Tunnels.	
Representation in House of Commons, Act to re-adjust.....	37
Number of members,—and for each Province.....	37
Electoral divisions in Ontario.....	37, 38
“ “ in Quebec, Nova Scotia and New Brunswick	39
Electoral divisions in Manitoba.....	40
“ “ in British Columbia.....	40
When this Act shall take effect.....	41
<i>And see</i> Elections.	
River St. Clair Railway Bridge and Tunnel Co., incorporated.....	370
Rivers and Streams, sect. 1 of Cap. 47, of Con. Stat. Canada, amended	147
ST. CATHERINES (Ontario), Board of Trade incorporated.....	177
St. Francis and Megantic Railway Act, amended.....	260
St. John, N. B., Board of Trade incorporated.....	164
St. Lawrence river, dues for improving navigation of	160
St. Lawrence Bank incorporated.....	206
St. Lawrence and Ottawa Railway, Act amended.....	249
St. Lawrence International Bridge Company.....	395
Sault St. Mary Railway and Bridge Act amended.....	368
Savings Banks, Act of 1871 amended as to certain banks.....	34
Error in French version corrected	35
<i>And see</i> Toronto Savings Bank.	
<i>Shipping, Merchant (Imperial Acts.)</i>	iii—liii
Security to be given by public officer's, Act amended	47
Shipping of Seamen in Nova Scotia, Act respecting	154
Shipping officers, and shipping masters, their duties, &c.....	155
Registry of seamen, engagement, discharge.....	156
Minister of Marine and Fisheries to have control.....	156
None but shipping masters to ship seamen.....	157
Penalties and fees and recovery of.....	157
Return to Minister of Marine and Fisheries.....	158
Governor in Council may dispense with Act in certain cases... ..	158
As to foreign vessels,—shipping masters to carry out Imperial Acts	159
Certain powers extended,—repeal of inconsistent enactments... ..	159
Governor in Council to designate ports to which this Act shall apply.....	159
Sorel Board of Trade, incorporated.....	196
Supplies and appropriations for 1872-73.....	6
Schedule of the same for 1872.....	8
And for 1873.....	12
Superior Bank of Canada incorporated.....	217
Surveyors and surveys. <i>See</i> Dominion lands.	
Stamps, Act for avoiding doubts as to larceny of.....	145
Statutes, Clerk of Senate to have the custody of.....	3
To give certified copies, their effect.....	3

His other duties in respect of Statutes.....	4
Steamboats, inspection laws extended to British Columbia.....	153
Stolen goods, advertisements respecting, law amended.....	146
TELEGRAPHS— <i>See</i> Montreal—Canadian and European—Thunder Bay Silver Mines.	
Thunder Bay Silver Mines Railway Company incorporated.....	334
Thunder Bay Silver Mines Telegraph Company incorporated.....	432
Timber and timber limits. <i>See</i> Dominion lands.	
Toronto Corn Exchange Association incorporated.....	170
Toronto Savings Bank, Act respecting.....	220
Trade-marks. <i>See</i> Fraudulent marking of merchandize.	
Trade Unions, Act respecting.....	124
Criminal law relating to them, amended.....	125
Certain agreements not enforceable, but not unlawful.....	125
Registration, and powers and duties of trustees	126, 127
Provisions respecting registration, rules of unions	128, 129
Registered office,—annual returns to registrar.....	129
Who shall be registrar ;—offences and penalties.....	130
Appeal,—certain parties not to act as magistrates.....	131
What shall be deemed a trade union.....	131
Schedules of matters for rules,—and fees.....	132
<i>See also</i> , Criminal law as to violence, threats and molestation.	
Treaty of Washington, Act relating to.....	4
Provisions respecting fisheries.....	5
As to transit of goods through United States and Canada.....	5, 6
When the Act shall come into force.....	6
<i>Treaty of Washington, copy of</i>	cviii.
USURY. <i>See</i> Banks and Banking—Merchant Shipping.	
VESSELS. <i>See</i> Banks—Quarantine—Immigration.	
Violence, threats, molestations, Law amended.....	132
WASHINGTON, Treaty of— <i>See</i> Treaty.	
Wesleyan Methodist Church— <i>See</i> Missionary Society.	
Western Assurance Company, Acts amended.....	440