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House of Commons

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Senate.

Bills.

House of Commons

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DEPT. OF JUSTICE

/	
No. 2.	An Act to disfranchise Electors who have taken bribes.
No. 3.	An Act to amend the Wrecks and Salvage Act.
No. 4.	An Act in further amendment of the Electoral Franchise Act.
No. 5.	An Act to secure the better observance of the Lord's Day, commonly called Sunday.
No. 6.	An Act further to amend the Steamboat Inspection Act.
No. 7	An Act to repeal the Electoral Franchise Act and to make certain provisions in place thereof.
No. 8.	An Act to make Voting Compulsory.
No. 9.	An Act in further amendment of the Civil Service Act.
No. 10.	An Act to make further provision as to the prevention of cruelty to animals, and to amend chapter one hundred and seventy-two of the Revised Statutes of Canada.
No. 11.	An Act respecting Government Civil Service Insurance.
No. 12.	An Act to determine the length of the working day for workmen and labourers employed by the Government, or by contractors with the Government.
No. 13.	An Act to give effect to an agreement between the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, and the Corporation of the City of Toronto.
No. 14.	An Act to wind up the Montreal Mining Company.

No. 15. An Act to incorporate the Dominion Burglary Guarantee Company (Limited).

No. 16. An Act to revive and amend the Act to incorporate the Mount Forest, Markdale and Mea- ford Railway Company.

No 17. An Act respecting the St. Lawrence and Adirondack Railway Company.

No. 18. An Act further to amend the Customs Act.

No. 19. An Act respecting the Hamilton Provident and Loan Society.

No. 20. An Act to amend the Act to incorporate the Buffalo and Fort Erie Bridge Company.

No. 21. An Act to confer certain powers on the Corporation of the Municipality of the Town of Calgary.

No. 22. An Act further to amend the tenth chapter of the Consolidated Statutes for Lower Canada, respecting Seditious and Unlawful Associations and Oaths.

No. 23. An Act respecting Witnesses and Evidence.

No. 24. An Act further to amend "The Supreme and Exchequer Courts Act."

No. 25. An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company.

No. 26. An Act relating to the Harbour of Thornbury on Georgian Bay.

No. 27 An Act to amend the Civil Service Superannuation Act.

No. 28.	An Act further to amend the Acts respecting the North-West Territories.
No. 29.	An Act further to amend the Civil Service Act.
No. 30.	An Act further to amend The Dominion Elections Act.
No. 31.	An Act respecting the Central Counties Railway Company.
No. 32.	An Act relating to the Canada Life Assurance Company.
No. 33.	An Act to amend the Act to incorporate the Manufacturers' Accident Insurance Company and to change its name to "The Manufacturers' Guarantee and Accident Insurance Company."
No. 34.	An Act to incorporate "The Woodmen of the World."
No. 35.	An Act to incorporate the Calgary Irrigation Company.
No. 36.	An Act to incorporate the Calgary Hydraulic Company.
No. 37	An Act in amendment of the Criminal Code, 1892.
No 38.	An Act respecting the Western Counties Railway Company and to change the name of the Company to the Yarmouth and Annapolis Railway Company.
No. 39.	An Act to incorporate the Ocean Accident Insurance Corporation.
No 40.	An Act to incorporate the Canada Northwest Land Company (Limited).
No. 41.	An Act to incorporate the Eastern Trust Company.

No. 42. An Act to amend the Act to readjust the Representation in the House of Commons.

No. 43. An Act to amend the Criminal Code, 1892.

No. 44. An Act respecting the Manitoba and South Eastern Railway Company.

No. 45. An Act to incorporate the Cleveland, Port Stanley and London Transportation and Railway Company, and to confirm an agreement respecting the London and Port Stanley Railway Company.

No. 46. An Act to incorporate the Ocean Fidelity Guarantee Corporation.

No. 47. An Act respecting The London and Port Stanley Railway Company.

No. 48. An Act respecting the Port Arthur, Duluth and Western Railway Company.

No. 49. An Act to incorporate the Atlantic and Pacific Railway Company.

No. 50. An Act respecting the Grand Trunk Railway Company of Canada.

No. 51. An Act respecting the South Eastern Railway.

No. 52. An Act to incorporate the Calgary Street Railway Company.

No. 53. An Act respecting the Alberta Railway and Coal Company.

No. 54 An Act to incorporate the Alberta Irrigation Company.

No. 55. An Act respecting the Lake Erie and Detroit River Railway Company.

No. 56. An Act to revive and amend the Act to incorporate the Moncton and Prince Edward Island Railway and Ferry Company.

No. 57. An Act to amend the Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes.

No. 58. An Act to incorporate the Automatic Telephone and Electric Company of Canada.

No. 59 An Act to incorporate the Canada Carriage Company.

No. 60. An Act further to amend the Acts respecting the Duties of Customs.

No. 61. An Act respecting the disposal of moneys paid in connection with proceedings before Parliament.

No. 62. An Act to revive and amend the Act to incorporate the Equity Insurance Company, and to change the name of the Company to the St. Lawrence Insurance Company.

No. 63 An Act respecting the Canadian Power Company.

No. 64. An Act to incorporate the Maritime Manufacturing Company (Limited).

No. 65. An Act to amend the law respecting the Electoral Franchise.

No. 66. An Act to incorporate the Grand Council of the Catholic Mutual Benefit Association of Canada.

No. 67. An Act to revive and amend the Act to incorporate the North Canadian Atlantic Railway and Steamship Company.

N. 68. An Act respecting the Columbia and Kootenay Railway and Navigation Company.

No. 69. An Act to incorporate the Canada Atlantic and Plant Steamship Company, Limited.

No. 70 An Act respecting the Nakusp and Slocan Railway Company.

No. 71 An Act respecting the Drummond County Railway Company.

No. 72. An Act further to amend the Act respecting Certificates to Masters and Mates of Ships.

No. 73. An Act further to amend the North-West Territories Representation Act.

(No. 74) An Act to make further provision respecting Grants of Land to members of the Militia Force on active service in the North-west.

(No. 75) An Act to amend the Law relating to Holidays —Mr. *Foster*.—E.F.

(No. 76) An Act to correct a clerical error in the Bank Act —Mr. *Foster*.—E.F.

No. 77. An Act to further amend the Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

No. 78. An Act respecting the British America Assurance Company.

No. 79 An Act to incorporate the North American Canal Company.

No. 80. An Act respecting the Temiscouata Railway Company.

No. 81. An Act to amend the Criminal Code, 1892, with respect to judges of the Sessions of the Peace.

82— An Act for the relief of Martha Ballantyne.

No. 83. An act respecting the Toronto, Hamilton and Buffalo Railway Company.

No. 84 An Act respecting the Canadian Pacific Railway Company.

No. 85. An Act to incorporate the Canadian Gas Association.

No. 86. An Act respecting the Chilliwhack Railway Company.

No. 87. An Act to incorporate the British Columbia Dock Company.

No. 88 An Act respecting the Nicola Valley Railway Company.

No. 89 An Act respecting the Nelson and Fort Sheppard Railway Company.

No. 90. An Act in further amendment of the Dominion Elections Act.

No. 91 An Act to amend "An Act respecting The Nova Scotia Permanent Benefit Building Society and Savings Fund."

No. 92. An Act to amend the Merchant Shipping Act, with respect to load lines.

No. 93 An Act for the relief of James Balfour.

No. 94) An Act for the Relief of Robert Young Hebden.

No. 95) An Act for the relief of Edmund Holyoake Heward.

No. 96) An Act to consolidate and amend certain Acts relating to the Manitoba and North-Western Railway Company of Canada.

No. 97. An Act to amend the Act respecting the Harbour and River Police of the Province of Quebec.

No. 98. An Act to amend the Act to incorporate the Eastern Canada Savings and Loan Company (Limited.)

No. 99. An Act respecting the Harbour Commissioners of Montreal.

No. 100. An Act further to amend the Insurance Act.

No. 101 F. An Act to amend the Seamen's Act.

No. 102 [illegible] An Act to amend the Inland Waters Seamen's Act.

No. 103. An Act further to amend the Act respecting Public Officers.

No. 104. An Act relating to the custody of juvenile offenders in the Province of New Brunswick.

No. 105 [illegible] An Act for the relief of John Francis Schwaller.

No. 106. An Act concerning the Ladies of the Sacred Heart of Jesus.

No. 107 [illegible] An Act for the relief of James Frederick Doran.

No. 108 [illegible] An Act for the relief of Annette Marion Goff.

No. 109 An Act further to amend the Dominion Lands Act.

No. 110 An Act further to amend the Patent Act.

No. 111. An Act respecting Detective Corporations and Mercantile Agencies.

No. 112. An Act further to amend the Petroleum Inspection Act.

No. 113. An Act to consolidate and amend the Act respecting Land in the Territories.

No. 114 An Act respecting the Speaker of the Senate.

No. 115 An Act further to amend the Act re respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

No. 116. An Act to repeal the Homestead Exemption Act.

No. 117. An Act further to amend the Territories Real Property Act.

No. 118 An Act to amend the Act respecting the Royal Military College.

119

No. 120 An Act to incorporate The Canadian Live Stock Insurance Association.

No. 121 An Act further to amend the Revised Statutes respecting Canned Goods.

No. 122— An Act to amend The North-west Territories Act.

An Act to confirm the sale of the Carleton, City of Saint John, Branch Railroad.

No. 123 An Act respecting the Voters' Lists of 1893.

No. 124. An Act respecting the appointment of Commissioners to the World's Columbian Exposition.

No. 125. An Act to prevent the manufacture and sale of fillled or imitation cheese, and to provide for the branding of dairy products.

126 An Act further to amend the Acts respecting the Duties of Customs

No. 127 An Act to authorize the granting of subsidies in aid of the construction of the lines of Railway therein mentioned.

No. 128 An Act further to amend the General Inspection Act.

129 An Act to amend the Act respecting Ocean Steamship Subsidies

130 Not printed

No. 131) An Act further to amend the Railway Act.

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

(No. 133)

An Act relating to the granting of subsidies in land to Railway Companies (from the Senate).—Mr. *Daly*.

134

An Act to amend the Revised Statutes respecting the Department of Public Printing and Stationery.

The Senate.

A	An Act for the relief of Edmund Holyoake Heward.
B	An Act for the Relief of Robert Young Hebden.
C	An Act for the relief of Martha Ballantyne.
D	An Act for the relief of James Balfour.
E	An Act for the relief of James Frederick Doran.
F	An Act to amend "An Act respecting The Nova Scotia Permanent Benefit Building Society and Savings Fund."
G	An Act to make further provision respecting Grants of Land to members of the Militia Force on service in the North-West.
H	An Act to amend the Law relating to Holidays.
I	An Act to correct a clerical error in The Bank Act.
J	An Act for the relief of John Francis Schwaller.
K	An Act for the relief of Annette Marion Goff.
L	An Act to consolidate and amend certain Acts relating to the Manitoba and North-Western Railway Company of Canada.
M	An Act respecting the Trial of Juvenile Offenders.
N	An Act respecting the Speaker of the Senate.

O An Act to amend the Seamen's Act.

P An Act to amend the Inland Waters Seamen's Act.

Q An Act to incorporate The Canadian Live Stock Insurance Association.

R An Act further to amend the Revised Statutes respecting Canned Goods.

S An Act further to amend the Act re respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

T An Act to amend The North-west Territories Act.

U An Act further to amend the Railway Act.

V An Act further to amend the General Inspection Act.

8193

No. 2.] **BILL.** [1893.

An Act to disfranchise electors who have taken bribes.

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

Appointment of commission of inquiry by Governor-General on petition of electors.

1. Whenever, within sixty days after the publication in the *Canada Gazette* of the receipt by the Clerk of the Crown in Chancery of the return to a writ of election, a petition has been presented to the Governor-General, signed by twenty-five or more electors of such district, (the postal address of each elector signing the same being added to his name), stating that they believe or have reason to believe that bribery has extensively prevailed at the election, and having annexed thereto a solemn declaration, signed by the petitioners stating that they are such electors and that the allegations of the petition are true to the best of their knowledge and belief, the Governor-General shall appoint one or more persons to be a commissioner or commissioners under this Act, for the purpose of making inquiry into such bribery, such persons being judges of the Superior Court of the province; and if any of the commissioners so appointed die, resign or become incapable to act, the surviving or continuing commissioners or commisssoner may act in such inquiry as if they or he had been solely appointed to be commissioners or a commissioner for the purposes of such inquiry; and all the provisions of this Act concerning the commissioners appointed to make any such inquiry shall be taken to apply to such surviving or continuing commissioners or commissioner, and in case a sole commissioner is originally appointed, then to such sole commissioner.

Commissioner's oath of office.

2. Every commissioner shall, before taking any other step under this Act, take an oath in the form following, that is to say:—"I, A.B., do swear that I will truly and faithfully execute the powers and trusts vested in me by *The Act to disfranchise electors who have taken bribes*, according to the best of my knowledge and judgment. So help me God;" and every such oath shall be taken before a judge of the Supreme Court of Canada or before a judge competent to try an election petition for any district of the province within which the district in question is situate.

Secretary, &c. to commission.

3. The commissioners may appoint, and at their pleasure dismiss, a secretary, and so many clerks, messengers and officers as are thought necessary by the Minister of Justice for the purpose of conducting the inquiry to be made by them; and the remuneration of such persons shall be fixed by the Governor in Council.

Proceedings of commissioners.

4. The commissioners shall, upon their appointment, or within a reasonable time afterwards, from time to time, hold meetings for the purposes of the inquiry at some convenient place within the district or within ten miles thereof, and may adjourn such meetings from time to time, and from place to place within the district or within ten miles thereof, as to them seems expedient; and they shall give notice of their appointment and of the time and place of holding their first meeting by publishing the same in two newspapers in general circulation in the district or the neighborhood thereof and also by mailing such notice to each of the electors who have signed the petition at least ten days before their first meeting is held.

Notice.

Duty of commissioners.

5. The commissioners shall by all such lawful means as to them appear best with a view to the discovery of the truth endeavor to ascertain the names of any electors who have taken bribes at the last election.

Attendance of witnesses and production of papers.

6. The commissioners may, by a summons under their hands and seals, or under the hand and seal of any one of them, require the attendance before them, at a place and reasonable time to be specified in the summons, of any person whose evidence in their or his judgment may be material to the subject matter of the inquiry, and may require any person to bring before them such books, papers, deeds and writings as appear necessary for arriving at the truth of the matters to be inquired into; and all such persons shall attend the commissioners, and shall answer all questions put to them by the commissioners touching the matters to be inquired into, and shall produce all books, papers, deeds and writings required of them and in their custody or under their control according to the tenour of the summons.

Witnesses to be sworn.

7. The commissioners, or one of them, shall administer an oath or an affirmation, where an affirmation would be admitted in a court of justice, to every person examined before them; and any person who, upon such examination, wilfully gives false evidence, shall be liable to the penalties of perjury.

Incriminating evidence.

8. No person called as a witness shall be excused from answering any question relating to any act of bribery at the election forming the subject of inquiry, on the ground that the answer thereto may criminate or tend to criminate himself: Provided always, that when any witness answers every question relating to the matters aforesaid which he is required to answer, and the answer to which may criminate or tend to criminate him, he shall be entitled to receive from the commissioners, under their hands, a certificate stating that he was, upon his examination, required by them to answer one or more questions relating to the matters aforesaid, the answer or answers to which criminated or tended to criminate him, and had answered every such question; and if any information, indictment or penal action is at any time thereafter pending in any court against such witness in respect of any corrupt practices committed by him previously to the time of his giving his evidence, at any election concerning which he has

been so examined, the court shall, on production and proof of such certificate, stay such proceedings, and may in its discretion award to him any costs to which he has been put: Provided, that no statement made by any person in answer to any question put by the commissioners shall, except in the case of an indictment for perjury, be admissible in evidence in any legal proceeding.

Punishment for contempt of commissioners.

9. If any person, on whom any summons has been served by the delivery thereof to him, or by the leaving thereof at his usual place of abode, fails to appear before the commissioners at the time and place specified therein, then any of such commissioners and any court of which any one of them is a member, may proceed against the person so failing in the same maner as if he had failed to obey any writ of subpœna, or any process lawfully issuing from the court to which such judge belongs, or from such judge; and if any person so summoned to attend as aforesaid, or having appeared before the commissioners, refuses to be sworn or to make answer to any question put to him by them touching the matters in question, or to produce and show to them any papers, books, deeds or writtings in his possession or under his control, which they deem necessary to be produced, or if any person is guilty of any contempt of the commissioners, or their office, the commissioners shall have same powers, to be exercised in the same way, as any such judge or court under like circumstances arising in the course of proceedings in an election petition under *The Dominion Controverted Election Act*, may by law exercise in that behalf; and all officers concerned in the administration of justice shall give their aid and assistance in matters within the scope of their duty to the commissioners in the execution of their office.

Duty of officers of justice.

Remuneration of witnesses.

10. The commissioners may, if they deem fit, award to any witness, summoned to to appear before them, a reasonable sum for travelling expenses and maintenance, according to a scale which shall be fixed by the Governor in Council; and they shall certify to the Minister of Justice the name of any such witness and the sum awarded.

Report of commissioners.

11. The commissioners shall at the conclusion of their inquiry publicly announce the names of all electors whom they find to have taken bribes, and they shall also report such names to the Governor-General; such report shall be laid before Parliament within fourteen days after it is made, if Parliament is sitting at the expiration of the said period of fourteen days, or if Parliament is not then sitting, within fourteen days after the then next meeting of Parliament.

Protection of commissioners.

13. The commissioners shall have such and the like protection and privileges in case of any action brought against them for any act done or omitted to be done in the execution of their duty, as is given by any Act in force to justices of the peace acting in the execution of their office.

Disfranchising of electors who have taken bribes.

14. All electors whom the commissioners report to have taken bribes shall be incapable of voting at any election of a

member of the House of Commons held during the eight years next after they are so found guilty.

2. Such report shall be laid before the Secretary of State, who shall publish the same in the *Canada Gazette* and forthwith furnish a copy thereof to the revising officer of the district and instruct him to strike off the list of voters furnished to the returning officer of the district for any election held within the term of eight years aforementioned the names of all electors named in such report as having taken bribes; and it shall be the duty of the revising officers on receving such copy to strike off the lists of voter's furnished the returning officer of the district for any election held within the term of eight years aforementioned the names of the electors contained in such copy.

What constitutes taking a bribe.

16. Every voter shall be held to have taken a bribe, within the meaning of this Act who, before or during any election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; or who, after any election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at any election

Person presenting petition must deposit $100.

17. The person presenting a petition to the Governor-General under this Act shall deposit with the Minister of Finance and Receiver-General the sum of one hundred dollars, and such petition shall not be received by the Governor-General unless such deposit has been first made; and there shall be attached to the said petition on its presentation a certificate, under the hand of the Minister of Finance and Receiver-General, that the said deposit of one hundred dollars has been duly made.

Form S. of c. 8, R.S.C., amended.

18. Form S in the first schedule to *The Dominion Elections Act*, chapter eight of the Revised Statutes as amended by section eleven of chapter eleven of the statutes of 1888, and by section sixteen of chapter nineteen of the statutes of 1891, is hereby further amended by adding the following paragraph thereto :—

"6. That I have not been disfranchised under the provisions of the *Act to disfranchise electors who have taken bribes.*"

No. 2.

3rd Session, 7th Parliament, 56 Victori

B I L L.

An Act to disfranchise Electors wh taken bribes.

Received and read 1st time, Tuesday January, 1893.

Second reading, Wednesday, 1st Feb 1893.

Mr. WELDON

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majes
1893

No. 3] **BILL.** [1893.

An Act to amend the Wrecks and Salvage Act.

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

R.S.C., c. 81, sections 7 and 8 repealed.

1. Sections seven and eight of the *Wrecks and Salvage Act*, chapter eighty-one of the Revised Statutes, are hereby repealed and the following substituted therefor :—

Report to the minister.

"**7.** Upon the conclusion of any such inquiry the officer or person who made it shall send to the Minister a report containing a full statement of the case, and of his opinion thereon, accompanied by such report of or extracts from the evidence and such observations as he thinks fit."

Formal investigations in certain cases.

"**8.** If it appears to the Minister in any such case as aforesaid, either upon or without any such preliminary inquiry as aforesaid, or in any case of a charge of misconduct or incapacity brought by any person against any master or mate of any ship, that a formal investigation is requisite or expedient, the Minister may appoint any officer or officers of the Government of Canada or any body corporate, commissioner or commissioners, constituted for any public purpose subject to the legislative authority of the Parliament of Canada, by his, its or their name or names or title or titles of office, or any other competent person or persons, to be a court or tribunal for the purpose of such investigation."

No. 3.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to amend the Wrecks and Salvage Act.

Received and read first time, Tuesday, 31st January, 1893.
Second reading, Wednesday, 1st February, 1893.

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 4] **BILL.** [1893.

An Act in further amendment of the Electoral Franchise Act.

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

1. *The Electoral Franchise Act*, chapter five of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section thirty-eight :— R.S.C., c. 5, amended.

"**38A.** The hearing of every such appeal shall be commenced within three months from the time when notice of such appeal was given to the revising officer, and shall be proceeded with from day to day until such hearing is over; otherwise such appeal shall be held void." Time for trial limited.

No. 4.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act in further amendment of the Electoral Franchise Act.

Received and read first time, Tuesday, 31st January, 1893.
Second reading, Wednesday, 1st February, 1893.

Mr. CHOQUETTE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 5] **BILL.** [1893.

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

Preamble.

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

Publication, &c., of newspapers on Sunday.

1. Whoever shall on the Lord's Day, either as proprietor, publisher or manager, engage in the printing, publication or delivery of a newspaper, journal or periodical, and whoever shall on the Lord's Day engage in the sale, distribution or circulation of any newspaper, journal or periodical shall be deemed to be guilty of a misdemeanour.

Canals to be closed on Sunday.

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

Railway traffic on Sunday.

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

Through passenger trains, when permitted.

Through freight trains, until when permitted.

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

Sunday excursions prohibited.

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

Penalty for offence under section 1.

5. Any person guilty of any offence declared in section one of this Act to be a misdemeanour, shall, on summary conviction, be liable to a fine not exceeding fifty dollars, for the first offence, and not exceeding one hundred dollars, for each subsequent offence, together with the costs,—and in default of immediate payment of such fine and costs, to imprisonment for a term not exceeding months.

Penalty for offence under sections 3 and 4.

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

Application of penalties.

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

Procedure.

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

No. 5.

3rd Session, 7th Parliament, 56 Victoria, 1

BILL.

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

Received and read first time, Wednesday, February, 1893.
Second reading, Thursday, 2nd Febru 1893.

Mr. CHARLTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 6.] **BILL.** [1893.

An Act further to amend the Steamboat Inspection Act.

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

1. Section forty-three of *The Steamboat Inspection Act*, chapter seventy-eight of the Revised Statutes, is hereby repealed and the following substituted therefor:— R.S.C., c. 78, s. 43 repealed.

"**43.** No person shall employ another as engineer, and no person shall serve as engineer on any passenger steamboat, of whatever tonnage, or on any freight steamboat of over one hundred and fifty tons gross, unless the person employed or serving as engineer holds a certificate from the Minister for the grade in which he is to be employed; and every person who offends against this section shall incur a penalty of one hundred dollars: Provided however, that if a steamboat leaves a port with a complement of engineers, and on her voyage is deprived of their services, or the services of any of them, without the consent, fault or collusion of the master, owner or any one interested in the steamboat, the deficiency may be temporarily supplied until engineers holding such certificates can be obtained." Engineers on certain boats must be licensed. Penalty for contravention. Proviso: when vessel is deprived of engineer.

No. 6.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Steamboat Inspection Act.

Received and read first time, Wednesday, February 1st, 1893.
Second reading, Thursday, February, 2nd, 1893.

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

[No. 7.] **BILL.** [1893.

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

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

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

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

Provincial voters' lists to be used for Dominion elections.

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

No. 7.

3rd Session 7th Parliament, 56 Victoria, 1893

BILL.

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

Received and read first time, Thursday, 2nd February, 1893.
Second reading, Friday, 3rd February 1893.

Mr. Charlton.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 8.] **BILL.** [1893.

An Act to make Voting Compulsory.

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

1. *The Dominion Elections Act*, chapter eight of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section forty-six :— R.S.C., c. 8, amended.

"**46A.** Every elector whose name is registered on the list of voters, unless he has a reasonable excuse, shall appear at the polling station of the electoral district where he is entitled to vote, within the hours fixed by law for taking the poll, and shall exercise his franchise according to law ; otherwise he shall be liable to a penalty not exceeding *ten* dollars, with costs. Every elector shall vote. Penalty.

"2. Religious scruples shall be deemed a reasonable excuse, and any other reasonable excuse under this section shall be a matter of pleading, and the burden of proof shall be upon the defendant. Excuses.

"3. Every voter who shall not wish to exercise his right of voting, shall notify the Revising Officer of his unwillingness to vote, on or before the day fixed for the final revision and certification of the lists of voters. Such notification shall be made in writing and signed by the elector objecting with his signature or mark ; such signature or mark to be identified by the elector in person or by one or more witnesses ; the whole to the satisfaction of the Revising Officer. The said Revising Officer shall then strike off the name of this elector from the list of voters, which name shall on no account thereafter be replaced upon the list so long as the said list shall not be superseded by others. The fraudulent or corrupt procurement of such erasure or removal shall be held to be an indictable offence. Persons not willing to vote.

"4. Prosecutions under this section shall be instituted within three months after the date of the offence charged." Limitation.

2. The law now in force is declared to be amended so far as is necessary to give full force and effect to the provisions of this Act. Law amended.

No. 8.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to make Voting Compulsory.

Received and read first time, Thursday, 2nd February, 1893.
Second reading, Friday, 3rd February, 1893.

Mr. Amyot.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 9.] **BILL.** [1893.

An Act in further amendment of the Civil Service Act.

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

1. Section ten of *The Civil Service Act*, chapter seventeen of the Revised Statutes, is hereby amended by adding thereto the following paragraphs :— R.S.C., c. 17, s. 10 amended.

"(*c.*) No person shall be appointed, either temporarily or permanently, to any place in the Civil Service, in the Province of Quebec or in the City of Ottawa, who cannot speak, read and write both the English and French languages. Knowledge of English and French.

"(*d.*) No person shall be appointed, either temporarily or permanently, to any place in the Civil Service who has not been a resident in Canada during the previous three years." Residence.

No. 9.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act in further amendment of the Civil Service Act.

Received and read first time, Thursday, 2nd February, 1893.
Second reading, Friday, 3rd February, 1893.

Mr. CHOQUETTE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 10.] **BILL.** [1893.

An Act to make further provision as to the prevention of cruelty to animals. and to amend chapter one hundred and seventy-two of the Revised Statutes of Canada.

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

1. Section one of chapter one hundred and seventy-two of the Revised Statutes of Canada, intituled *An Act respecting Cruelty to Animals*, is hereby amended by adding thereto the following words : "and the expression 'animal' includes any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, goat, pig, hog, sow, dog or cat, and every other domestic animal, fowl or bird, or wild animal, fowl or bird, tamed or domesticated." R.S.C., c, 172, s. 1 amended. Interpretation "Animal."

2. Section two of the said Act is hereby repealed and the following section substituted in lieu thereof :— Section 2 repealed.

"**2.** Everyone who— Cruelty to animals.

"(*a.*) Wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures, or being the owner of or having the charge custody or control thereof causes or permits to be wantonly cruelly or unnecessarily abandoned, bound, illtreated, abused, overdriven or tortured, any cattle, poultry, dog, domestic animal or bird ; or— Ill-treating.

"(*b.*) While driving any cattle or other animal is, by negligence or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal ; or— Damage while driving.

"(*c.*) In any manner encourages, aids or assists at the fighting or baiting of any bull, bear, badger, dog or other kind of animal, or any cock, fowl or bird, whether of domestic or wild nature ; or— Baiting.

"(*d.*) Having the charge or custody of any animal, unnecessarily fails to provide the same with proper food, drink, shelter and protection from the weather ; or— Starving.

"(*e.*) Being the owner, driver or person having the charge or custody of any animal, wantonly and unnecessarily leaves disabled or abandons such animal ; or— Abandoning.

"(*f*) Wantonly and unnecessarily carries or causes to be carried, in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner ; or— Cruelly carrying.

Using as a target.

"(*g.*) Keeps or uses any live animal or bird for the purpose of being used as a target, or to be shot at, for amusement or for any like purpose,—or shoots at such animal or bird,—or is present as a party, umpire or judge at any such shooting at any animal or bird,—or keeps, or knowingly rents any building, shed, room, yard, field or premises, or knowingly permits the use of any building, shed, room, yard, field or premises, for the purpose of shooting at any animal or bird as aforesaid; or—

The same.

"(*h.*) Keeps or uses any live animal or bird for the purpose of being used as a target in a test of skill in marksmanship or any like purpose, and causes or inflicts or permits to be caused or inflicted to or upon such animal or bird any cruelty, pain or suffering other than is the direct result of shooting during such test of skill in marksmanship and the killing of any maimed or wounded animal or bird immediately after the shooting thereof, or fails to kill any animal or bird which has been maimed or wounded during such test of skill in marksmanship forthwith after the same has been so maimed or wounded—

Penalty.

"Shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars, or to imprisonment for any term not exceeding three months, with or without hard labour, or to both."

Section 4 amended.

3. Section four of the said Act is hereby amended by adding thereto the following subsections:

Any person may interfere.

"2. Any person may interfere to prevent the perpetration of any act of cruelty done in his presence to any animal, and any person who interferes with or obstructs or resists any person so engaged shall, on summary conviction, be liable to a penalty not exceeding fifty dollars, or to imprisonment for any term not exceeding three months, with or without hard labour, or to both:

Constables may destroy diseased animals.

"3. When in the judgment of any two justices of the peace, given upon the complaint of any respectable person, any animal is found to be abandoned or not properly cared for and appears to be injured, disabled or diseased past recovery, any constable or other peace officer may, with such assistance as is necessary, by the authority of such justices of the peace, enter upon the lands and premises where such animal is found and destroy or cause such animal to be destroyed."

Section 8 amended.

4. Section eight of the said Act is hereby amended by adding thereto the following subsections:

Separate compartments for large and small animals.

"4. No small animals shall be shipped in the same railway car with large animals unless a suitable partition, securely fastened to the car and sufficiently strong, has been erected in such car so as to separate the smaller animals from the larger.

Bedding.

And all such cars shall have placed in them bedding to the depth of at least six inches, composed of straw, hay, saw-dust, shavings or other such dry material.

"5. Should any of the animals mentioned in the next preceding subsection suffer death or injury by reason of the neglect of the shipper of such animals to see that the provisions of the said subsection have been complied with, the person whose name appears on the railway company's shipping bill as the shipper of such animals shall be held liable for such death or injury." Liability of shipper.

No. 10.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to make further provision as to the prevention of cruelty to animals, and to amend chapter one hundred and seventy-two of the Revised Statutes of Canada.

Received and read first time, Thursday, 2nd February, 1893.
Second reading, Friday, 3rd February, 1893.

Mr. COATSWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 11.] **BILL.** [1893.

An Act respecting Government Civil Service Insurance.

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

Short title.

1. This Act may be cited as *The Civil Service Insurance Act.*

"Minister" defined.

2. In this Act, unless the context otherwise requires, the expression "Minister" means the Minister of Finance and Receiver-General.

Insurance contracts authorized.

3. The Minister may contract with any person to whom *The Civil Service Superannuation Act* applies, for the payment of a certain sum of money to be made upon the death of such person.

Interpretation.

2. Any such contract is hereinafter called the "insurance contract"; the person so contracting with the Minister is hereinafter called the "insured"; and the amount so contracted to be paid is hereinafter called "insurance money."

Apportioning of insurance in case of married man or widower with children.

4. When the insured is a married man or a widower with children, the insurance contract shall be for the benefit of his wife, or of his wife and children, or of his wife and some one or more of his children, or of his children only, or of some one or more of them; and when the insurance contract is effected for the benefit of more than one, the insured may apportion the insurance money among them as he deems proper.

Apportionment in case of unmarried man.

5. When the insured is an unmarried man, the insurance contract shall be for the benefit of his future wife, or of his future wife and children, and the insured may apportion the insurance money among them in such manner as he sees fit; but if, at the maturity of the contract, he is still unmarried, or is a widower without children, the insurance money shall fall into and become part of his estate.

Form of apportionment.

6. Any apportionment under the next two proceeding sections may be made in the insurance contract, or by a declaration endorsed thereon or annexed thereto and signed by the insured.

"Children" defined.

7. When it is stated in the insurance contract, or in a declaration endorsed thereon or attached thereto that the insurance contract is for the benefit of the wife and children generally, or of the children generally, of the insured, without

specifying their names, then the word "children" shall mean all the children of the insured living at the time of his death whether by the same wife or by different wives.

Share of person dying before the insured.

8. Where an apportionment has been made as hereinbefore provided and one or more of the persons in whose favour the apportionment has been made die in the lifetime of the insured, the insured may, by an instrument in writing endorsed on or attached to the insurance contract, declare that the shares formerly apportioned to the persons so dying shall be for the benefit of the wife and children of the insured, or of one or more of them, as he sees fit; and in default of such declaration, the shares of the persons so dying shall be for the benefit of the survivor, or of the survivors of such persons in equal shares if more than one.

If there is no apportionment.

9. When no apportionment is made of the insurance money as hereinbefore provided, all persons interested shall be held to share equally therein.

Minister may decline to contract.

10. The Minister may decline to enter into an insurance contract in any case where there are, in his opinion, sufficient grounds for his declining to do so.

Tables to be prepared.

11. The Governor in Council shall cause tables to be constructed fixing the premiums to be paid by the insured to the Minister as the consideration for such insurance contracts, and also all other tables necessary for the carrying out of the provisions of this Act.

Basis of tables.

2. All such tables shall be based on the H. M. Mortality Table of the Institute of Actuaries of Great Britain, and on a rate of interest of six per cent per annum, no allowance being made for expenses.

Premium, how payable.

3. Such tables shall be framed so that the premium to obtain an insurance contract may be paid in one sum, or in annual, semi-annual, quarterly, or monthly instalments, and either during the life of the insured or during a limited period.

Amount of insurance limited.

12. The minimum and maximum amounts payable at death which may be contracted for under this Act shall be one thousand dollars and two thousand dollars respectively.

Medical certificate.

13. Every applicant for insurance shall furnish with his application a medical certificate in such form as is prescribed by the Governor in Council.

Regulations by Governor in Council.

14. The Governor in Council may from time to time make regulations for the following purposes:—

(*a.*) For regulating the mode and form of making insurance contracts;

(*b.*) For prescribing the mode of proving the age and identity, and the existence or death of the insured;

(*c.*) For prescribing the mode of paying sums of money in connection with insurance contracts under this Act;

(*d.*) For dispensing with the production of probate of a will or letters of administration, either generally or in any particular class of cases;

(*e.*) For prescribing the accounts to be kept under this Act, and their management;

(*f.*) For determining beforehand the cases or classes of cases in which insurance contracts may be surrendered and a cash surrender value paid therefor, or a free or paid-up insurance contract issued instead thereof, and for prescribing the manner in which such cash surrender value or amount of paid-up insurance shall be determined;

(*g.*) For any other purpose for which it is deemed expedient to make regulations in order to carry this Act into affect.

Additional payment if insured now comes under R.S.C., c. 18.

15. In the event of any person to whom *The Civil Service Superannuation Act* now applies taking advantage of the provisions of this Act, a deduction at the rate of two and one half per cent per annum shall be made from the salary of such person towards making good the superannuation allowance provided for by the said Act, such deduction to be instead of the deduction now payable under section six of the said Act.

Appointment of clerks, &c.

16. The Governor in Council may from time to time appoint and employ such actuaries, clerks and other officers as are necessary for the proper carrying out of the provisions of this Act.

Payment of salaries, &c.

17. All salaries, payments and expenses incidental to the proper carrying out of the provisions of this Act shall be paid out of the Consolidated Revenue Fund of Canada.

Superintendent of insurance.

18. The provisions of this Act shall be carried out under the direction and supervision of the Superintendent of Insurance.

Annual report.

19. The said superintendent shall, within three months after the thirtieth day of June in each year, prepare for the Minister a statement showing the amount received for premiums during the twelve months ending on the said thirtieth day of June for all insurance contracts entered into previous to the said date, and the amount of all sums paid in connection therewith during the said period, the number of new contracts entered into since the previous statement and the gross amount thereof, with such further details and particulars as are deemed advisable.

To be laid before Parliament.

2. The Minister shall lay the said statement before Parliament within thirty days after the commencement of the session thereof next after the date of the said statement.

No. 11.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting Government Civil Service Insurance.

Received and read, first time, Friday, 3rd February, 1893.
Second reading, Monday, 6th February, 1893.

MR. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

[Corrected Copy.]

No. 12.] **BILL.** [1893.

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

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

Working day of eight hours.

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

Penalty.

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

Exceptions

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

[Corrected Copy.]

No. 12.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

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

Received and read first time, Monday, 6th February, 1893.
Second reading, Tuesday, 7th February, 1893.

Mr. LÉPINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

[No. 13. **BILL.** [1893.

An Act to give effect to an agreement between the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, and the Corporation of the City of Toronto.

Preamble. WHEREAS a petition has been presented praying that an Act be passed giving effect to the agreement hereinafter mentioned: and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory. **1.** All works done or to be done in order to give effect to the agreement hereinafter mentioned, as well as those affected by it are hereby declared to be works for the general advantage of Canada.

Agreement declared in force. **2.** An agreement dated the twenty-sixth day of July, one thousand eight hundred and ninety-two, made between the Grand Trunk Railway Company of Canada, of the first part, the Canadian Pacific Railway Company, of the second part, and the Corporation of the city of Toronto, of the third part, and registered in the registry office for the Eastern Division of the city of Toronto, in Book P. 9 for East Toronto, on the seventh day of October, one thousand eight hundred and ninety-two,—and of which (except the schedules and plans attached thereto) a copy is set out in the schedule to this Act, —having been duly ratified as provided for in its twenty-third clause, is hereby declared to be in force and binding on the parties thereto, who are declared respectively to have, and to have had, power to do all acts necessary to give effect thereto.

SCHEDULE.

ESPLANADE AGREEMENT.

This Agreement, made (in quadruplicate) this twenty-sixth day of July A. D. 1892.

Between the Grand Trunk Railway Company of Canada, hereinafter called the "Grand Trunk", of the first part;

The Canadian Pacific Railway Company, representing its own corporation, and the Toronto, Grey and Bruce Railway Company, the Ontario and Quebec Railway Company, and all other railway companies which it controls by lease, agreement or otherwise, hereinafter called the "Canadian Pacific," of the second part;

And the Corporation of the city of Toronto, hereinafter called the "City", of the third part;

The Grand Trunk and the Canadian Pacific being hereinafter referred to in the aggregate as the "Companies"—

Witnesseth that it is hereby mutually agreed between each one of the parties and the other two, and between each of the parties and each of the other two as follows :

1. The map or plan to this agreement annexed, and marked No. 1, shall be part and parcel of this agreement, and be considered as embodied herein, and in the event of any doubt arising as to the meaning of any description of lands, streets, tracks, yards, stations, or other places, or any of the properties to be conveyed, the said map or plan shall be looked at and read as explanatory of such description.

2. In order to enable the Canadian Pacific to reach its tracks south of the Esplanade, the tracks in the yard known as the Midland Railway yard, between Berkeley Street and Parliament Street, shall be rearranged, and for this purpose Berkeley Street shall not be opened or kept open as a highway between the north side of the tracks shown on the said plan No. 1 as so rearranged and the prolongation easterly of the southerly limit of the Canadian Pacific right-of-way between Princess Street and Berkeley Street and on the same curve. The city will convey or procure to be conveyed in fee simple the portion of Berkeley Street between the north limits of the tracks (as so rearranged) and the south limit of the Grand Trunk right-of-way, to the Grand Trunk, and the remaining portion to the Canadian Pacific, as shown in pink and blue respectively on said plan No. 1 reserving all existing rights of the city to enter upon the same for the construction, reconstruction, inspection and repair of sewers and water mains along or under the said portion of said street. Subject to the supervision respectively of the Grand Trunk and Canadian Pacific in the matter of the safety of their respective tracks. No building to be erected on the prolongation of Berkeley Street so conveyed. A new access from the north to Esplanade Street *viâ* Berkeley Street to be provided by deviating Berkeley Street, as shown on the said plan No. 1. The Canadian Pacific to acquire the land necessary for such deviation, and to indemnify the city in respect of all claims by any others than the parties hereto for compensation or damage (if any) incurred by reason of such deviation, rearrangement of yard and tracks, and closing of said street as aforesaid, including costs (if any) incident thereto. The Grand Trunk to have the right to place and maintain its tracks on that portion of Esplanade Street adjoining Berkeley Street, coloured green on said plan No. 1 marked by letters A, B, C, neither the Grand Trunk nor the city to be required to provide or pay for the land required for such deviation or to satisfy any claims in connection with the acquisition thereof, or any claims that may be made in consequence of the closing of part of Berkeley Street as aforesaid. Until the new street south of the old Windmill Line, between Parliament and Berkeley Streets, is constructed, the Grand Trunk is to provide, at its own expense, a temporary road south of its tracks from Parliament Street to Berkeley Street forty feet in width.

3. The Grand Trunk to cause the removal forthwith of the Midland tracks on Esplanade Street, between Berkeley Street and Rogers' siding, and to connect the Midland track now on Esplanade Street, west of Rogers' siding, with their own tracks at or near Frederick Street, and no new track shall be laid on said street excepting that necessary for said connection, nor without the approval of the Railway Committee of the Privy Council of Canada. The tracks and connections as rearranged on the north 47 feet 6 inches of Esplanade Street to be subject to the provisions of the agreement made between the Grand Trunk, the Midland Railway Company of Canada and the city, bearing date the 14th day of January, 1889.

4. Any person or corporation who may now or hereafter, as owner or tenant, hold land abutting on the north side of Esplanade Street, and also on the south side of the Canadian Pacific tracks, or on the south side of the new street to the south thereof, such parcels of land being in whole or in part opposite each other, may, subject to the requirements and provisions of the Railway Act as to overhead bridges, erect, at his or its own cost, an overhead bridge or trestle or other structure connecting such lands, for handling goods or freight, or for passenger traffic, the plans and specifications of any such structure and of its supports to be first submitted to and receive the approval of the City Engineer and of the engineer of any Railway Company whose tracks are crossed by such structure, who may first require the person erecting or maintaining any such structure to indemnify the city and such Railway Company against all liability which may be occasioned thereby.

5. The city hereby agrees to extinguish, at its own expense, all the present rights (if any) of the public and of property owners to cross the railway tracks on the Esplanade, between Yonge Street and the point where York Street, as deviated, connects with Esplanade Street, except at Bay Street, and in consideration thereof each of the Companies agrees to give up, without compensation, any right of crossing the said railway tracks between Yonge and York Streets, except at Bay Street, and for such consideration the Grand Trunk further agrees to waive its contention that it is not liable to contribute to the cost of making or protecting level crossings at Church Street, Yonge Street and Bay Street, and the Grand Trunk and the Canadian Pacific, without prejudice to their rights in any other transaction, agree to pay each one-half of the cost and maintenance of such crossings, and of their protection by watchmen at the two former crossings, and by gates and watchmen at the latter crossings, such protection to be subject to the approval of the Railway Committee of the Privy Council of Canada, or to be made in such a way as it may direct.

6. No buildings to be erected south of the Esplanade on the line of Lorne Street produced.

7. An overhead traffic bridge, with ramps and approaches for vehicles and foot passengers, to be constructed by the Canadian Pacific along the east side of York Street, according to plans and specifications to be approved by the City Engineer of Toronto, and by the Chief Engineer of the Grand Trunk and Canadian Pacific(subject, in the event of the witholding of such approval or of any disagreement respecting the same,

to the decision of the Railway Committee of the Privy Council of Canada) from the south side of Front Street to such points south of the Esplanade as are approximately shown on said plan No 1. Such bridge to be a public highway and to be of sufficient width to accommodate a double street railway track. with side spaces for vehicles and foot walks, and to be so constructed as to give access for passengers by means of foot walks, stairways or otherwise to the platforms of the proposed Union Station herein referred to and also with foot walks extending to the ends of the ramps. In order not to interfere with the free use York Street as a thoroughfare to the proposed Union Station the said bridge shall be so constructed that the westerly limit thereof shall coincide with the easterly limit of York Street, as at present laid down, and the Canadian Pacific and the Grand Trunk hereby each agrees to surrender to the city so much of the lands or its interest therein, south of Front Street and on the east side of York Street, now held by it, and of the "alternative site," as described in Section 18 hereof, as shall be required for this purpose. The city hereby agreeing to make a fair abatement of rent for the future in respect of the land or the interest so surrendered, which abatement, in the case of the Canadian Pacific, is to be made by an extension for seven (7) years from the expiry thereof of the current lease of the Tinning property between Front Street and Esplanade Street, on the terms authorized by Report No. 5 of the Esplamade Committee of 1891. But no party hereto shall have or make against any other party hereto any claim in respect of any other land being injuriously affected by reason of the construction of such bridge.

8. The rights, if any which the Grand Trunk have, or claim to have, under any existing agreements with the city, that they, the city, shall not require the Grand Trunk to build, find or procure any bridges, ramps, crossings, or other approaches, over, along, or under the Grand Trunk Company's tracks on the Esplanade, but that the city shall provide all such, if any, when required at their own expense, and that by said agreements the city guaranteed and indemnified the Grand Trunk of, from and against all claims and demands whatsoever for or by reason of the railway of the Grand Trunk Company being placed on said tracks in said agreements mentioned, also that they have the right and privilege to cross streets of the city on the level for the purpose of access to their stations and freight sheds in the city in such way and as often as their business requires, shall not be affected by this agreement; but all questions in regard to such rights and also as to whether any exemption or indemnity which the Grand Trunk may be entitled to thereunder includes exemption or indemnity in respect of the construction and maintenance of the said contemplated York Street bridge, shall in default of the parties agreeing in respect thereof, be determined by the submission, as soon as can be, of a special case, between the city and the Grand Trunk, to the Chancery Division of the High Court of Justice of Ontario, with the right to either party of appeal. And in the event of the final decision of said case being that the said agreements are in force and binding upon the city, and that under them or some one or more of them Grand Trunk are entitled to exemption from such liability, or

are entitled to indemnity against any such claim or claims as is or are mentioned above, including said liability in respect of contribution towards the said York Street bridge—the Grand Trunk claiming that they are so exempt and entitled to indemnity, and the city claiming that they are not—then the Grand Trunk shall not be held liable or be called upon to bear any part of the cost of the said overhead bridges, except the John Street bridge, which they have agreed to build, but the cost of the construction, reconstruction and maintenance of said York Street bridge, including compensation for property taken or injuriously affected thereby, and all costs incidental to any claims therefor, are to be assessed against and paid by the city and the Canadian Pacific in equal proportions. And in the event of the final decision being that the Grand Trunk is not so entitled, then the cost of the construction, reconstruction and maintenance of said York Street bridge, including compensation for property taken therefor and thereby, and all costs incidental thereto, are to be assessed against and paid by the city and the Grand Trunk and the Canadian Pacific in such proportions, and shall be payable at such time and in such manner as the parties may agree upon, or in default of such agreement, as may be determined by an arbitrator or abitrators (not exceeding three in number), to be appointed by the Chief Justice of Ontario upon summary application by any of the said parties after ten day's notice to the other parties proposed to assessed therefor. If three arbitrators are appointed, the award of any two of them shall be final, and the provisions, as to arbitrations, of the Municipal Act and the Acts respecting arbitrations and references shall apply as if incorporated herein. The arbitrators to be governed by the terms, conditions and general effect of such final decision in determining the proportions so to be paid, the value of any lands given or of any interest therein surrendered by any of the parties hereto, for the purpose of enabling the said bridge to be so constructed, be taken into account in determining the proportions so respectively payable. Nothing herein contained shall be construed as an admission on the part of the Grand Trunk of any liability to contribute to the cost of the said bridge by reason of the amalgamation of that Company with the Great Western or the Northern Railway Company, or for any other reason, which liability the said Grand Trunk expressly denies; nor shall anything herein contained relieve the Grand Trunk from any liability or prevent the city from claiming upon the argument of the said special case that the Grand Trunk is liable by reason of said amalgamation or for any other reason.

9. Upon the said companies providing the land required for deviating York Street eastward, and which they agree to provide, as shown on the said plan No. 1, the city agrees to the said proposed deviation and abandons all claim to rent thereafter accruing due from the said companies, or any of them, to the city for the leasehold lands surrendered by the said companies and the city for the purpose aforesaid; and when such deviation has been carried out, the portion of Esplanade Street east of York Street shall be closed to the point where York Street, as so deviated, connects with Esplanade Street and the portion of York Street lying south of the said deviation and north of Esplanade Street shall also be

closed and both said portions of said streets shall be conveyed to the Grand Trunk, who shall be free from all liability in respect of the closing of the said streets, but such conveyance shall be subject to all the rights of the city referred to in section two of this agreement.

10. The Grand Trunk agrees to construct and maintain for all time, according to plans and specifications to be approved of by the City Engineer of Toronto and Edmund Wragge, C.E., or such other person as the Grand Trunk may nominate, and in case of disagreement between them the matter in difference is to be determined by Walter Shanly, C.E., (or in case of his death, refusal, or inability from any cause to act, then by such engineer as the parties may agree u on, or in the event of their disagreeing, then by such engineer as the chief Justice of Ontario upon summary application by any of the said parties after ten days' notice to the other parties, may appoint), a suitable steel and iron overhead bridge, founded on masonry or steel and iron piers, for vehicles and foot passengers from the south side of Front Street along the line of John Street to a point thereon south of the Esplanade to be determined by the City Engineer, and high enough to permit the use under all that portion of it south of the Esplanade of railway tracks on the same level as those under it in the Grand Trunk yard, the Grand Trunk doing the necessary filling on John Street south of the Esplanade and to the level thereof for the purpose of constructing the bridge and necessary approaches thereto, but the Grand Trunk not to be liable to pay for any length of bridge beyond one hundred (100) feet from the present south side of the Esplanade, or for any filling which may be required owing to such extra length. The cost of such extra length, not exceeding, approximately, one hundred (100) feet and also the cost of any extra filling caused thereby, to be borne by the Canadian Pacific. The necessary southern ramp to be built by and at the cost of the city. Such bridge and the works in connection therewith to be commenced forthwith after the City has constructed the necessary crib-work protection on the south side of Lake Street, from the east side of John Street to the Water Works wharf, and the bridge and works to be completed within one year from the date of commencement thereof, and to be a public highway.

11. Before the erection of the proposed Union Station referred to herein is commenced, the city shall close Esplanade Street from the east side of York Street to the east side of Brock Street, and Simcoe Street southerly from the south side of the street described in the thirteenth section of this agreement produced westerly across Simcoe Street, and shall close Peter Street and John Street from the south side of Front Street to the north side of Esplanade Street, and shall convey the portions of such streets so closed, and the city's interest in the Esplanade west of the said deviation of York Street, to the Grand Trunk, who shall be free from all liability in respect of the closing of the said streets, or any of them, but suject to the rights of the city referred to in section two of this agreement, provided that no street west of Yonge Street shall be closed unless and until the city or the Canadian Pacific

shall have required the interests of, or settled with the tenants and sub-tenants af lots 5 to 25 inclusive on Registered Plan D, 118.

12. Within two years after the completion of the exchange of sites and the closing and conveyance of streets as herein provided for, the companies shall erect, or reconstruct, so as to have the same open for traffic, a Union Passenger Station of suitable design and capacity, on and adjoining the site of the present Union Station, the same to be in all respects such as the importance of the city may warrant, and the business of the railway companies using the same may require, and the companies shall enter into an agreement between themselves for the joint working and user of the same, and for the use thereof by all passenger trains running upon lines operated by the said companies, or either of them. and such Union Station shall be approximately in accordance with the plans hereto attached and marked No. 2, and such agreement shall set forth the manner of carrying out the said undertaking, and the respective interests therein of the companies and the proportion in which the cost of erecting, reconstructing and of working the said station shall be borne by the companies, with all necessary convenants for joint working, using and occupation of the said station, and in case of any difference between the companies as to the said agreement, the points of difference shall be referred to arbitration. The term "Union Station" herein means at the least the station buildings with all their appurtenances, and all tracks therein and leading thereto, between Yonge Street and Peter Street.

13. The Grand Trunk will dedicate to the public a street not les than 66 feet wide extending along the north side of the Union Station block from Simcoe Street to York Street. The city agrees that at the request of the Grand Trunk and Canadian Pacific, a part of the said street shall be designated as a stand for cabs or express wagons, but this shall not be done except on such request.

14. The city hereby agrees that the water lots bounded on the south by the new Windmill Line, on the east by the east limit of lot 48, registered plan 5, A, produced southerly, on the north by the south side of the proposed Lake Street, and on the west by the east side of York Street, produced, marked block E on said plan marked No. 1, shall be held for all time to come by the city under such tenure as shall ensure its being made available for wharves for the accommodation of passenger steamers of all classes, and the slips (being respectively prolongations of Lorne Street and of York Street) shall also be so set apart and used that steam-boats running in connexion with or exchanging passengers with the Grand Trunk and Canadian Pacific, or either of them shall have equal facilities with any other steam-boats, and in consideration thereof the Grand Trunk agrees that for the sum or price of eighty thousand dollars it will sell and convey to the city the whole of its freehold property lying to the west of Simcoe Street, produced, and south of the Esplanade, and having a frontage thereon of about 250 feet, and will surrender to the city all its rights and interest in the leasehold property known as the Yacht Club lot, and in lots Nos. 1, 2, 3 and 4, registered plan D, 118, lying east of Simcoe Street, produced, and also in any

southward extension of all the said property and lots as contemplated by the Windmill Line Agreement, reserving to itself the right to remove within three months after the deeding to the Grand Trunk of Esplanade Street, as before set out, any buildings or tracks now upon the said freehold or leasehold property. In the event of any future extension into the harbour of the city's front similar to that contemplated by the Windmill Line Agreement, the city may, in lieu of said Block E, provide out of said extension a new block between Lorne and York Streets, produced, and access thereto, such new block to be of at least equal frontage and area to that of Block E, to be held on the same tenure and to be made available for wharves and steamboats in the same manner and for the same purpose as is provided for in reference to said Block E, and on the city making such provision and providing as ample accommodation, frontage and area for wharves and steamboats as could be given by said Block E, the city may deal with said Block E as they deem best.

15. Upon the city passing valid By-laws for the closing and deviation of the streets as hereinbefore mentioned, and closing, deviating and conveying the same as herein provided, the companies agree to pay the city the sum of fifteen thousand dollars. Each of the said companies to pay one-half thereof.

16. Until the proposed re-arrangement of yards and streets and the completion of the structures mentioned in this agreement are finally carried out, all reasonable access to the properties mentioned in this agreements, as well as to the City Water Works property, and to any other of the properties of any of the parties hereto, shall be given to each of the parties hereto, for the purpose of its business, and to enable it to do the work and complete the contemplated arrangements. In case of any dispute as to what access and facilities should be given, then the same shall be decided, as provided for in section 10 of this agreement.

17. The city hereby consents to the Grand Trunk obtaining a patent from the Crown of the prolongation of Peter Street, lying between the south limit of the Esplanade and the old Windmill Line, and the companies consent to the city obtaining from the Crown a patent of the prolongation of Simcoe and York Streets, south of the Esplanade, for the purpose of including the same in the alternative site as hereinafter described.

18. And whereas the Canadian Pacific has heretofore taken steps toward obtaining a site in Toronto, for its station grounds, tracks and appurtenances hereinafter called the "Original Site," and comprising an area bounded on the north by the Esplanade, on the east by Yonge Street, on the south by a line known as the New Windmill line, on the west by York Street, together with a parcel of land intended for tracks and sidings, and extending westward from the said area as far as the east limit of lot No. 4, Plan D, 118, lying next south of the Esplanade, and widening from about 40 feet at the said east limit to about 110 feet at the east side of York Street, and has obtained the fee simple of lot 38, hereinafter called the Mowat Lot, as well as the leasehold under the city of those parts of lots 39, 40, west half of 41, 42, 43, 44, 45, 46, 47, 48, 49, 50

and 51, registered plan 5, A, lying south of the Esplanade, and the leasehold under the Baldwin Estate of that part of the east half of lot 41 above mentioned.

And whereas the city has proposed that the Canadian Pacific shall, on the terms hereinafter contained, abandon the "original site" and take for the said purposes another further west hereinafter called the "Alternative Site," and the Canadian Pacific has consented so to do, which "alternative site" comprises an area butted and bounded, or otherwise known as follows, that is to say: Commencing on the south side of the Esplanade at the north-west corner of the City Water Works property, thence easterly along the south boundary of the Esplanade to the west side of Yonge Street, thence southerly along the said west side to a point distant 50 feet southerly from the south limit of the Esplanade, and measured at right angles thereto, thence westerly parallel with the south boundary of the Esplanade to the production southerly of the east side of Bay Street, thence in a right line to a point on the production southerly of the west side of Bay Street, where it is intersected by the north boundary of the new street marked "proposed street" on said Plan No. 1, and distant 70 feet from the south limit of the Esplanade measured southerly along said production, thence south-westerly along the north side of the said proposed new street to a point on the east limit of Lot 48, Registered Plan 5, A, distant 290 feet measured southerly thereon from the south limit of the Esplanade, thence southerly along that limit to the north limit of Lake Street, thence westerly along said limit to the production southerly of the west side of York Street, thence southerly along that production to the line known as the New Windmill Line, thence westerly along that New Windmill Line to the production southerly of the east side of John Street, thence northerly along that production to a point distant on the same course 222 feet from the south side of the Esplanade, thence north-westerly on a right line to a point on the west boundary of part of the City Water Works property, distant along that boundary 28 feet southerly from the south side of the Esplanade, thence northerly along that boundary to the place of beginning, except thereout Lake Street and so much of the said lands as would be a prolongation of Bay Street, and also such portions of Block F as may be necessary te be retained by the city in consideration of its carrying out the agreements with the Argonaut Boat House Co., W. H. Clindinning, and the Toronto Yacht Club Company, hereinafter mentioned, and with such other subtenants of any of the lots numbered 5 to 25 inclusive, on Registered Plan D, 118, as it may be necessary to deal with in a similiar way, the city reserving to itself the right to construct any portion of the east slope of the southern ramp of the John Street bridge on such parts of the above lands as may be necessary.

19. The city agrees, with the assistance of the Canadian Pacific as hereinafter mentioned, to obtain such title to the alternative site as will enable it to convey the same to the Canandian Pacific to the extent and in the manner hereinafter described, and the Canadian Pacific agrees to consent to and assist the city in obtaining the said alternative site with all convenient speed, and that it will, at the expense and upon the

request of the city, exercise its powers of expropriation for that purpose, except as regards the said property owned or held under lease by the Grand Trunk. The city agrees to indemnify the Canadian Pacific for all moneys, costs and charges that the company may have to pay for the expropriation of the outstanding interests of the leaseholders of lots 5 to 25 inclusive, Registered Plan D, 118 (being part of the alternative site), and to carry out the agreements that have been made by the Canadian Pacific, with the Argonaut Boat House Co., W. H. Clindinning, and the Toronto Yacht Club Company, which are printed as Schedules A, B and C hereto, and the city agrees to pay to the Canadian Pacific the cost of cribbing and filling on the alternative site of equal quantity to that which it shall have done on the original site, or any part of it, up to the time at which it surrenders possession of the same to the city under this agreement; also the cost of construction and erection of the wharves and buildings on the original site. And the city further convenants and agrees to demise and lease the alternative site to the Canadian Pacific for successive terms of fifty years each, during all time to come. The rental for the first term of fifty years shall be eleven thousand dollars per annum, and the rental for each subsequent term of fifty years shall at each renewal be increased by two thousand seven hundred and fifty dollars per annum, and all rent shall be payable on the third days of July, October, January and April of each year. For the first quarter a proportionate amount to be paid, having regard to the time of possession under said lease.

20. And the Canadian Pacific convenants and agrees with the City that upon the execution of such lease and the payment of the cost of the said cribbing, filling, wharves and buildings above referred to, and the closing and deviating of the streets as aforesaid, and conveying the portion of Berkeley Street as aforesaid, it will assign, transfer and convey to the City all its interest in the lands coloured blue upon the said plan No. 1, and which may be more particularly described as follow:

BLOCK A.

Firstly, commencing at a point on the production southerly of the west limit of Yonge Street, where it is intersected by a line drawn paralled with the south limit of the Esplanade and distant one hundred and ten feet measured southerly therefrom and at right angles thereto; thence south-westerly along said line, being the southerly limit of new street marked "Proposed Street" on said Plan No. 1, to the production southerly of the east limit of Bay Street; thence southerly along that production to the north limit of Lake Street; thence easterly and north-easterly along said limit of Lake Street to the production southerly of the west limit of Yonge Street; thence northerly along that production to the place of beginning.

BLOCK B.

Secondly, commencing at the south limit of Lake Street where it is intersected by the production southerly of the west limit of Yonge Street; thence southerly along that production to the line known as the New Windmill Line; thence westerly

along the New Windmill Line to the production southerly of the east limit of Bay Street; thence northerly along that production to the south limit of Lake Street; thence easterly and northeasterly along the south limit of Lake Street to the place of beginning.

BLOCK C.

Thirdly, commencing at a point on the production southerly of the west limit of Bay Street where it is intersected by the southerly limit of the said proposed new street, as shown on said plan marked No. 1; thence south-westerly along the said south limit to the westerly limit of lot 47, registered Plan 5 A; thence southerly along the said limit to the north limit of Lake Street; thence easterly along the north limit of Lake Street to the production southerly of the west limit of Bay Street; thence northerly along that production to the place of beginning.

BLOCK D.

Fourthly, commencing on the south limit of Lake Street where it is intersected by the production southerly of the west limit of Bay Street; thence southerly along that production of the said New Windmill Line; thence south-easterly along the said New Windmill Line to the intersection of the production southerly of the west limit of said lot 47; thence northerly along the said production to the south limit of Lake Street; thence easterly along the south limit of Lake Street to the place of beginning.

BLOCK E.

Fifthly, commencing on the south limit of Lake Street where it is intersected by the production southerly of the east limit of lot 48, registered Plan 5 A; thence southerly along the said production to the said New Windmill Line; thence westerly along the said New Windmill Line to the production southerly of the east limit of York Street; thence northerly along that production to the south limit of Lake Street; thence easterly along the south limit of Lake Street to the place of beginning.

21. Except as herein otherwise provided, the provisions of *The Railway Act* and of *The Municipal Act*, so far as applicable to anything herein contained, shall form part of this agreement as if expressly set out herein.

22. Nothing herein contained and no action taken hereunder shall affect in any way the position or contention of any of the parties hereto as to the question whether or not any streets running southward from Front Street, other than those referred to in this agreement, do or do not terminate at the north side of Esplanade Street, the Canadian Pacific and Grand Trunk contending that they do so terminate, and the City not admitting the said contension.

23. This agreement shall not be binding on either party unless and until ratified by the City Council of Toronto and the Boards of Directors of the respective Railway Companies, and the parties hereto agree to unite in procuring legislation

necessary to validate and confirm this agreement, if and when so ratified, and to empower each of the parties to do whatever may be requisite to give effect to the substance and intention thereof, and if this agreement be not executed and in force on or before the first day of September, 1892, next, then all parties shall be restored to their original rights as if no agreement on the subjects herein dealt with had been discussed between the parties.

In witness whereof the said parties have hereinto had affixed their corporate seals, and their officers, namely: L. J. Seargeant, General manager of the Grand Trunk; W. C. Van Horne, President, and Charles Drinkwater, Secretary, of the Canadian Pacific, and Robert John Fleming, Esquire, Mayor, and John Patterson, Esquire, Deputy Treasurer, of the city have hereunto set their hands the year and day hereinbefore mentioned.

Signed, sealed and delivered in presence of
CHAS. PERCY.

THE GRAND TRUNK RAILWAY OF CANADA
per
L. J. SEARGEANT, [L.S.]
General manager.

As to signature of C.P.R., in presence of
GEO. M. CLARK.

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

Executed by the City of Toronto in presence of
THOMAS CASWELL.

ROBERT J. FLEMING, [L.S.]
Mayor.
JOHN PATTERSON,
Deputy treasurer.

No. 13.

3rd Session, 7th Parliament, 56 Victoria

BILL.

An Act to give effect to an agree
between the Grand Trunk Ra
Company of Canada, the Canadia
cific Railway Company, and the
poration of the City of Toronto.

Received and read first time, Tuesday
February, 1893.
Second reading, Wednesday, 8th Feb
1893.

Mr. TISDA

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majes
1893

[No. 14.] **BILL.** [1893.

An Act to wind up the Montreal Mining Company.

Preamble.

WHEREAS the Montreal Mining Company, incorporated by an Act of the Parliament of the late Province of Canada, passed in the year 1847, and chaptered sixty-eight, has by its petition represented that it has for many years ceased to do business, and that there are certain remaining assets, arising from its business and transactions in former years, the ownership of which may be in doubt, and has prayed that power be granted to appoint a liquidator or liquidators, to realize and distribute the said assets, and to wind up the affairs of the Company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Appointment and powers of liquidator.

1. Any Judge of the Superior Court at Montreal, on application by the directors of the Company mentioned in the preamble to this Act, or of a majority thereof, may appoint one or more persons as liquidators to the said Company, who shall thereupon be authorized and have power to take possession of the books of account, and all assets, funds, property and investments of the said Company or arising out of its business and transactions, including any unpaid dividends on stock, and to sell and realize the same; and any liquidator may be removed or replaced by such court.

Final dividend sheet on realization of assets.

2. Upon the realizing of the assets of the Company as hereby provided, the liquidator or liquidators shall, by notice published for one month in the *Canada Gazette* and in one newspaper at the city of Montreal, call upon all persons claiming to be paid out of the funds so realized, to file their claims within one month from the last insertion of such notice; and upon the expiry of such time the liquidator or liquidators shall prepare a dividend sheet collocating thereon the names of those appearing, from the claims filed and other evidence in the possession of the liquidator or liquidators, to be entitled to payment; and notice of the preparation of such dividend sheet, with indication of a place where the same may be examined, shall be published for one month as aforesaid; and on the expiry of fifteen days after the last publication of such notice the dividend sheet shall, unless contested, be held to be confirmed and the parties collocated thereon entitled to be paid the amounts of their respective collocations.

Responsibility of directors to terminate.

3. Upon the appointment of the liquidator or liquidators the responsibility of the directors shall terminate and their duties cease, except in so far as may be required for the purposes of this Act.

R. S. C., c. 129.

4. "*The Winding-up Act*" shall, for the purposes of the liquidation of the affairs of the said Company, extend and apply to the Company, and shall be incorporated with, and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

5

No. 14.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to wind up the Montreal Mining Company.

Received and read first time, Tuesday, 7th February, 1893.
Second reading, Wednesday, 8th February, 1893.

(PRIVATE BILL.)

Mr. White (Cardwell.)

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 15.] **BILL.** [1893.

An Act to incorporate the Dominion Burglary Guarantee Company (Limited).

Preamble.

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated for the purpose of carrying on the business of guaranteeing persons, firms and corporations against loss and damage by burglary or house-breaking as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The Hon. George Alexander Drummond, Samuel Finley, Hugh Graham, James Naismith Greenshields, John Alfred Grose, Edwin Percival Heaton, Anthony Haig Sims, Frederick Fairman, William Strachan, Benjamin Tooke, Robert Bickerdike, George Douglas Ross, Thomas Jordan, Joseph Eveleigh, Edward Frank Moseley, the Hon. Alexander Walker Ogilvie and John Torrance, all of the city of Montreal, in the province of Quebec, and John William McRae, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of the Dominion Burglary Guarantee Company (Limited), hereinafter called the "Company."

Corporate name.

Powers.

2. The Company may make and enter into contracts with any person for the purpose of guaranteeing such person against any loss or damage by reason of burglary or house-breaking; and the Company may issue its guarantee policies in such form as it determines.

Capital stock.

Increase.

3. The capital stock of the Company shall be two hundred thousand dollars, divided into shares of one hundred dollars each; but after the whole amount of the capital stock has been subscribed for, the Company may increase the capital stock to an amount not exceeding one million dollars, provided that such increase and the amount thereof has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the original stock are present in person or represented by proxy.

Provisional directors.

4. The first seven persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, and of such provisional directors a majority

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

First meeting of shareholders.

5. So soon as one hundred thousand dollars of the capital stock of the Company have been subscribed and ten per cent paid thereon into a chartered bank in Canada to the credit of the Company, the provisional directors shall call a meeting of the shareholders of the Company at the place where the head office is situate,—at such time as they think proper,—at which meeting the shareholders who have paid at least ten per cent on the amount of stock subscribed for by them shall elect the directors ; and no person shall be elected or continue a director unless he is a shareholder owning at least ten shares of stock and has paid all calls due thereon.

Annual meeting.

6. The annual general meeting of the shareholders shall be held on the third Wednesday in September in each year, or at such other date in each year as is fixed by by-law passed at any annual general or special meeting of shareholders duly called for that purpose.

Election of directors.

7. At such meeting the subscribers of the capital stock who have paid all calls due on their shares shall choose seven persons to be directors of the Company ; but the Company may, by by-law, first approved of by the shareholders, increase the number of directors to any number not exceeding nine ; and a majority of such directors shall be a quorum.

Head office.

8. The head office of the Company shall be in the city of Montreal, or in such other place in Canada as is fixed by by-law passed at any annual general or special meeting of shareholders duly called for that purpose.

Safety vaults.

9. The Company may also establish safety vaults in connection with its offices and places of business, for the purpose of receiving and caring for and guaranteeing against loss, jewellery bullion and other movable property deposited with it for safe keeping.

Premium on risks.

10. The Company may charge such premium for the risks undertaken by it as the persons contracting with the Company agree to pay.

R.S.C., c. 118 to apply.

11. Notwithstanding anything contained therein, *The Companys Clauses Act*, except section eighteen thereof, shall extend and apply to the Company hereby incorporated and shall form part of this Act, in so far as it is not inconsistent with any of the provisions hereinbefore contained.

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

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

No. 15.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Dominion Burglary Guarantee Company (Limited).

Received and read first time, Tuesday, 7th February, 1893.
Second reading, Wednesday, 8th Feb., 1893.

(PRIVATE BILL.)

Mr. WHITE,
(Cardwell).

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 16.] **BILL.** [1893.

An Act to revive and amend the Act to incorporate the Mount Forest, Markdale and Meaford Railway Company.

WHEREAS the Mount Forest, Markdale and Meaford Railway Company have petitioned for an Act to amend, as hereinafter set forth, their Act of incorporation, and it is expedient to revive and amend the said Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1890, c. 60.

1. Subject to the provisions of this Act, the Act incorporating the Mount Forest Markdale and Meaford Railway Company being chapter sixty of the Statutes of 1890 is hereby revived and declared to be in force; and if the railway is not commenced within two years and completed within seven years from the passing of this Act, then the powers granted by the Act of incorporation and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction of railway extended.

2. Section one of the said Act of incorporation is hereby repealed and the following substituted therefor:— Section 1 repealed.

"**1.** James Cleland, Cyrus Richmond Sing, John James Johnston, James Trout, Gilbert Peter McIntosh, and Charles Little, all of the town of Meaford; James Gardner, of the township of St. Vincent; William James McFarland and William Lucas, both of the village of Markdale; James Addison Halstead, William Hall Kingston, and William Colcleugh, all of the town of Mount Forest; John H. Brown, of the town of Durham, and William Henry Dodson, of the township of Euphrasia, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of the Mount Forest, Markdale and Meaford Railway Company, hereinafter called the Company." Incorporation.

No. 16.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to revive and amend the Act to incorporate the Mount Forest, Markdale and Mea- ford Railway Company.

Received and read a first time, Tuesday, 7th February, 1893.
Second reading, Wednesday, 8th Feb., 1893.

(PRIVATE BILL.)

Mr. SPROULE.

OTTAWA
Printed by S. E. DAWSON
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1893

[No. 17.] **BILL.** [1893.

An Act respecting the St. Lawrence and Adirondack Railway Company.

Preamble.

WHEREAS the St. Lawrence and Adirondack Railway Company have by their petition prayed that an Act be passed to amend, as hereinafter set forth, their Act of incorporation; 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:—

1888, c. 64.

Section 19 repealed.

1. Section nineteen of chapter sixty-four of the Statutes of 1888 is hereby repealed and the following substituted therefor:—

Agreement with another company.

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

Sanction of shareholders and of Governor in Council.

Notice of application for sanction.

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

No 17.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the St. Lawrence and Adirondack Railway Company.

Received and read a first time, Tuesday, 7th February, 1893.
Second reading, Wednesday, 8th Feb., 1893.

(PRIVATE BILL.)

Mr. BERGERON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

[No. 18.] **BILL.** [1893.

An Act further to amend the Customs Act.

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

1. Section ninety-three of *The Customs Act*, chapter thirty-two of the Revised Statutes, is hereby repealed and the following substituted therefore :— R.S.C., c. 32, s. 93 repealed.

93. "The importer of any cattle or swine may slaughter and cure and pack the same (or if such cattle or swine are imported in the carcase, may cure and pack the same) in bond, provided such slaughtering, curing, or packing is done and conducted under such regulations and restrictions as the Governor in Council, from time to time, makes for that purpose ; but the said regulations shall not extend to the substitution of other beef or pork for the produce of such imported cattle or swine." Cattle and swine may be slaughtered in bond under regulations.

2. The paragraph substituted by section two of chapter forty-four of the Statutes of 1891 for the paragraph lettered (*a*) of section two hundred and forty-five of the said Act is hereby repealed and the following substituted therefore :— Section 245 amended.

"(*a*). For the warehousing and bonding of such cattle and swine as may be slaughtered and cured in bond." Regulations.

No. 18.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Customs Act.

Received and read first time, Tuesday, 7th February, 1893.
Second reading, Wednesday, 6th February, 1893.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 19.] **BILL.** [1893.

An Act respecting the Hamilton Provident and Loan Society.

WHEREAS the Hamilton Provident and Loan Society, have by their petition prayed that chapter thirty of the Statutes of 1885 be amended, and that further powers be 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:— Preamble. 1885, c. 30.

1. Section two of the Act cited in the preamble to this Act is hereby amended by striking out the words "one million five hundred thousand" in the second line thereof and substituting therefor the words "three million." Section 2 amended.

2. Section three of the said Act is hereby amended by striking out the words "the sum of three million dollars" in the twelfth and thirteenth lines thereof and substituting therefor the words "three times the amount actually paid up in respect of fixed and permanent capital or shares of the Society." Section 3 amended.

3. The Society is hereby authorized, subject to the laws of the several provinces in that behalf, to extend their business to and carry on business in any province of Canada; provided, however, that before the directors commence to carry on business in any province, other than that in which they are now authorized to carry on business, they shall be empowered so to do by a rule or by-law of the Society passed for that purpose. Extension of business to other Provinces.

4. The Society may, subject to the laws in that behalf of any provinces to which they extend their business as hereinbefore provided, acquire real estate and hold and dispose thereof, in the same manner as they are now empowered to do with regard to real estate in the province of Ontario. Real estate in provinces other than Ontario.

5. In case at any time the directors of the Society lawfully determine to issue new stock of the Society, such new stock shall be issued in shares of one hundred dollars each, and may be issued in Great Britain or in Canada, or partly in Great Britain and partly in Canada, and the directors may make such rules or regulations regarding the issue, sale or transfer of such stock, either in Great Britain or Canada, as they deem proper. Provision as to issue of new stock.

No. 19.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Hamilton Provident and Loan Society.

Received and read first time, Wednesday, 8th February, 1893.

Second reading, Friday, 10th February, 1893.

(PRIVATE BILL.)

Mr. McKay.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 20.] **BILL.** [1893.

An Act to amend the Act to incorporate the Buffalo and Fort Erie Bridge Company.

Preamble.

WHEREAS the Buffalo and Fort Erie Bridge Company have by their petition, prayed for the passing of an Act to extend the times limited for the commencement and completion of their undertaking, and for certain other amendments to their Act of incorporation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 1 of c. 65 of 1891 repealed.

1. Section one of chapter sixty-five, of the Statutes of 1891, incorporating the Buffalo and Fort Erie Bridge Company, is hereby repealed and the following substituted therefor:—

Incorporation.

"**1.** John Ferguson, A. G. Hill, M. E. Dunlap, George M. Porter, Peter A. Porter, Alexander Logan, and Frederic W. Hill, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of 'The Buffalo and Fort Erie Bridge Company' hereinafter called the Company."

Corporate name.

Section 3 amended.

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

Tunnel under Niagara River

"**3.** The Company may construct, maintain, work and manage a tunnel under the waters of the Niagara River for railway and other purposes, at some point above Grand Island, and may lay and place therein one or more tracks for the passage of engines and cars and street cars, and may construct a railway not exceeding six miles in length as an approach to the said tunnel, and such other approaches as are necessary, and may work trains by steam, horse or other power through the said tunnel, and connect such trains with other railways; and the said tunnel may be double, either in whole or in part, with a third tunnel, if necessary, for drainage purposes, and with branch tunnels, if necessary, from points near the end of the main tunnel."

Sections 4, 5, 6, 8 and 13 amended.

3. Sections four, five, six, eight and thirteen of the said Act are hereby amended by inserting after the word "bridge" wherever it occurs in the said sections, except in the last line of the said section six, the words "or tunnel."

Section 6 further amended.

4. Section six of the said Act is hereby further amended by adding after the word "bridge" in the last line thereof the word "or through the said tunnel."

Section 7 amended.

5. Section seven of the said Act is hereby amended by inserting after the word "bridge" in the second line thereof the words "or through the said tunnel."

Section 10 amended.

6. Section ten of the said Act is hereby amended by substituting the words "one million" for the words "ten millions" in the first line thereof.

Section 13 amended.

7. Section thirteen of the said Act is hereby amended by substituting the words "one million" for the words "five millions" in the second line thereof.

Railway Act to apply.

8. *The Railway Act*, when not inconsistent with this Act, shall apply to the Company and to the undertaking of the Company:

Expression "land" defined.

2. Wherever, in *The Railway Act*, the expression "land" occurs it shall mean and include any privileges required by the Company for constructing or operating the works by this Act authorized, or any portion thereof, constructed under any land, without the necessity of acquiring a title in fee simple to such land.

Time for construction extended.

9. The times limited for the commencement and completion of the undertaking of the Company are hereby extended for three years and six years, respectively, from the passing of this Act; and if the undertaking is not commenced and completed within the times so fixed, then the powers granted by the said Act and this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

No. 20.

3rd Session, 7th Parliament, 56 Victoria,

BILL.

An Act to amend the Act to incorp
the Buffalo and Fort Erie Bridge C
pany.

Received and read a first time, Wednes
8th February, 1893.

Second reading, Friday, 10th February,

(PRIVATE BILL.)

Mr. LOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 21.] **BILL.** [1893.

An Act to confer certain powers on the Corporation of the Municipality of the Town of Calgary.

Preamble.

WHEREAS the creation of water power, and still water for boating purposes on the Bow and Elbow Rivers, at or near the Town of Calgary, in the North-west Territories, open to all persons and companies on equal conditions, and the building of a bridge or bridges from the south side of the Bow River to the islands adjoining the said town, or any of them, and from any one of the said islands to any other or others of them, and the building of a street railway and tramway within and near the said town, would be of advantage to the public; and whereas the Corporation of the Municipality of the Town of Calgary has petitioned for an Act authorizing it to construct the necessary works 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:—

Corporation may retain the waters of the Bow and Elbow rivers for water power and other purposes.

1. The Corporation of the Municipality of the Town of Calgary may dam and pen back the waters of the Bow and Elbow Rivers, or either of them, within and near to the boundaries of the said municipality, for the purpose of creating water power, and still water for boating purposes, and for such purposes or either of them may construct and maintain the necessary dams, embankments, sluices, sluiceways, and raceways, and also expropriate and take possession of, under and subject to the provisions of the municipal ordinances of the North-west Territories, such lands, whether within or without the said municipality, as are deemed necessary by the said corporation for the carrying out of the said works or any of them, and may lease or sell the water so dammed up, or water power so created, or any portion thereof, and also use the same for the purposes of the said municipality as the said corporation may provide, and also transfer the powers herein granted to any individual or corporation on such terms as the council of the said Corporation deems advisable.

Transfer of powers under this Act.

Bridges.

2. The said Corporation may construct a bridge or bridges from the south side of the Bow River adjacent to the said town, to all or any one or more of the islands in the said river, and from any one of the said islands to any other or others of them.

Street railways and tramways.

3. The said Corporation may construct, equip, and operate a street railway and tramway along and upon the streets and highways of the Town of Calgary and through and upon and over the territory adjoining and within the limits of two

miles from the boundaries of the said Town of Calgary, with power to lease or sell the same when built, or transfer the powers herein granted to any individual or corporation, on such terms as the said Corporation deems proper, and such railway or tramway may be worked by horse, electric, or steam power as the said Corporation desires.

No. 21.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to confer certain powers on the Corporation of the Municipality of the Town of Calgary.

Received and read first time, Wednesday, 8th February, 1893.
Second reading, Friday, 10th February, 1893.

Mr. Davis.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 22.] **BILL.** [1893.

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

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

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

No. 22.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

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

Received and read a first time, Wednesday, 8th February, 1893.
Second reading, Thursday, 9th February, 1893.

Mr. WHITE (Cardwell.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 23.] **BILL.** [1893.

An Act respecting Witnesses and Evidence.

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

1. This Act may be cited as *The Canada Evidence Act*, 1893. Short title.

2. This Act shall apply to all criminal proceedings, and to all civil proceedings and other matters whatsoever respecting which the Parliament of Canada has jurisdiction in this behalf. R.S.C., c. 139, s. 2. Application.

WITNESSES.

3. A person shall not be incompetent to give evidence by reason of interest or crime. *English Bill*, s. 1. R.S.C., c. 174, s. 214. No incompetency from crime or interest.

4. Every person charged with an offence, and the wife or husband, as the case may be, of the person so charged, shall be a competent and compellable witness, whether the person so charged is charged solely or jointly with any other person. Provided, however, that no husband shall be compellable to disclose any communication made to him by his wife during their marriage, and no wife shall be compellable to disclose any communication made to her by her husband during their marriage. 16–17 Vict., c. 83, s. 3, (Imp.) Competency of accused and of wife and husband. Proviso: as to communications during marriage.

5. No person shall be excused from answering question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any other person: Provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him other than a prosecution for perjury in giving such evidence. *New.* Incriminating answers.

6. A witness who is unable to speak, may give his evidence in any other manner in which he can make it intelligible. *Stephen's dig. ev., Art.* 107. Evidence of mute.

7. Judicial notice shall be taken of all Acts of the Imperial Parliament, of all ordinances made by the Governor in Council, or the Lieutenant-Governor in Council, of any province or colony which, or some portion of which, now forms part of Judicial notice to be taken of Imperial statutes, &c.

Canada, and of all the Acts of the legislature of any such province or colony, whether enacted before or after the passing of *The British North America Act*, 1867.

Proof of proclamations &c., of Governor General, &c,

8. Evidence of any proclamation, order, regulation or appointment, made or issued by the Governor General or by the Governor in Council, or by or under the authority of any Minister or head of any department of the Government of Canada, may be given in all or any of the modes hereinafter mentioned, that is to say :—

Canada Gazette, &c.

(*a.*) By the production of a copy of the *Canada Gazette* or a volume of the Acts of the Parliament of Canada purporting to contain a copy of such proclamation, order, regulation, or appointment or a notice thereof;

Copy printed by Q. P.

(*b.*) By the production of a copy of such proclamation, order, regulation or appointment, purporting to be printed by the Queen's Printer for Canada ; and—

Copy or extract duly certified.

(*c.*) By the production, in the case of any proclamation, order, regulation or appointment made or issued by the Governor-General or by the Governor in Council, of a copy or extract purporting to be certified to be true by the clerk, or assistant or acting clerk of the Queen's Privy Council for Canada,--and in the case of any order, regulation or appointment made or issued by or under the authority of any such Minister or head of a department, by the production of a copy or extract purporting to be certified to be true by the Minister, or by his deputy or acting deputy, or by the secretary or acting secretary of the department over which he presides. R.S.C., c. 139, s. 3.

Proof of proclamations, &c., of Lieut.-Governor, &c.

9. Evidence of any proclamation, order, regulation or appointment made or issued by a Lieutenant-Governor or Lieutenant-Governor in Council of any province, or by or under the authority of any menber of the Executive Council, being the head of any department of the Government of the province, may be given, in all or any of the modes hereinafter mentioned, that is to say :—

Official Gazette, &c.

(*a.*) By the production of a copy of the official Gazette for the province, purporting to contain a copy of such proclamation, order, regulation or appointment or a notice thereof;

Copy printed by Government printer.

(*b.*) By the production of a copy of such proclamation, order, regulation or appointment, purporting to be printed by the Government or Queen's Printer for the province;

Copy of extract duly certified.

(*c.*) By the production of a copy or extract of such proclamation, order, regulation or appointment, purporting to be certified to be true by the clerk or assistant or acting clerk of the Executive Council, or by the head of any department of the Government of a province, or by his deputy or acting deputy, as the case may be. R.S.C., c. 130, s. 4.

Proof of judicial proceedings, &c.

10. Evidence of any proceeding or record whatsoever of, in, or before any court in the United Kingdom, or the Supreme or Exchequer Courts of Canada, or any court, or before any justice of the peace or any coroner, in any province of Canada,

or any court in any British colony or possession, or any court of record of the United States of America, or of any state of the United States of America, or of any other foreign country, may be made in any action or proceeding by an exemplification or certified copy thereof, purporting to be under the seal of such court, or under the hand or seal of such justice or coroner, as the case may be, without any proof of the authenticity of such seal or of the signature of such justice or coroner, or other proof whatever; and if any such court, justice or coroner, has no seal, or so certifies, then by a copy purporting to be certified under the signature of a judge or presiding magistrate of such court or of such justice or coroner, without any proof of the authenticity of such signature or other proof whatsoever. R.S.O., c. 61, s. 28.

Proof of Imperial Acts, &c.

11. Imperial Proclamations, Orders in Council, treaties, orders, warrants, licenses, certificates, rules, regulations, or other Imperial official records, acts or documents may be proved (*a*) in the same manner as the same may from time to time be provable in any court in England, or (*b*) by the production of a copy of the *Canada Gazette*, or a volume of the Acts of the Parliament of Canada purporting to contain a copy of the same or a notice thereof, or (*c*) by the production of a copy thereof, purporting to be printed by the Queen's Printer for Canada.

Proof of official or public documents.

12. In every case in which the original record could be received in evidence, a copy of any official or public document of Canada or of any province, purporting to be certified under the hand of the proper officer or person in whose custody such official or public document is placed, or a copy of a document, by-law, rule, regulation or proceeding, or a copy of any entry in any register or other book of any municipal or other corporation, created by charter or statute of Canada or any province, purporting to be certified under the seal of the corporation, and the hand of the presiding officer, clerk or secretary thereof, shall be receivable in evidence without proof of the seal of the corporation, or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof. R.S.O., c. 61, s. 23.

Copies of public books or documents admissible in evidence.

13. Where a book or other document is of so public a nature as to be admissible in evidence on its mere production from the proper custody, and no other statute exists which renders its contents provable by means of a copy, a copy thereof or extract therefrom shall be admissible in evidence in any court of justice, or before a person having by law or by consent of parties, authority to hear, receive and examine evidence, provided it is proved that it is a copy or extract purporting to be certified to be true by the officer to whose custody the original has been entrusted. R.S.O., c. 61, s. 25.

Proof of handwriting, &c., not requisite.

14. No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy of or extract from any proclamation, order, regulation, appointment, book or other document; and any such copy or extract may be in print or in writing, or partly in print, and partly in writing. R.S.C., c. 139, s. 5.

Order signed by Secretary of State.

15. Any order in writing, signed by the Secretary of State of Canada, and purporting to be written by command of the Governor-General, shall be received in evidence as the order of the Governor-General. R.S.C., c. 139, s. 6.

Copies of notices, &c., in *Canada Gazette*.

16. All copies of official and other notices, advertisements and documents printed in the *Canada Gazette* shall be received as evidence of the originals, and of the contents thereof. R.S.C., c. 139, s. 7.

Copies of entries in books of Government departments.

17. A copy of any entry in any book kept in any department of the Government of Canada, shall be received as evidence of such entry and of the matters, transactions and accounts therein recorded, if it is proved by the oath or affidavit of an officer of such department that such book was, at the time of the making of the entry, one of the ordinary books kept in such department, that the entry was made in the usual and ordinary course of business of such department, and that such copy is a true copy thereof. R.S.C., c. 139, s. 8.

Proof of notarial Acts in Quebec.

18. Any document purporting to be a copy of a notarial Act or instrument made, filed or enregistered in the Province of Quebec, and to be certified by a notary or prothonotary to be a true copy of the original, in his possession as such notary or prothonotary, shall be received in evidence in the place and stead of the original, and shall have the same force and effect as the original would have if produced and proved : Provided, that it may be proved in rebuttal that there is no such original, or that the copy is not a true copy of the original in some material particular, or that the original is not an instrument of such nature as may by the law of the Province of Quebec be taken before a notary or be filed, enrolled or enregistered by a notary in the said province. R.S.O., c. 61, s. 29-30.

Notice to be given to adverse party.

19. No copy of any book or other document as provided in sections ten, twelve, thirteen, fourteen, seventeen and eighteen of this Act, shall be received in evidence upon any trial unless the party intending to produce the same has before the trial given to the party against whom it is intended to be produced reasonable notice of such intention. The reasonableness of the notice shall be determined by the court or judge. *New.*

Construction of this Act.

20. The provisions of this Act shall be deemed to be in addition to and not in derogation of any powers of proving documents given by any existing statute or existing at law. R.S.C., c. 139, s. 9.

Application of provincial laws of evidence.

21. In all proceedings over which the Parliament of Canada has legislative authority, the laws of evidence in force in the province in which such proceedings are taken shall, subject to the provisions of this and other Acts of the Parliament of Canada, apply to such proceedings. R.S.C., c. 139, s. 10.

OATHS AND AFFIRMATIONS.

Who may administer oaths

22. Every court and judge, and every person having by law or consent of parties authority to hear and receive evidence,

shall have power to administer an oath to every witness who is legally called to give evidence before that court, judge or person. E. B., s. 6.

Affirmation of witness instead of oath.

23. If a person called or desiring to give evidence, objects or refuses to take an oath or is objected to as incompetent to take an oath, such person may make the following affirmation :—

"I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth."

And upon the person making such solemn affirmation, his evidence shall be taken and have the same effect as if taken under oath. *See* R.S.O., c. 61, s. 14.

Affirmation instead of oath.

24. If a person required or desiring to make an affidavit or deposition in a proceeding, or on an occasion whereon or touching a matter respecting which an oath is required or is lawful, whether on taking office or otherwise, refuses or is unwilling to be sworn, the court or judge, or other officer or person qualified to take affidavits or depositions, shall permit such person instead of being sworn, to make his solemn affirmation in the words following, viz. : "I, A. B., do solemnly affirm," &c. ; which solemn affirmation shall be of the same force and effect as if such person had taken an oath in the usual form. *See* R.S.O., c. 61, s. 13.

Perjury.

2. Any witness whose evidence is admitted or who makes an affirmation under this or the next preceding section shall be liable to indictment and punishment for perjury in all respects as if he had been sworn.

Evidence of child.

25. In any legal proceeding where a child of tender years is tendered as a witness, and such child does not, in the opinion of the judge, justice or other presiding officer, understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the judge, justice or other presiding officer, as the case may be, such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

Corroboration required.

2. But no case shall be decided upon such evidence alone, and such evidence must be corroborated by some other material evidence. 53 V., c, 37, s. 13.

STATUTORY DECLARATIONS.

Solemn declaration.

26. Any judge, notary public, justice of the peace, police or stipendiary magistrate, recorder, mayor, commissioner authorized to take affidavits to be used either in the Provincial or Dominion Courts, or any other functionary authorized by law to administer an oath in any matter, may receive the solemn declaration of any person voluntarily making the same before him, in the form in the schedule A to this Act, in attestation of the execution of any writing, deed or instrument, or of the truth of any fact, of any account rendered in writing. 53 V., c. 37, s. 41.

Affidavits required by insurance companies.

27. Any affidavit, affirmation or declaration required by any insurance company authorized by law to do business in Canada, in regard to any loss of, or injury to, person, property or life insured or assured therein, may be taken before any commissioner authorized to take affidavits, or before any justice of the peace, or before any notary public for any province of Canada; and such officer is hereby required to take such affidavit, affirmation or declaration. R.S.C., c. 141, s. 4.

Repeal.

28. The Acts mentioned in schedule B to this Act are hereby repealed.

SCHEDULE A.

I, A. B., do solemnly declare that (*state the fact or facts declared to*), and I make this solemn declaration conscientiously believing the same to be true, and by virtue of *The Canada Evidence Act*, 1893.

Declared before me
at this day of A.D. 18 .

SCHEDULE B.

Acts repealed.	Title.	Extent of Repeal.
R.S.C., c. 139.....	An Act respecting Evidence.....	The whole Act.
R.S.C., c. 141.....	An Act respecting Extra-judicial Oaths.. .	The whole Act.

No. 23.

3rd Session, 7th Parliament, 56 Victo

BILL.

An Act respecting Witnesses a
dence.

Received and read a first time, We
8th February, 1893.
Second reading, 9th February, 1893.

SIR JOHN THOMPS

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Maj
1893

No. 24.] **BILL.** [1893.

An Act further to amend the Supreme and Exchequer Courts Act.

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

1. Paragraph (*b*) of section twenty-nine of *The Supreme and Exchequer Courts Act*, chapter one hundred and thirty-five of the Revised Statutes, is hereby amended by substituting for the words "or such like," in the third line thereof, the words "and other." R.S.C., c. 1 section 29 amended.

2. The subsection substituted for subsection two of section twenty-nine of the said Act by section three of chapter twenty-five of the Statutes of 1891, is hereby amended by substituting for the words "such like," in the fourth line thereof, the word "other." Section 29 further amended.

No. 24.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend "The Supreme and Exchequer Courts Act."

Received and read first time, Thursday, 9th February, 1893.
Second reading, Friday, 10th February, 1893.

Mr. LAVERGNE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 25] **BILL.** [1893.

An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company.

Preamble.

WHEREAS the Grand Trunk, Georgian Bay and Lake Erie Railway Company have by their petition prayed that an Act be passed amending Chapter sixty-three of the Statutes of 1890, as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1890 c. 63.

Sections 2 and 3 repealed.

1. The sections substituted by chapter sixty-three of the Statutes of 1890 for sections two and three of chapter sixty-six of the Statutes of 1887 are hereby repealed and in lieu thereof it is hereby enacted as follows:—

Branch to Owen Sound.

2. The company may build and complete, on or before the first day of July, one thousand eight hundred and ninety-seven, a branch from any point on their main line between the village of Invermay and the village of Wiarton into the town of Owen Sound, by such route as is found most convenient, and all the provisions of the statute of the Province of Ontario, forty-fourth Victoria, chapter sixty-nine, shall apply to the branch hereby authorized to be constructed.

Branch to Embro.

3. The company may build a branch from a point on their line between Strathallan and Woodstock to the village of Embro; and all the provisions of the said Act of the Province of Ontario, forty-fourth Victoria, chapter sixty-nine, shall apply to the branch by this section authorized to be constructed.

Time for construction.

4. The time limited for building the said branches is hereby extended to the first day of July, one thousand eight hundred and ninety-seven; and if the said branches are not then completed, the powers granted for such construction shall cease and be null and void as respects so much of the said branches as then remains uncompleted.

Issue of first mortgage bonds.

2. Notwithstanding anything contained in the said Act of the Province of Ontario, forty-fourth Victoria, chapter sixty-nine, or this Act, or anything otherwise heretofore done by the company, the company may make and issue first mortgage bonds upon each or either of the branches in this Act mentioned, for an amount not exceeding fifteen thousand dollars per

Mortgage to secure bonds.

mile ; and for that purpose may mortgage each or either of the said branches, and every such mortgage shall be a lien and charge upon such branch and such of the lands, tolls, revenues and other property of the company forming part of or connected with such branch, whether then existing or thereafter acquired, as is mentioned therein, in preference and priority to all other charges thereon ; and no more than one mortgage shall be made over either of the said branches to be in force at the same time.

No. 25.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company.

Received and read first time, Friday 10th February, 1893.
Second reading, Monday, 13th February, 1893.

(PRIVATE BILL.)

Mr. TISDALE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 26.] **BILL.** [1893.

An Act relating to the Harbour of Thornbury on Georgian Bay.

Preamble.

WHEREAS certain harbour works, including a pier or breakwater, were constructed at the mouth of the Beaver River, in the town of Thornbury, in the county of Grey, at the joint expense of the Government of Canada and of the corporation of the township of Collingwood, at a time when the said town formed part of the corporation of the township of Collingwood; and, whereas the corporation of the township of Collingwood and the corporation of the town of Thornbury, have entered into the agreement set out in the schedule hereto bearing date the fifth day of September, one thousand eight hundred and ninety-two, providing amongst other things that all the harbour works at the mouth of the said Beaver River, now or hereafter acquired and used in connection therewith shall be under the joint jurisdiction and control of the said corporations; and whereas, by chapter forty-five of the statutes of 1870, the corporation of the township of Collingwood, upon the construction by them of the works therein mentioned was amongst other things empowered to impose and collect tolls or harbour dues at the mouth of the said Beaver River; and whereas the corporation of the township of Collingwood and the corporation of the town of Thornbury, have jointly petitioned to be allowed to impose and collect the tolls mentioned and provided in the said Act, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1870, c. 45.

Powers vested in corporations of Collingwood and Thornbury.

1. Chapter forty-five of the Statutes of 1870, is hereby declared to be in force and to relate to the harbour works and breakwater or pier as at present constructed and erected at the mouth of the said Beaver River, except in so far as the same is inconsistant with, or is varied by the provisions of this Act, and all the powers, rights, privileges and franchises given thereunder to the said corporation of the township of Collingwood (save and except as aforesaid) are hereby vested in the said corporation of the townships of Collingwood and the corporation of the town of Thornbury, to be exercised as is agreed upon between them.

Sections 1 and 2 repealed.

2. Sections one and two of the said chapter forty-five of the Statutes of 1870, are hereby repealed.

Agreement confirmed.

3. The agreement between the said corporations, comprised in the schedule to this Act, is hereby legalized and confirmed so far as is within the powers of the Parliament of Canada.

SCHEDULE.

This indenture made in duplicate the fifth day of September, A.D. 1892, between the corporation of the township of Collingwood, in the county of Grey of the first part, and the corporation of the town of Thornbury, in the said county of Grey, of the second part.

Whereas, by indenture of agreement dated the 11th day of November, 1887, and made by and between the said parties hereto, it was among other things in effect provided that the wharf and harbour at the mouth of Beaver River, in the said town of Thornbury should be under the joint jurisdiction and control of the said parties, and that all expenditures in connection therewith should be borne by the said parties in the proportions of two-thirds thereof by the said corporation of the township of Collingwood, and one-third thereof by the said corporation of the town of Thornbury and that the proceeds arising from the said wharf and harbour should also be shared in the like proportion.

And whereas, the said parties have since the date of the said agreement and in pursuance thereof, jointly expended large sums of money in the construction of a storehouse adjoining the said wharf, and in repairs to the said wharf and in the maintenance of the said harbour.

And whereas, the said parties desire to make better provisions for carrying out the intention of the said agreement as hereinafter expressed and mentioned, and have agreed to pass such by-laws and procure such legislation as may be necessary to render this agreement valid and binding upon the said parties.

Now this Indenture witnesseth that the said parties hereto of the first and second parts, hereby covenant and agree each with the other of them in manner following that is to say :—

1. The said wharf, storehouse and harbour at the mouth of Beaver River, in the said town of Thornbury, and all other works, buildings, lands, roads and easements now used and enjoyed or that may at any time hereafter be acquired jointly by the said parties and used in connection therewith, shall be under the joint jurisdiction and control of the said parties hereto, and the said parties shall jointly have and exercise such jurisdiction and powers over, and shall be subject to all such duties and responsibilities in respect to the same as are or may be conferred or imposed by the municipal or other laws of the province of Ontario or the Dominion of Canada now in force or hereafter to come into force upon a sole municipality in respect to any harbour within its limits, or relating to said harbour and works specially.

2. Until further or other provisions shall be made by the said parties, the reeve and first deputy reeve of the said township of Collingwood, and the mayor of the said town of Thornbury and their successors in office shall be a joint committee on behalf of the said parties for the carrying out of all regulations made by the joint by-laws of the said parties hereto respecting the said harbour and the rebuilding, repairing, maintaining and improving the same and any building or buildings erected thereon, and the premiums of insurance thereon, and the collection of all rents, tolls and dues, and the

general management of the said harbour, and each of the said parties may change or add to the number of the member or members representing them on the said committee, provided always that the said corporation of the township of Collingwood, shall at all times have two such representatives for each one appointed by the corporation of the said town of Thornbury; and the said committee shall have power from time to time to employ and hire such help as may be required to manage the said business and look after said buildings.

3. All expenditures in connection with the said harbour including insurance premiums and salaries of employees, as well as the cost of this agreement and the expenses of procuring the necessary legislation to render the same valid, shall be borne and paid by the said parties in the proportion of two-thirds thereof by the said corporation of the township of Collingwood, and one-third thereof by the said corporation of the town of Thornbury, each party, however, to pay the expenses of their own deputations which may be sent to Ottawa, or elsewhere in the interests of the said wharf; and all proceeds from said works shall be shared by the said parties in the like proportions, and the said parties shall also contribute in the like proportion to the payment of all damages, penalties, costs, charges and expenses which they or either of them shall incur or be put to, or which shall be recovered against them or either of them in respect of any neglect or breach of duty, or any other matter or thing relating to the management of the said harbour by the said joint committee; and the said joint committee shall keep proper books of account in which shall be entered under the proper heads, all expenses incurred by, and amounts received by the said committee from any source whatever connected with the said works, and shall each year immediately after the close of navigation and not later than the first day of December in each year, make out in duplicate a detailed statement of all such payments and receipts and shall by said date, certify to the same by their chairman and deliver one copy to the clerk of each of the said municipalities, and thereafter in case the receipts are more than the expenses, shall pay to the parties entitled thereto their said proportion thereof.

4. In the event of the said storehouse being damaged or destroyed by fire, tempest or other casualty, the said parties shall forthwith rebuild or reinstate the same in a good substantial and workmanlike manner, equal in all respects to the present storehouse now erected at the said wharf, and will keep the said storehouse in good and substantial repair, and in case the rebuilding or repairs shall not be commenced and prosecuted with all due speed within four months after a notice in writing requiring the same to be done or the same prosecuted shall be served by the members or member of the joint committee of the other party, then the members or member so serving said notice shall have power and authority to proceed with the said work, and the party whose member or members of the said committee shall so cause the said work to be done, shall have power to collect from the other party hereto their proportion of the cost of the said work.

5. The said parties shall mutually pass by-laws for the imposition and collection of tolls as hereafter, to be employed after the expenses of collection, for the purpose of assisting in

liquidating the debt incurred or which may hereafter be incurred in constructing, improving and keeping in repair the said harbour and the works connected therewith, on all goods, wares, merchandise and chattels shipped on board or landed out of any vessel, boat or other craft from or upon any part of the said Beaver River or elsewhere within the limits of the said harbour, also upon all logs, timber, spars and masts going through the same or any part thereof, and on all vessels, boats or other craft entering the said harbour in accordance with the provisions of any Act of the Dominion Parliament which is or may hereafter be passed; and the said parties shall also pass joint by-laws to regulate the charges on goods, chattels or merchandise, for the use of the said storehouse or any other building erected or to be erected on the lands of either of the said parties adjacent to the said wharf; or for the use of the lands in connection with the said wharf and harbour.

6. The said parties shall proceed to obtain an Act of the Legislature of the province of Ontario at the next session thereof to confirm and render valid this agreement, and shall also proceed to obtain an Act of the Dominion of Canada at the next session of the Parliament thereof, to confirm the said agreement in so far as relates to matters in their control for the granting of the power to levy tolls and harbour dues as set out in the preceding paragraph hereof.

7. The said agreement of the 11th November, 1887, so far as the same relates to the joint control of the said wharf, storehouses and harbour is hereby declared to be replaced by this agreement.

8. All disputes between the said parties in respect of this agreement or arising therefrom, shall be referred to arbitration under the provisions of *The Municipal Act*.

In witness whereof, the said corporations have hereto affixed their corporate seals and the reeve and mayor thereof respectively have set their hands.

(Sd.) ARCH'D. CAMPBELL,
Reeve Tp. Collingwood.

Corporate Seal of Collingwood.

(Sd.) E. RAYMOND,
Mayor, Town Thornbury.

Corporate Seal of Thornbury.

Signed, sealed and delivered in presence of
EDWD. RORKE,
Town of Thornbury.

No. 26.

3rd Session, 7th Parliament, 56 Victoria, 1

BILL.

An Act relating to the Harbour of Th
bury on Georgian Bay.

Received and read a first time, Friday,
February, 1893.
Second reading, Monday, 13th Febru
1893.

(PRIVATE BILL.)

Mr. SPROUL

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 27 **BILL.** [1893.

An Act to amend the Civil Service Superannuation Act.

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

Short title.

1. This Act may be cited as *The Civil Service Superannuation Amendment Act*, 1893.

R.S.C., c. 18 not to apply to future appointees over forty-five years of age.

2. Notwithstanding anything therein or in any other Act contained, the provisions of *The Civil Service Superannuation Act*, chapter eighteen of the Revised Statutes, shall not apply to any person who is appointed to any branch of the Civil Service of Canada after the passing of this Act, and whose age at the time of such appointment exceeds forty-five years.

Rate of deduction increased.

Special fund.

3. Instead of the deduction provided for by section six of the said Act, a deduction shall be made from the salary of every person who shall be hereafter appointed and to whom the said Civil Service Superannuation Act shall be applicable, at the rate of three and one-half per cent per annum on such salary, if it is six hundred dollars or upwards, and of three per cent per annum thereon, if it is less than six hundred dollars, such deduction to be carried to the credit of a fund called the Civil Service Superannuation Fund, No. 2, to which shall be added by the Government annually such a sum as may be sufficient to make the amount thereof equal to the value of the prospective annuities payable therefrom, as hereinafter mentioned, to the several contributors thereto, upon an estimate or valuation thereof based upon the H. M. Mortality Table of the Institute of Actuaries of Great Britain and a rate of interest of six per cent per annum.

Payment of allowances.

4. The superannuation allowance to which all persons to whom this Act is applicable become entitled shall be chargeable upon and payable out of the said fund.

Return to parliament.

5. The Minister of Finance and Receiver-General shall lay before Parliament within thirty days after the commencement of each session thereof, a statement showing the condition of the said fund at the thirtieth day of June previous.

No. 28.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

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

Received and read first time, Monday, 13th February, 1893.
Second reading, Tuesday, 14th February, 1893.

Mr. McCarthy.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 29.] **BILL.** [1893.

An Act further to amend the Civil Service Act.

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

R.S.C., c. 17 s. 3 repealed.

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

Of whom the Civil Service shall consist.

"**3.** The Civil Service, for the purposes of this Act, includes and consists of all classes of employees, in or under the several departments of the executive government of Canada and in the office of the Auditor General, included in the schedules A and B to this Act, appointed by the Governor in Council or other competent authority before the first day of July, one thousand eight hundred and eighty-two, or thereafter appointed in the manner provided by the Civil Service Act for the time being in force."

Section 6 repealed.

2. Section six of the said Act is hereby repealed, and the following substituted therefor :—

Number of employees.

"**6.** The Governor in Council shall, from time to time, determine the number of officers, chief clerks, clerks, messengers and other employees required for the working of the several departments in each division of the Civil Service."

Section 8 amended.

3. Subsections one, two and three of section eight of the said Act, as amended by section one of chapter twelve of the Statutes of 1889, are hereby repealed, and the following substituted therefore :—

Civil Service Board.

"**8.** A Civil Service Board, hereinafter called "the board," shall, from time to time, be appointed by the Governor in Council. They shall examine all candidates for admission to and promotion in the Civil Service, and give certificates of qualification to such persons as are found qualified, according to such regulations as are authorized by the Governor in Council for the guidance of the board.

Composition of board.

"2. The board shall consist of three members ; one, who shall be a member of the Civil Service and shall be chairman of the board, at a salary, notwithstanding anything in this Act to the contrary, not exceeding four hundred dollars per annum ; one other member at the same salary ; and one, not previously a member of the Civil Service, who shall be secretary to the board and Supervisor of the Civil Service, at a salary on appointment of not less than fifteen hundred dollars per

Supervisor of Civil Service.

annum, with an annual increase of fifty dollars up to a maximum of two thousand dollars, who shall not be subject to the provisions of this Act as to qualifications, and whose tenure of office shall be the same as that of a deputy-head."

Section added.

4. The said Act is hereby further amended by adding the following section thereto immediately after section nine :—

Duties of Supervisor.

"**9A.** The Supervisor of the Civil Service, hereinafter called the Supervisor, shall be under the direction and control of the Governor in Council, and his duties shall be as follows :—

"(*a.*) He shall, as hereinbefore stated, be secretary to the board ;

"(*b.*) He shall have general supervision of the inside division of the service, with constant and ready access to all rooms and buildings in which clerks are employed ;

"(*c.*) He shall report, at such times and in such manner and form as the Governor in Council directs, upon the said division generally, and specially upon its condition, requirements and practical working ;

"(*d.*) He shall, whenever directed to do so by the Governor in Council, examine into and report upon the practical working of any part of the outside division of the service ;

"(*e.*) He shall perform such other duties of a like nature as are assigned to him by the Governor in Council.

"2. No clerkship, or office of messenger, packer or sorter shall be created by Order in Council except upon the report of the deputy-head setting forth the necessity therefor accompanied by a report of the supervisor expressing his opinion as to the necessity for such clerkship or office."

Section 10 amended.

5. The paragraph lettered (*b*) of section ten of the said Act is hereby repealed, and the following substituted therefor :—

Limits as to age in inside service.

"(*b.*) No person shall be appointed to any place in the inside division, other than that of a deputy-head, on probation or otherwise, who has not attained the full age of sixteen years or whose age exceeds thirty-five years ;

Limits in outside service.

"(*c.*) No person shall be appointed to any clerkship in the outside division, on probation or otherwise, who has not attained the full age of sixteen years or whose age exceeds forty years.

Section 24 repealed.

6. Section twenty-four of the said Act is hereby repealed, and the following substituted therefor :—

Scale of salaries.

"**24.** The salary of a clerk on appointment or promotion to any class shall begin at the minimum of such class,—except in the case of third class clerks, who may receive, in addition, fifty dollars for each optional subject in which they have passed before their appointment, and proficiency in which is required for the performance of their ordinary duties in the department to which they are appointed,—and except in the case of lower

grade permanent employees, who, upon passing the qualifying examination, may be appointed third class clerks, at the salary they were receiving at the time of such appointment, when such salary exceeds four hundred dollars.

Optional subjects.

"2. The optional subjects in the next preceding subsection mentioned shall be:—

"(*a.*) Type-writing;

"(*b.*) English and French composition and translation.

Section 26 amended,

7. Section twenty-six of the said Act is hereby amended by adding the following subsection thereto:—

Condition of increase.

"3. No officer, clerk or employee shall be considered deserving of such increase unless he has received seventy-five per cent of the maximum number of points obtainable for attendance and conduct, as shown by the attendance and conduct books hereinafter mentioned."

Section 29 amended.

8. Section twenty-nine of the said Act is hereby amended by striking out the words "temporary copyists" in the sixteenth line and substituting therefor the word "writers."

Section 30 repealed.

9. Section thirty of the said Act is hereby repealed, and the following substituted therefor:—

Age, health and character of candidates.

"**30.** No person shall be admitted either to the preliminary or qualifying examination until he has satisfied the board—

"(*a.*) That at the time appointed for such examination he will be of the full age of sixteen years, and if the examination is for a place in the inside division that his age will not then exceed thirty-five years, or if for a clerkship in the outside division that his age will not then exceed forty years;

(*b.*) That he is free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties;

"(*c.*) That his character is such as to qualify him for employment in the service."

Section 36 amended.

10. Subsection one of section thirty-six of the said Act is hereby amended by striking out the words "one year" in the second line and substituting therefor the words "six months."

Section 37 amended.

11. The paragraphs lettered (*a*) and (*b*) of section thirty-seven of the said Act are hereby repealed, and the following substituted therefor:—

As to offices requiring special qualifications.

"(*a.*) That the qualifications requisite for the office or employment are wholly or in part professional or technical,—the report being accompanied by a statement from the head of the branch in which the vacancy occurs, specifying the nature of such professional or technical work;

"(*b.*) That, to his knowledge, the requisite qualifications are not possessed by any person then in the service of that department; and"

Section 42 amended.

12. Section forty-two of the said Act is hereby amended by adding the following subsection thereto:—

Record of conduct.

"2. With reference to previous conduct in the service, the record of the attendance and conduct books shall be taken into account and assigned such value as is previously determined by the board and approved by the Governor in Council."

Section 47 amended.

13. Subsections one and three of section forty-seven of the said Act, as amended by section eleven of chapter twelve of the Statutes of 1888, are hereby repealed, and the following substituted therefor:—

Employment of writers in cases of temporary pressure of work.

"**47.** When, from a temporary pressure of work or from any other cause, the assistance of temporary clerks becomes necessary in any branch of the inside or outside division, the head of the department may—if he is satisfied that such necessity exists—on the requisition of the deputy-head of the department accompanied by the requisition of the head of the branch in which such assistance is required, select from the lists of persons who have passed the qualifying examination or who are qualified as writers, and for whom no vacancies have up to that time have been found, such number of temporary clerks as are required.

Out of what funds payable.

"3. The temporary and supernumerary clerks so employed shall be paid only out of money voted by Parliament for that purpose."

Section 48 amended.

14. Subsection one of section forty-eight of the said Act is hereby repealed, and the following substituted therefor:—

Private secretaries of ministers.

"**48.** Any member of the Civil Service may be appointed private secretary to the head of a department, and may be paid an additional salary not exceeding six hundred dollars a year while so acting, provided that such additional salary together with his ordinary salary shall not on appointment exceed the maximum salary of a second class clerk, and shall at no time exceed two thousand dollars a year."

Maximum salary.

Section 49 repealed.

15. Section forty-nine of the said Act is hereby repealed, and the following substituted therefor:—

Leave of absence for recreation.

"**49.** The head of a department, and in his absence the deputy head of such department, may grant to each officer, chief clerk, clerk or other employee, leave of absence for purposes of recreation for a period not exceeding three weeks in each year; and every such officer, clerk or employee, whether in the inside or outside division, shall take the leave so granted at such time during each year as the head of the department determines.

Leave of absence in case of illness.

"2. In case of the illness of any officer, clerk or employee, or of contagious or infectious disease in his household, certified to by a legally qualified medical practitioner and, if in the inside division of the service, reported upon by the supervisor when so requested by the head of the department, the Governor in Council may grant him leave of absence for a period not exceeding three months in any one year.

"3. For any reason which to him seems sufficient, the Governor in Council may grant to any officer, clerk or employee leave of absence for a period not exceeding twelve months; but no person shall receive any salary or pay for more than six months of such period." Leave of absence for longer period.

16. Section fifty-six of the said Act is hereby amended by adding the following subsections thereto:— Section 56 amended.

"2. There shall also be kept in each department of the first division, and in each office of the second division, a book, to be called the conduct book, which shall be in such form as is determined by the Governor in Council, in which the daily record of conduct, based on punctuality, industry and performance of duty, of each officer, clerk or employee in such department or office, shall be entered by the deputy head of such department or the head of such office. Conduct books to be kept.

"3. In either division the hours of attendance shall be from nine o'clock in the forenoon to five o'clock in the afternoon, with an interval for luncheon of one hour, to be fixed by such deputy-head or head of the office, between twelve and two o'clock. Hours of attendance.

"4. In the case of officers, clerks or employees in the first division who reside outside of the city of Ottawa, the Governor in Council may fix a later hour than nine o'clock in the forenoon, provided that their daily attendance covers the same number of hours as are required by the next preceding subsection. In case of employees residing out of Ottawa.

"5. During the session of Parliament the granting of an hour for luncheon in the first division shall be in the discretion of the deputy-head, provided that the continuous working of the department from nine o'clock in the forenoon to five o'clock in the afternoon is not interfered with. During session of Parliament.

"6. All officers, clerks and other employees shall be at the service of the department or office during any hours outside of the above-mentioned hours of attendance if required by the head or deputy-head of such department or the head of such office. Further attendance if required.

"7. Each deputy-head of a department and each head of an office in the second division shall report quarterly, or oftener if required, to the Governor in Council the record of each person in his department or office." Report of standing of employees.

No. 29.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Civil Service Act.

Received and read the first time, Monday, 13th February, 1893.

Second reading, Tuesday, 14th February, 1893.

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 30) **BILL.** [1893.

An Act further to amend the Dominion Elections Act.

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

1. The section substituted by section one of chapter eleven of the Statutes of 1888, for section four of *The Dominion Elections Act*, chapter eight of the Revised Statutes, and amended by chapter nine of the Statutes of 1890, is hereby further amended by adding after the word "Gaspé" the words "and Chicoutimi and Saguenay." R.S.C., c. 8, s. 4 amended.

2. The subsection substituted by section two of chapter eleven of the statutes of 1888 for subsections two and three of section fourteen of *The Dominion Elections Act*, and amended by chapter nine of the Statutes of 1890, is hereby further amended by adding after the word "Gaspé" the words "and Chicoutimi and Saguenay." Section 14 amended.

3. The section substituted by section three of chapter eleven of the Statutes of 1888 for section sixteen of *The Dominion Elections Act*, and amended by chapter nine of the Statutes of 1890, is hereby further amended by adding after the word "Gaspé" the words "and Chicoutimi and Saguenay." Section 16 amended.

4. Section one hundred and thirty-two of *The Dominion Elections Act* is hereby amended by adding after the word "mainland" in the seventh line thereof the following words: "or that communication by land or by water with any polling district east of Bersimis." Section 132 amended.

No. 30.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend The Dominion Elections Act.

Received and read first time, Monday, 13th February, 1893.
Second reading, Tuesday, 14th February, 1893.

Mr. BELLEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 31.] **BILL.** [1893.

An Act respecting the Central Counties Railway Company.

Preamble.

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

1891, c. 89, s. 1 amended.

1. Paragraph (*b*) of section one of chapter eighty-nine of the Statutes of 1891 is hereby repealed, and the following paragraph substituted therefor :—

Caledonia Springs branch.

"(*b.*) A line from a point on section one of the railway at or near the village of Vankleek Hill, thence westerly through the township of Caledonia, passing near Caledonia Springs to a junction with section three of the railway in the township of Clarence, in the county of Russell ;"

Section 1 further amended.

2. Paragraph (*d*) of section one of the said Act is hereby amended by inserting the words "or the county of Russell" after the word "Stormont" in the second line of the said paragraph.

Powers as to new sections.

3. The powers of leasing the railway and of borrowing money conferred by the Acts relating to the Company shall apply to sections "two" and "four" of the railway, as altered and defined by this Act.

Time for construction of bridge extended.

4. Section nine of chapter eighty-nine of the Statutes of 1891 is hereby repealed, and in lieu thereof it is hereby enacted that the bridge shall be commenced within three years and completed within five years from the passing of this Act, otherwise the powers granted for the construction thereof shall cease and be null and void.

Time for completion of railway and branches.

5. The railway and branches of the Company shall be completed within five years from the passing of this Act, otherwise the powers granted for such construction by the several Acts relating to the Company shall cease and be null and void as respects so much of the railway and branches as then remains uncompleted.

No. 31.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Central Counties Railway Company.

Received and read first time, Tuesday, 14th February, 1893.

Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

Mr. BAIN
(Soulanges).

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 32.] **BILL.** [1893.

An Act respecting the Canada Life Assurance Company.

Preamble.

WHEREAS the Canada Life Assurance Company have by their petition represented that the Company have heretofore acquired certain real estate in the Cities of Hamilton, Toronto and Montreal respectively, upon which they have erected buildings, which in each case are occupied in part by the Company as offices for the transaction of their business, and in part are rented to tenants, and that the Company may find it desirable to acquire real estate in other centres and to erect other buildings to be similarly occupied and used, and have prayed that an Act be passed to define the Company's powers in that behalf as well as in respect of lands which may fall into their hands from investments, and also to extend their powers as to the investment of their funds, 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:—

Powers as to real estate in Hamilton, Toronto and Montreal.

1. The Canada Life Assurance Company, hereinafter called the Company, are hereby declared to have had and to have power and authority to hold the real estate in the cities of Hamilton, Toronto and Montreal respectively on which they have erected buildings as mentioned in the preamble hereto, and to occupy and use such buildings in part for the offices of the Company, and to rent the portions of such buildings not so occupied and used, and to sell and convey such real estate or any part thereof when no longer required by the Company for their purposes.

Powers as to real estate in provinces other than Ontario and Quebec.

2. The provisoes forming part of the first section of the Act incorporating the Company, being chapter one hundred and sixty-eight of the Statutes of the late province of Canada of 1849, are hereby amended and varied so that the Company, in addition to the real estate in the first section of this Act mentioned, or any real estate hereafter acquired in lieu thereof in the three cities mentioned or in any of them, may acquire, hold and use, in like manner and for the like purposes, real estate in any province of Canada other than the provinces of Ontario and Quebec, and when no longer required may sell and convey the same, so long as the annual value of such real estate in any such province does not exceed twenty-five thousand dollars; and the time within which the Company shall be bound to sell or dispose of any real estate other than aforesaid is hereby extended from seven years to ten years.

Limitation.

Investing of funds.

3. The directors may, in addition to the powers hertofore conferred on them, invest the funds of the Company in the bonds or debentures of any municipalities in Canada, and on mortgages on real estate in any of the povinces of Canada, and on the bonds or debentures of any foreign state in which the Company transacts business, or of any municipalities within such state, and on mortgages on real estate in any such state, and on first mortgage bonds or debentures of any railway company incorporated in Great Britain or in the United States.

No. 32.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act relating to the Canada Life Assurance Company.

Received and read a first time, Tuesday, 14th February, 1893.
Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

Mr. McKAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 33.] **BILL.** [1893.

An Act to amend the Act to incorporate the Manufacturers' Accident Insurance Company, and to change its name to "The Manufacturers' Guarantee and Accident Insurance Company."

WHEREAS the Manufacturers' Accident Insurance Company has, by its petition, prayed for the passing of an Act to amend, as hereinafter set forth, the Act incorporating the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows: Preamble. 1887, c. 105.

1. The name of the Company is hereby changed from "The Manufacturers' Accident Insurance Company" to "The Manufacturers' Guarantee and Accident Insurance Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of, or against the Company, which notwithstanding such change in the name of the Company, may be prosecuted or continued and completed and enforced as if this Act had not been passed. Name changed.

2. Section one of the Act of incorporation of the Company being chapter one hundred and four of the Statutes of 1887, is hereby amended by adding thereto the following subsection:— Section 1 amended.

"2. The Company shall also be authorized— Company may carry on guarantee business.

"(*a.*) To guarantee the fidelity of persons filling or about to fill situations of trust or confidence, and the due performance and discharge by such persons of all or any of the duties and obligations imposed on them by contract or otherwise:

"(*b.*) To guarantee the due performance and discharge by receivers, official and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers, and agents of their respective duties and obligations:

"(*c.*) To guarantee persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person, or from the insufficiency, imperfection or deficiency of title to property, or from any insufficiency, imperfection or deficiency

in any security, or from any bankruptcy, insolvency, fraud, or tortious act on the part of any other persons or from any error of judgment or misfortune:

"(*d.*) To guarantee the title to, or quiet enjoyment of, property either absolutely or subject to any qualifications or conditions; and to guarantee persons interested or about to become interested in any property against any loss, actions, proceedings, claims or demands in respect of any insufficiency or imperfection or deficiency of title, or in respect of any incumbrances, burdens, or outstanding rights:

"(*e.*) Generally to carry on and transact every kind of guarantee business."

No. 33.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to amend the Act to incorporate the Manufacturers' Accident Insurance Company and to change its name to "The Manufacturers' Guarantee and Accident Insurance Company."

Received and read a first time, Tuesday, 14th February, 1893.
Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

Mr. DENISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 34.] **BILL.** [1893.

An Act to incorporate the Woodmen of the World.

WHEREAS the persons hereinafter named have by their petition prayed to be incorporated for the purposes hereinafter mentioned, under the name of "The Woodmen of the World," and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. William Fuller, of the township of London; Charles C. Hodgins, of the township of Biddulph; Thomas Henry Luscombe, and William Charles Fitzgerald, both of the city of London; W. S. Harrison, M.D., of the city of Brantford; R. H. Blackmore, of the city of St. Thomas; C. F. Heidt, and S. S. Fulton, both of the township of Southwold; Malcolm McGugan, of the township of Caradoc; J. Ferguson, of the town of Strathroy; J. E. Hill, of the city of St. Thomas; A. B. Telfer, of the town of Sarnia, and H. C. Crocker, of the village of Fingal, all in the province of Ontario; together with such persons as are now or shall hereafter become members in Canada of the Association hereby incorporated, shall be and are hereby constituted a body corporate under the name of "The Woodmen of the World," hereinafter called the Order. Incorporation. Corporate name.

2. The objects of the Order and the purposes it is incorporated and authorized to carry out are: Objects.

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

(*b.*) To collect and distribute charitable donations;

(*c.*) To make with its own members contracts for insurance in sums not exceeding three thousand dollars, payable on or before the death of the assured;

(*d.*) To erect a monument over the grave of each deceased member;

(*e.*) To secure for its members such other advantages as are from time to time designated by the constitution and by-laws of the Order.

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

4. The Order shall be governed by a representative body to be known as the Head Camp of the Woodmen of the World in Governing body.

Canada, which head camp shall be composed of the persons named in the first section of this Act, together with representatives from each subordinate camp, under the jurisdiction of the said head camp; the appointment and powers of such representatives to be provided for in the by-laws of the Order.

By-laws.

5. The head camp shall and is hereby empowered to prepare and adopt by-laws for the government and regulation of the Order, and a duly certified copy of such by-laws shall be filed in the office of the inspector of insurance.

Payment of death claims.

6. Until the head camp in Canada of the Order shall otherwise determine, the Order shall be at liberty to arrange with the corporation known as the Sovereign Camp of the Woodmen of the World, for the payment by the said sovereign camp of mortuary and other benefits in Canada, and to this end may remit to the said sovereign camp the assessments received from members of the Order in Canada, provided the said sovereign camp shall agree to meet (while such remittances shall continue to be made) all mortuary and other benefits due to the members of the Order in Canada.

Emergency fund.

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

Reserve fund.

8. Should the members of the Order at any time deem it expedient and in the interests of the Order to obtain by subscription a reserve fund or guarantee to an amount not exceeding one hundred thousand dollars, they may do so by passing by-laws in the head camp for that purpose.

Incorporation of subordinate branches.

9. Subject to the provisions contained in the by-laws of the Order, the subordinate camps of the Order, whether male or female, may become bodies corporate in the manner provided by law for that purpose in force in the province or territory where any such surbodinate camp exists, and where there is no such law, then the same may become a body corporate in the manner provided by the by-laws of the Order.

Certificate of membership.

10. Every person who is admitted a member of the Order shall receive a policy or certificate of membership on which shall be printed the by-laws, rules and regulations relating to membership or the conditions of membership, and so long as such conditions are complied with, he shall remain a member of the Order, and shall enjoy all the benefit and privileges of membership.

Yearly meeting of representatives.

11. A meeting of the representative of the Order in head camp shall be held annually at such place as the head camp may from time to time determine, at which meeting a statement of the affairs of the Order shall be submitted.

Insurance Act to govern.

12. This Act and the Order hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions contained in *The Insurance Act.*

No. 34.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate "The Woodmen of the World."

Received and read a first time, Tuesday, 14th February, 1893.
Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

MR. MARSHALL.

OTTAWA
Printed by S. E. DAWSON
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1893

No. 35.] **BILL.** [1893.

An Act to incorporate the Calgary Irrigation Company.

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

1. Peter Turner Bone, William Pearce, and John Pascoe Jermy Jephson, all of the town of Calgary, in the North-west Territories, together with such other persons as become shareholders in the Company hereby incorporated, are hereby created a body corporate under the name of the "Calgary Irrigation Company," hereinafter called the Company. Incorporation. Corporate name.

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

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

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

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

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

7. The Company may, within the district of Alberta, in the North-west Territories, for the purpose of irrigating land or supplying water,— Powers.

(*a.*) Excavate, construct, maintain and operate an irrigation ditch or canal from some point on the Elbow River in the southerly portion of township twenty-four, or in the northerly portion of township twenty-three, in ranges one or two, west of the fifth initial meridian, in the North-west Territories; also from some point on the Bow River in township twenty-four, ranges one or two west of the fifth initial meridian, or in

township twenty-five, range two or three, west of the fifth initial meridian, or in any or all of the afore mentioned townships, or in the vicinity thereof, to any lands in the said townships or in the neighbourhood thereof, which are sufficiently low to enable water to be applied thereon for irrigation purposes, and may excavate, construct, maintain and operate all necessary cross or branch ditches, canals, flumes or aqueducts;

(*b.*) Construct works in and draw off the waters of the above named rivers for the purposes of the Company;

(*c.*) Acquire land by expropriation, purchase or otherwise, for the purposes of construction and maintenance of the said works;

(*d.*) Acquire land by purchase or lease for improvement by irrigation, and dispose thereof;

(*e.*) Construct, maintain and erect dams at such points on the said rivers as is found necessary for the purposes of the Company;

(*f.*) Supply water to any municipality, corporation or individual, and collect such rates or charges for water supplied for irrigation or other purposes as are from time to time fixed by the By-laws of the Company; and the tariff of such rates or charges shall be submitted to and approved of by the Governor in Council before any such rates or charges are exacted or recovered; and such tariff may be revised and altered from time to time by the Governor in Council.

Approval of tariff.

Power to break up streets, roads, &c.

8. The consent of the municipal council having first been obtained, the Company may break up, dig and trench on so much and so many of the streets, roads, side-walks, pavements, squares, highways, lanes and public places of any municipality as are necessary for the construction of ditches, flumes and culverts, to conduct the water from the works of the Company to the consumers thereof.

Plans to be approved by Governor in Council.

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

Amount of bonds, &c., limited.

10. The amount of bonds or debentures issued by the Company shall not exceed four times the amount of the paid up capital stock of the Company.

Notices to shareholders.

11. Notice of general or extraordinary meetings of the shareholders of the Company, and of calls on the stock of the Company, shall be given by advertisement in a weekly newspaper published in Calgary for two consecutive issues thereof before the day of meeting or the date of payment for such calls.

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

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

3. Wherever in *The Railway Act* the expression "Railway" occurs it shall mean the canal or ditch, or branch canal or cross ditch authorized by this Act to be constructed. "Railway" defined.

No. 35.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Calgary Irrigation Company.

Received and read first time, Tuesday, 14th February, 1893.

Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

Mr. DAVIS.

OTTAWA
Printed by S. E. DAWSON
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1893

No. 36.] **BILL.** [1893.

An Act to incorporate the Calgary Hydraulic Company.

Preamble

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

Incorporation.

1. George Alexander, of Calgary, in the provisional district of Alberta; Sir Douglas Brooke, of Brookboro', in Ireland, baronet; and Henry Bruen Alexander, of Calgary, aforesaid, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of the "Calgary Hydraulic Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the town of Calgary, in the provisional district of Alberta, or such other place as the Company hereafter selects.

Capital stock and shares.

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

Provisional directors.

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

5. The Company may,—

Powers.

(*a.*) Construct and maintain in the Bow and Elbow Rivers, at and above Calgary, a dam or dams, erect piers and other works of a like nature, and blast rocks, and otherwise deepen and improve the channel of the said rivers, and generally execute such works as are necessary or conducive to the taking of water from the said rivers for the purposes hereinafter specified; provided that every dam shall be so constructed, either with an apron or slide or otherwise, as to admit of the passage of such saw-logs and timber as are usually floated down the said rivers; but waste gates, brackets or slashboards may be used in connection with such dams for the purpose of preventing unnecessary waste of water therefrom, and the same may be kept closed when no person requires to pass or float saw-logs or timber as aforesaid over any such apron or slide;

(*b.*) To construct, erect and maintain, and operate or lease or sell or otherwise dispose of, one or more than one, ditch or

canal or flume or pipe for the purpose of taking water from the said rivers; and take water by means of the said ditches or canals or flumes or pipes for the purposes of irrigation or for the creation of water power or for the supply of water for domestic or general uses; but the quantity of water so taken from the said rivers as aforesaid by the Company shall not exceed three hundred cubic feet per second at any one time;

(*c.*) Construct, maintain, operate, lease, sell or otherwise dispose of cross ditches and other irrigation works for applying part or all of the said water to irrigation purposes; and also all necessary works for the supply of the said water or any part of it to consumers for domestic and general uses; and collect for the said water service such rates as are fixed from time to time by by-law of the Company; but the tariff of such rates shall be submitted to and approved by the Governor in Council before any such rates are collected, and such tariff may be revised and altered from time to time by the Governor in Council; and also all necessary works for developing water power by means of such water or part of it, and for transmitting the said power by electricity or otherwise; and dispose of the said power by sale or lease or otherwise, or use the same for manufacturing or other purposes of the Company;

Tariff to be approved by Governor in Council.

(*d.*) Purchase and otherwise acquire land, and hold the same, and develop the same by the supply of the said water or part of it for irrigation or other purposes, and carry on any agricultural or pastoral business, and erect buildings and other improvements on the said lands; and sell, lease, or otherwise dispose of the same, or any parts thereof;

(*e.*) Erect and maintain on any of the lands of the Company, mills or other works for the carrying on of any industrial business or businesses operated in whole or part by water; and operate, lease, sell or otherwise dispose of the same.

Power to acquire stock and franchises of other companies.

6. The Company may acquire and hold shares in the stock of any other Company incorporated or chartered for all or any purposes similar to those of this Company; and may purchase or otherwise acquire from any other person or Company all or any of the businesses which the Company is empowered to carry on, together with the whole or any of the assets, franchises and property, real and personal, of the sellers thereof, subject to the obligations, if any, affecting the same, and may pay the seller or sellers of the same the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares or in partly paid-up shares of the Company or otherwise.

Railway Act to apply.

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

Interpretation "Company."

2. Whenever, in *The Railway Act*, the expression "Company" occurs, it shall mean the Company hereby incorporated.

"Railway."

3. Whenever, in *The Railway Act*, the expression "railway" occurs, it shall mean the canals or ditches or branch canals or cross ditches authorized by this Act to be constructed.

No. 36.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Calgary Hydraulic Company.

Received and read a first time, Tuesday, 14th February, 1893.
Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

Mr. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 37.) **BILL.** [1893.

An Act in amendment of the Criminal Code, 1892.

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

1. Sections one hundred and seventy-nine and one hundred and eighty of *The Criminal Code*, 1892, being chapter twenty-nine of the Statutes of 1892, are hereby repealed and the following sections substituted therefor:— 1892, c. 29, ss. 179 and 180 repealed.

"**179.** Every one is guilty of an indictable offence and liable to a fine of four hundred dollars or to two years imprisonment, or to both, who knowingly, without lawful justification or excuse,— Publishing obscene matter.

"(*a.*) Advertises, publishes an advertisement of, publicly gives away, sells or exposes for public sale or gift or to public view, any obscene book or other printed or written matter, or any picture, photograph, model or other object tending to corrupt morals; or

"(*b.*) Publicly exhibits any disgusting object or any indecent show;

"(*c.*) Offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any medicine, drug or article, intended or represented as a means of preventing conception or causing abortion.

"2. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done.

"3. It shall be a question of law whether the occasion of the sale, gift, publishing, advertising or exhibition is such as might be for the public good and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in, to or under which the sale, gift, publishing, advertising or exhibition is made so as to afford a justification or excuse therefor, but it shall be a question for the jury whether there is or is not such excess.

"4. The motives of the seller, giver, publisher, advertiser or exhibiter shall in all cases be irrelevant.

"5. All books, printed or written matter, pictures, photographs, models or other objects referred to in paragraph (*a*) of subsection one with respect to which a conviction is made under this section shall be destroyed under an order of the convicting court for that purpose."

Posting, &c., immoral books, &c.

"**180.** Every one is guilty of an indictable offence and liable to a fine of four hundred dollars or to two years imprisonment, or to both, who posts for transmission or delivery by or through the post, sends by express or deposits for transmission or delivery by express, or knowingly imports into Canada :

"(*a.*) Any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or other publication, matter or thing of an indecent or immoral character ; or

"(*b.*) Any letter upon the outside or envelope of which or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid ; or

"(*c.*) Any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretences."

No. 37.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act in amendment of the Criminal Code, 1892.

Received and read a first time, Tuesday, 14th February, 1893.
Second reading, Thursday, 16th February, 1893.

Mr. DICKEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 38] **BILL.** [1893.

An Act respecting the Western Counties Railway Company and to change the name of the Company to the Yarmouth and Annapolis Railway Company.

WHEREAS the agreement set forth in the schedule to chapter twenty five of the Statutes of 1887 has not been acted upon, but certain sums have been expended out of the Consolidated Revenue Fund of Canada, in or towards the completion of the railways of the Western Counties Railway Company since the passing of the said Act; Preamble. c. 25, 1887.

And whereas no part of the debenture stock or fully paid up preference shares authorized by section five of chapter seventy-seven of the Statutes of 1887 has been created or issued; Section 5, c. 77, 1887.

And whereas the Western Counties Railway Company has in exercise of the powers conferred by the said section five of the last mentioned Act agreed to issue, upon the terms expressed in the agreement set forth in the schedule to this Act, debenture stock to the amount of two hundred and seventy-five thousand pounds bearing interest at the rate of four per cent per annum payable in London in England;

And whereas it is desirable that the Western Counties Railway Company be empowered to acquire, own and work steamships in connection with its railways and to exercise with regard thereto further powers by this Act expressed to be given;

And whereas it is expedient that the name of the Western Counties Railway Company be changed, and that, from the passing of this Act, it be known as "The Yarmouth and Annapolis Railway Company,"

And whereas The Western Counties Railway Company has by its petition prayed that the said agreement be confirmed and the powers hereinafter mentioned be conferred upon the said Company and it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follow:—

1. In this Act the expression the Company means "The Western Counties Railway Campany" under the name of "The Yarmouth and Annapolis Railway Company." Interpretation. New name.

2. The agreement set forth in the schedule to this Act is hereby declared to be within the powers of the Company and Agreement confirmed.

shall be binding upon it and the Company may carry the same with or without out any modification hereby authorized into effect.

Form of issue of debentures under agreement.

3. The two hundred and seventy-five thousand pounds depenture stock agreed to be issued, by the agreement set forth in the schedule hereto, may be created and issued as one issue ranking *pari passu*, or in two or more issues or classes with such priorities and at such rate of interest as the Company and the parties to the said agreement other than the Company may agree, but so that the Company shall not be liable to pay, and its railways, franchises, property, plant and rolling stock shall not be charged with interest thereof exceeding four per cent per annum upon the sum of two hundred and seventy-five thousand pounds

Alternative issue of debentures and preference stock.

4. In lieu of issuing the said two hundred and seventy-five thousand pounds debenture stock the Company may create and issue debenture stock and preference shares, in such amounts as the Company and the parties to the said agreement other than the Company may agree, provided that the total aggregate nominal amount of such debenture stock and preference shares shall not exceed two hundred and seventy-five thousand pounds, such last mentioned debenture stock may be created and issued as one issue ranking *pari passu*, or in two or more issues or classes with such priorities and at such rate or interest as the Company and the parties of the said agreement other than the Company may agree, but so that the Company shall not be liable to pay, and its railways, franchises, property, plant and rolling stock shall not be charged with interest, in respect of the aggregate amount of the said debendure stock taken together exceeding four per cent per annum upon the aggregate amount of such debenture stock. The said preference shares may bear such rate of interest not exceeding five per cent as the directors by resolution determine.

First charge if issued as one class.

5. If the said two hundred and seventy-five thousand pounds debenture stock or any less amount of debenture stock, issued under the agreement set forth in the schedule hereto, be created and issued as one class or issue ranking *pari passu*, the same shall constitute a first charge subject, as provided by section eight of chapter seventy-seven of the Statutes of 1887, upon the entire railway owned by the Company, and upon the franchises, property, plant and rolling stock thereof, now or at any time hereafter owned by the Company, and upon the tolls and revenue thereof after deduction of the working expenses therefrom and such debenture stock; and the interest thereon may be secured by deed as authorized by the said section eight.

If issued in two or more classes.

6. If the said debenture stock for two hundred and seventy-five thousands pounds or any less amount of debenture stock issued under the agreement set forth in the schedule hereto, be created and issued as two or more classes, then the debenture stock of each class or issue shall constitute a charge upon the said entire railway, franchises, property, plant and rolling stock in such order of priority

as may be agreed between the Company and the parties to the agreement set forth in the schedule hereto other than the Company, and subject to such priorities, may be secured by one or more deed or deeds to the effect of the deed authorized by the said section eight of chapter seventy-seven of the Statutes of 1887.

Form of issue, &c.

7. Subject as hereinbefore mentioned the debenture stock, or debenture stock and preference shares as the case may be, to be issued under the agreement set forth in the schedule hereto, shall be deemed to be created and issued in exercise of the powers conferred by section seven of chapter seventy-seven of the Statutes of 1887, provided that the Company shall not by the creation or issue of any debenture stock, or in any other manner, create or make any charge or lien upon any franchises or property now or at any time hereafter owned by the Company ranking equally with or in priority to the said debenture stock for two hundred and seventy-five thousand pounds or such less amount as aforesaid or any part or class thereof.

Section 7 of c. 77, 1887 to apply.

Proviso: as to future issue of stock, &c.

Power to own and work ships, &c.

8. The Company may acquire, equip and own, or may hire, or charter, or freight any ship or ships, vessel or vessels, and may use the same in any manner, and for any service, and may contract for and undertake the transport by sea of passengers and animals, goods and other things, and may acquire by agreement, take on lease, or hire, or contract for the use of warehouses, wharves, quays and docks.

Working agreements with ship owners, &c.

9. The Company may enter into any contract or contracts with owners, charterers or freighters of any ship or vessel, for the transport or forwarding of any passengers or cattle, goods or other things passing or intended to pass over any part of the Company's railways, whether any such traffic may originate at or be destined for any station on the Company's railway or not, and so that any such contract may include provisions for charging through rates for any such traffic.

Name changed.

10. The name of the Company is hereby changed from "The Western Counties Railway Company" to "The Yarmouth and Annapolis Railway Company"; but such change in name shall not, in any way, impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued and completed and enforced as if this Act had not been passed.

Existing rights not to be affected.

SCHEDULE.

MEMORANDUM of Agreement made this thirty-first day of January, in the year of our Lord 1893, Between The Western Counties Railway Company hereinafter called the Company of the one part and Arthur Anderson & Co. Brunton Bourke & Co. James Capel & Co. W. Gramshaw & Co. Linton Clarke & Co. and Wedd Jefferson & Co. all of the stock Exchange London England and who are hereinafter collectively referred to as the syndicate of the 2nd part.

Whereas in the month of July, 1888, an action was commenced in the Chancery Division of the High Court of Justice England by the Company and Edmund Walter Plunkett as plaintiffs against the syndicate and the Trustees Executors and Securities Insurance Corporation as Defendants for the specific performance of an Agreement dated the 23rd March, 1888, for the purchase by the syndicate of the sum of £678,000 debenture stock of the Company part of a proposed issue of £860,000 debenture stock.

And whereas for the purpose of enabling the Company to carry out the said Agreement certain sums were advanced to the Company and the said Edmund Walter Plunkett by the Bank of British North America upon the security of £55,000 B debenture stock and £100,000 A debenture stock of the Company.

And whereas the syndicate have with the view of carrying out a compromise of the questions at issue in the said action paid to the Bank of British North America the amount due to it including all interest and costs and have taken over from the bank the said £55,000 B stock and £100,000 A, Stock.

And whereas the Company is indebted to the Government of Nova Scotia and to the Municipalities of Digby and Annapolis in certain sums amounting altogether to £50,000 or thereabouts and may become indebted to the said Government and Municipalities for further amounts for interest and otherwise.

And whereas there is deposited with the said Government as security for the said sums £35,000 B, debenture stock and £110,000 A, debenture stock of the Company and the said Government claims to be entitled to sell the said stocks and also the Company's Railway for the purpose of obtaining payment of the said sums.

And whereas the interest on the said £100,000 A, debenture stock is largely in arrear and the Company has requested the syndicate to refrain from taking any immediate steps to enforce payment of the said interest which the syndicate has agreed to do upon the terms and conditions hereinafter appearing.

And whereas it has been agreed between the parties hereto that the Judgment of the Court of Appeal which has been given in the said Action should not be appealed from but that all questions and claims between the parties hereto shall be compromised on the terms hereinafter contained.

Now it is hereby agreed as follows:—

1. The syndicate shall not take any immediate steps to enforce payment of any part of the large arrears of interest due upon the said £100,000 A, stock transferred to them as aforesaid by the bank.

2. The Company will forthwith cancel the resolutions passed by the Company and by the directors respectively on the 6th March, 1888, and the 28 March, 1888, respectively authorizing the creation and issue of the aforesaid sum of £860,000 debenture stock.

3. The Company will forthwith pass the necessary resolutions and do all other acts and things necessary to authorize the creation of the sum of £275,000 debenture stock bearing interest at 4 per cent per annum and secured by a mortgage on the Company's property and undertaking as a first charge in priority to all other sums. The interest on the said stock shall be payable in London, England, half-yearly and the said stock shall be transferable in London, England, at the office of some Banker or other agents to be appointed by the Company and approved of by the syndicate.

4. The Company will upon being required by the syndicate so to do, execute a proper deed of mortgage to secure the said sum of £275,000 debenture stock as a first charge on the Company's property and undertaking including all lands, buildings, materials, rolling stock and every other property of every description now owned or which may hereafter be owned by the Company and such mortgage shall be deposited or recorded in all such registries and offices in Nova Scotia or elsewhere in Canada as may be necessary to give full effect thereto. The Company will also enter into a covenant not to create or issue any other debenture stock or any debentures or other security of any kind ranking or purporting to rank *pari passu* with or in priority to the said sum of £275,000 debenture stock and will do all such things as the syndicate may require to obtain any act whether of the Parliament of Canada or the Legislature of Nova Scotia to authorize the creation of the said sum of £275,000 debenture stock or otherwise to give effect to this agreement.

5. The syndicate will pay to the Government of Nova Scotia and to the said municipalities of Digby and Annapolis the amounts owing to them as aforesaid and will take over from the said Government the said sums of £35,000 B, debenture stock, and £110,000 A, debenture stock, and will deliver up to the Company the certificates of the said sums of £55,000 B, debenture stock, £35,000 B, debenture stock, £100,000 A, debenture stock and £110,000 A, debenture stock to be cancelled and thereupon the whole of such stock shall be cancelled accordingly and the Company shall execute and do all documents and things necessary to release the Company's property and undertaking and so clear the Company's title and all registers and records from any charge or notice of charge in respect of the said A and B debenture stock.

6. The syndicate will further at its option either expend the sum of £30,000 to the satisfaction of the Company in the improvement and equipment of the Company's railway in substantial accordance with the report dated the 7th day of October, 1892 of Frank Grundy or will provide as required such sum not exceeding £30,000 as may be necessary to carry out the works and to provide the equipment and the materials mentioned in the said report such sum of £30,000 being in that case paid to the contractor employed by the Company upon monthly certificates of work done and materials supplied

to be given by an engineer appointed by the syndicate but to be paid by the Company provided that if the latter course be adopted the contractor and the terms of the contract to be entered into with him shall be approved by the syndicate before the commencement of the works.

7. The syndicate shall also pay to each of the seven present directors of the Company on or before the issue to the syndicate or their nominees of the said debenture stock the sum of fifteen hundred dollars in cash in satisfaction of their claims for fees as such directors.

8. In consideration of the premises and upon delivery up to the Company for cancellation as aforesaid of the certificates for the said £55,000 B stock, £35,000 B stock, £100,000 A stock, and £110,000 A stock, the Company shall allot to the syndicate or to such persons and in such amounts as the syndicate may appoint the whole of the said sum of £275,000 debenture stock to be created as aforesaid and will issue to the allottees proper certificates for the same and cause the allottees to be duly registered as the holders of the debenture stock so allotted. In further consideration of the premises the Company will also allot to the syndicate or to such persons and in such amounts as the syndicate may appoint the whole of the unissued stock or shares of the Company amounting to $1,499,200 in nominal value credited as fully paid up and will execute any deeds agreements or other documents that the syndicate may require for giving effect to such allotment and to ensure that the shares or capital stock so allotted shall be free from assessment for any calls.

9. For the purpose of regulation of the allotment of the said capital stock the works to be executed and the materials to be provided shall be deemed to be of the value of £30,000 and to be divided into ten equal parts and one-tenth of such capital stock shall be allotted as often as the syndicate shall have expended the sum of £3,000 in the improvement and equipment of the Company's railway or shall have provided that amount upon certificates of the said engineer appointed as aforesaid.

10. The syndicate hereby covenants with the Company to purchase at the price of $20 for each share of $100 each the 1,000 shares of the Company now held by the township and town of Yarmouth and will pay the purchase money thereof on or before the issue to the syndicate or their nominees of the said debenture stock.

11. If any question shall arise between the parties hereto as to the form of any of the deeds, Acts of Parliament, agreements or other documents which may be necessary to give full effect to the provisions of this agreement the same shall be settled by Sir John Rigby, Q. C., or him failing Mr. Cozens Hardy, Q.C., both of the English Bar, and failing both the said Sir John Rigby and Mr. Cozens Hardy then by some member of the English Bar to be nominated by the said Sir John Rigby and Mr. Cozens Hardy or either of them.

12. The directors of the Company will use their best endeavours to give effect to the terms of this agreement.

13. This agreement shall be considered as having been entered into in England and all questions arising thereunder

shall be decided by the English courts and the Company will submit to the jurisdiction of such courts upon all matters arising out of this agreement.

In witness whereof the Company has hereunto caused its common seal to be affixed pursuant to a resolution of the board and the parties of the second part have hereunto set their hands the day and year first above written.

The common seal of the Western Counties Railway Company was hereunto affixed in pursuance of a resolution of the board by [L.S.]

Witnesses:
GEORGE BINGAY,
Yarmouth, N.S.
RONALD M. HATFIELD.

FRANK KILLAM,
President W.C. Ry. Co.
HUGH CANN,
Vice-President.
JAS. WENT. BINGAY.
Sec. W. C. Ry. Co.

Signed, sealed and delivered by the said Arthur Anderson & Co., Brunton Bourke & Co., James Capel & Co., W. Gramshaw & Co., Linton Clarke & Co., and Wedd Jefferson & Co., respectively in the presence of
JOSEPH A. CHISHOLM,
119 Hollis Street, Halifax,
Solicitor.

ARTHUR ANDERSON & Co.
by Robert L. Borden,
their Attorney.
BRUNTON BOURKE & Co.
by Robert L. Borden,
their Attorney.
JAMES CAPEL & Co.,
by Robert L. Borden,
their Attorney.
W. GRAMSHAW & Co.,
by Robert L. Borden,
their Attorney.
LINTON CLARKE & Co.,
by Robert L. Borden,
their Attorney.
WEDD JEFFERSON & Co.,
by Robert L. Borden,
their Attorney.

No 38.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Western Counties Railway Company and to change the name of the Company to the Yarmouth and Annapolis Railway Company.

Received and read a first time, Thursday, 16th February, 1893.
Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

Mr. FLINT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 39] **BILL.** [1893.

An Act to incorporate the Ocean Accident Insurance Corporation.

Preamble.

WHEREAS the persons hereinafter mentioned have, by their petition, prayed to be incorporated under the name of the Ocean Accident Insurance Corporation, for the purpose of carrying on the business of accident assurance, and it is expedient to grant the prayer of the said petition. Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Thomas Hewitt, barrister at law of the Inner Temple, London, England; Clarence Smith, M.P., Chislehurst, England; Richard Pryce Harrison, C.S.I., director of the National Bank of India, London, England; William Miller Ramsay, and Sir Joseph Hickson, K.C.M.G., both of Montreal; Edmund B. Osler, of Toronto; and Edward Black Greenshields, of Monreal; together with such persons as become shareholders in the Corporation hereby incorporated, are hereby constituted a body corporate under the name of the "Ocean Accident Insurance Corporation" hereinafter called the Corporation.

Corporate name.

Capital stock and shares.

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

Increase of capital stock.

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

Approval by shareholders.

Provisional directors.

3. For the purpose of organizing the Corporation the persons hereinbefore named are appointed provisional directors, and three of them shall be a quorum for the transaction of business; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Corporation, and withdraw the same for the purposes only of the Corporation.

First general meeting; election of directors.

4. When, and so soon as one hundred thousand dollars of the capital stock have been subscribed and ten per cent of that amount paid into some chartered bank in Canada, the pro-

visional directors shall call a meeting of the shareholders of the Corporation at some place to be named in the city of Montreal, in the province of Quebec, at which general meeting the shareholders present in person or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of directors; but no person other than a shareholder eligible to vote shall be permitted to vote or act as a proxy at any meeting of the Corporation.

Only shareholders to vote.

Qualification of directors.

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

Number and quorum of directors.

5. The affairs of the Corporation shall be managed by a board of not less than five nor more than twenty directors, of whom not less than one-fourth shall form a quorum for the transaction of business, but such quorum shall in no case be less than three.

Sub-boards.

6. The directors may appoint sub-boards or local boards and committees, with such powers and to discharge such duties as the directors from time to time confer and impose on them; but such sub-boards, local boards or committees shall, at all times and in regard to all their actions and duties, be subject to the control of the board of directors.

Annual general meetings.

7. A general meeting of the Corporation shall be called once in each year after the organization of the Corporation and commencement of business, at such time as is fixed by-law after not less than ten days' notice in one or more newspapers published in the city of Montreal, at which meeting a statement of the affairs of the Corporation shall be submitted; and special general or extraordinary meetings may, at any time, be called by five of the directors or by requisition of twenty-five shareholders, specifying in the notice the object of such meeting.

Special general meetings.

Powers and business of corporation.

8. The Corporation may make and effect contracts of insurance with any person against all accidents or casualties of whatsoever nature or from whatsoever cause arising, either to person or property, (including insurance on plate glass), 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 are agreed upon; but the Corporation shall not undertake the ordinary kinds of fire or marine insurance business.

Head office and branch offices.

9. The head office of the Corporation shall be in the city of Montreal, in the province of Quebec, but branches or agencies may be established either within Canada or elsewhere, in such manner as the directors from time to time appoint.

Investment of funds.

10. The Corporation may invest its funds in the debentures, bonds, stock or other securities of Canada, or on the security thereof, or in or on the securities of any of the provinces compo-

sing the Dominion, or in or on the securities of any municipal corporation in Canada, or on the security of stock or debentures of any incorporated building society or loan company, or in bank stock, or on the security of real estate or mortgage security thereon, in any province in Canada, and may change and re-invest the same as occasion from time to time requires, and may take, receive and hold all or any such securities in the corporate name of the Corporation, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the Corporation on the securities of the said bentures, bonds, mortgages or other securities as aforesaid ; such loans shall be made on such terms and conditions, and in such manner and at such times, and for such sums, and on such terms of re-payment, whether ofprincipal or interest, or principal and interest together, and at such rate of interest as the board of directors from time to time determine and direct, and whether they are taken absolutely or conditionnally, or whether such securities are taken in satisfaction of debts due to the Corporation, or judgments against any person or body corporate in its behalf, or in security for the payment of the same.

Real estate.

11. The Corporation may hold real estate to an amount not exceeding two hundred thousand dollars in value, in which it shall provide itself with offices necessary for the prosecution of its business, and may sell or mortgage the same; and the Corporation may hold such real estate as has been *bonâ fide* mortgage to it by way of security, or conveyed to it in satisfaction of debts or judgment recovered : Provided always, that the Corporation shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall revert to the previous owner, or to his heirs or assigns.

Foreign agencies.

12. The Corporation may have offices, maintain agencies and transacts business, and may invest or deposit such portions of its funds in foreign securities as is necessary for the establishment or maintenance of any foreign branch or agency.

Insurance Act to govern

13. This Act and the Corporation hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in *The Insurance Act.*

Companies Clauses Act to apply.

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

No. 39.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Ocean Accident Insurance Corporation.

Received and read first time, Thursday, 16th February, 1893.

Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

Mr. WHITE, (Cardwell.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 40] **BILL.** [1893.

An Act to incorporate the Canada North-west Land Company (Limited).

Preamble.

WHEREAS the persons hereinafter mentioned have by their petition prayed that they be incorporated as a Company for the purpose of acquiring the business and property of "The Canada North-west Land Company, Limited" of England (hereinafter called "The English Company") which was incorporated in England as a limited Liability Company on the twenty-fourth day of July, 1882, under the provisions of "The Companies' Act, 1862 and 1880"; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows :—

Incorporation.

1. William C. Van Horne, Sir Donald A. Smith, Richard Bladworth Angus and James Burnett of Montreal; Edmund Boyd Osler, Robert Henry Bethune and Herbert C. Hammond, of Toronto; William Hendrie, of Hamilton; Thomas Skinner of London, England, and such persons as become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a corporation and body corporate and politic under the name and style of "The Canada North-west Land Company (Limited)" (hereinafter called The Company) having its head office at Toronto and with power to open branches at London, England, and other places in Great Britain and Ireland and in Canada.

Corporate name and head office.

Powers.

2. The Company shall have the following powers :—

To acquire property of "The English Company."

1. To purchase the lands, properties and other assets of the English Company, including its lands in Manitoba and the North-west Territories and to enter into such agreement or agreements as are approved of by both companies or by the Company hereby incorporated and any liquidator of the English Company for such purchase, and to pay for the same in such manner as is set forth in such agreement or agreements; and the directors of the Company may issue shares of the stock of the Company to the holders of shares of the stock of the English Company in exchange for the latter upon such terms and conditions and in such proportions as is set forth in such agreement or agreements; and determine that certain of the shares of the company issued or unissued are to have preference as regards dividends or capital over other shares issued or unissued :

To deal in lands, real estate, &c.

2. To purchase or otherwise acquire, hold, sell or otherwise dispose of land or real estate in any part of Canada, and ships, barges, wharfs and warehouses or any interest therein respectively;

To erect buildings and lay out lots, &c.

3. To build houses, barns and other buildings suitable for the occupation of settlers or for the carrying on of business in any town or village situated upon or near to the Company's lands; to lay out town lots and to build thereon.

To cultivate and improve lands.

4. To break up, cultivate and occupy land, and for that purpose to acquire machinery, implements, cattle and whatever is necessary, to make roads, drains and ditches, to plant trees and shrubs and generally to do everything necessary for the proper and profitable cultivation, occupation or development of land, either by the Company itself or by parties to whom the lands of the Company may from time to time be sold orleased, or by whom they may be occupied.

To cut timber and dispose of minerals.

5. To cut down, carry away, prepare and sell timber on the lands of the Company; to search for, get, work, raise and make merchantable and sell and dispose of coal, iron, mineral oil, mineral and other substances and products of all kinds on, within, under or belonging to any property of the Company;

To carry on certain businesses.

6. To carry on the several businesses of farmers, raisers of live stock, lumbermen, miners, manufacturers, general merchants, shipowners, bargemen, wharfingers, warehousemen, dealers in general merchandise and traders in wheat, corn crops, produce of all kinds, live stock, timber, coals, minerals of all kinds and their products or any other substances as aforesaid, or any of such businesses;

To erect and maintain mills and other works.

7. To construct, erect, maintain either by the Company or other parties for it, water-mills, works for the utilization of water power, or the improvement of river navigation, saw-mills, roads, drains, tramways, irrigation ditches, streets, houses, buildings, gas or waterworks, works for the manufacture or utilization of electricity, telegraph and telephones, and other works, undertakings and things upon or in connection with lands, estates and property in which the Company has acquired any interest and to use and operate, sell, let or dispose of such works, construction and premises or any of them;

To deal in cattle, implements, &c.

8. To buy and sell and generally to deal in cattle, horses, sheep and other animals suitable for being reared or employed by the Company or by settlers upon the land of the Company; and also agricultural implements and produce, stores and all requisites for the use of the Company or settlers;

To advance money.

9. To advance money by way of mortgage or by way of purchase of mortgages or of the balance of the price remaining unpaid under any contract of sale of land and to resell such contracts or mortgages; also to make advances and loans upon the security of land, real estate, corn crops, produce, buildings, live stock, timber, mines, minerals, goods, merchandise and effects of all kinds, or without such security, for the purposes of, or in connection with the improvement and development of the property of the Company, or in furtherance of any of the objects of the Company;

To purchase and sell securities.

10. To purchase and hold and resell municipal debentures, mortgages, railway bonds and other similar securities;

To promote immigration.

11. To act as immigration agents and to promote or encourage immigration, by making advances of money or otherwise;

12. To excavate, construct, maintain and operate irrigation ditches or canals in the districts wherein the Company's lands are situate, for the supply of water for irrigation, water-power, or other purposes, to individuals or corporations ; to make such rates or charges for water so supplied as are from time to time fixed by by-law of the Company ; provided that the tariff of such rates or charges has been submitted to the Lieutenant-Governor in Council for the province or territory respectively in which such works are constructed for his approval or revision ; and having first obtained the consent of the municipal council to break up, dig and trench on so much and so many of the streets, roads, sidewalks, pavements, squares, highways, lanes and public places of any municipality as are necessary for the laying of mains and pipes to conduct the water from the works of the Company to the consumers thereof. To construct and operate irrigation works.

3. The capital stock of the Company shall be seven million four hundred and forty-three thousand eight hundred and seventy-five dollars, divided into fifty-nine thousand five hundred and fifty-one preferred shares of one hundred dollars each and fifty-nine thousand five hundred and fifty-one common shares of twenty-five dollars each. The preferred shares shall, up to six per cent per annum, rank for dividend on the yearly profits of the Company as hereafter defined, and any remaining profits shall be applied to the payment of a dividend of six per cent per annum on the common shares out of the yearly profits, after which any further remaining profits shall be applied to the payment of a dividend on both preferred and common shares *pari passu*. The capital stock shall be subject to reduction as hereinafter provided by the cancellation of preferred shares given in exchange for land ; and the powers of the holders of such preference and common stock respectively as to voting at meetings of shareholders may be regulated and defined by by-law of the directors approved of by a majority of the shareholders of both classes. Capital stock and shares. Ranking of shares. Voting power of shareholders.

4. For the purpose of organizing the Company the above named William C. Van Horne, Sir Donald A. Smith, Richard Bladworth Angus, Edmund Boyd Osler, Robert Henry Bethune, William Hendrie and James Burnett shall constitute a board of provisional directors of the Company, four of whom shall be a quorum, and they may open a stock book or books in Montreal and Toronto and also in the city of London, in England, and elsewhere at their discretion, and also books for recording the transference and acceptance of preferred and common shares in the Company in lieu of the shares held in the English Company, and may make calls upon those who have subscribed to shares in the Company, call a general meeting of the shareholders as hereinafter provided, execute on behalf of the Company an agreement with the English Company for effecting and facilitating the transfer of the assets, liabilities and property of the English Company to the Company and generally do all acts relating to such transfer. Provisional directors ; their powers.

5. When and so soon as one million dollars of the said capital stock has been subscribed as aforesaid and either by original subscription or by exchange for stock in the English General meeting of shareholders.

Company, the provisional directors or a majority of them may call a general meeting of shareholders at the city of Montreal for the purpose of electing a board of directors, giving at least fourteen days notice thereof in the *Canada Gazette* and in one daily newspaper published in each of the cities of Montreal, Toronto and London, England, of the time, place and object of such meeting and at such general meeting the shareholders present in person or represented by proxy shall elect nine directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors (hereinafter called the board).

Notice.

Election of directors.

Public notice of general meetings.

6. Public notice shall be given of all general meetings at least fourteen days previously in the *Canada Gazette* and in one daily newspaper published in each of the cities of Montreal, Toronto, and London, England.

Qualification of directors.

7. The qualification of a member of the board shall be the holding in his own right or being the representative of any Company or partnership holding shares in the Company of the nominal value of at least five thousand dollars.

Voting power of shareholders.

8. Every member shall have one vote for every one preferred share and one vote for every four common shares held by him. If two or more persons are jointly entitled to a share or shares the person whose name stands first on the register of shareholders, as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

Voting by proxy.

2. Votes may be given either personally or by proxy or by attorney, but every proxy must be a shareholder of the Company and shall be appointed in writing under the hand of the appointer, or if such appointer is a Corporation, under their common seal, and the papers appointing proxies must be deposited at the head office of the Company where the meeting is held twenty-four hours before the proxy shall be entitled to act thereunder.

Calls on shares.

9. The directors may from time to time make such calls upon shareholders in respect of all moneys unpaid on their shares as the directors think fit, provided that three weeks notice at least shall be given of each call, and that no call shall exceed per share one-fifth the value of each share, or be made at a shorter interval than two months from the call last preceding.

Borrowing powers limited.

10. The Company may borrow money and issue bonds, debentures or other obligations at any time and in any form or manner upon any terms and for any amount which the Board may from time to time determine, provided that the total amount of such bonds, debentures or obligations for the time being shall not exceed one-half of the subscribed share capital of the Company for the time being; but the granting or endorsing of a bill of exchange or promissory note for the purpose of discount, or the negotiation of any such bill or note, shall not be held to be an obligation of the Company within the meaning of this section.

11. The Company may by special resolution mortgage all or any part of the lands and all buildings, roads, and improvements thereon, held by the Company for the purpose of securing the payment of such bonds, debentures or obligations; and such mortgage may be evidenced by a deed or deeds of mortgage executed by the company with the authority of its shareholders expressed by a special resolution; and any such deed may contain such description of the property mortgaged by such deed and such conditions respecting the payment of the bonds, debentures or obligations secured thereby and of the interest thereon and the remedies which may be exercised in default of such payment, and the enforcement of such remedies by the holders of such bonds, debentures or obligations, or by any trustee or trustees for them, and may also provide for such forfeitures and penalties in default of such payment as may be stated by such special resolution; and may also contain authority to the trustee or trustees upon such default to take possession of the property mortgaged and to hold the same for the benefit of the holders of such bonds, debentures or obligations for a time to be limited by the deed, or to sell the said property after such delay and upon such terms and conditions as may be stated in such deed; and any such deed may contain provisions to the effect that upon such default and upon such other conditions as may be described in such deed, the right of voting possessed by the members of the Company shall cease and determine and shall thereafter appertain to the holders of the said bonds, debentures or obligations; and such deed may provide for the conditional or absolute cancellation after such sale of any or all the shares so deprived of voting power, and may also either directly by its terms or indirectly by reference to the by-laws of the Company provide for the mode of enforcing and exercising the power and authority to be conferred and defined by such deed under the provisions of this section.

Mortgage deeds to secure bonds.

What such deed may contain.

12. Before ascertaining the profit in any year the directors shall set apart the sum of two dollars and fifty cents at least for each acre of agricultural land sold and paid for during the year, (except as provided in section sixteen of this Act), and one-half the sums received for town and village sites. The fund thus formed shall be a reserved fund and shall be applied at the beginning of the following year to the cancellation of preferred shares by purchase or by drawing, according to a scheme to be determined upon by the shareholders at a general meeting. The profits for the purpose of declaring dividends shall be the balance of cash receipts remaining after the payment of expenses and the appropriation to the said reserved fund.

Reserve fund to pay off preference shares.

Profits defined.

13. The board shall cause to be prepared and submitted to the shareholders of the Company at the annual general meeting of the Company in each year a schedule of the unsold lands of the Company other than town sites, stating the price per acre to be fixed for each section or part of a section included in such schedule; and the schedule and prices therein set forth shall be considered at such general meeting or at any adjournment thereof, and the price approved either with

Schedule of unsold lands for annual meeting.

or without modification and after or without further investigation of the correctness thereof, and the prices so approved shall be subject to increase by the board if they so determine before the next succeeding annual general meeting.

Paid up shares received in payment for lands.

14. The Company may from time to time by a resolution of the shareholders of the Company at a general meeting duly convened and held in accordance with the by-laws of the Company, resolve and declare that the board may in their option accept payment of the price of any of the Company's lands other than town sites sold to any shareholder by the transfer of fully paid up shares of the Company to be transferred or surrendered to the Company by such shareholder; provided that no lands the price of which shall be accepted in shares shall be sold at a lower rate or price than the price affixed to such land and approved by the shareholders in manner hereinbefore provided at the immediately preceding annual general meeting of the shareholders of the Company or the increased price subsequently fixed by the board, nor shall an amount exceeding the par or nominal value of any share be transferred in land to any shareholder in respect of such share.

Proviso: prices not to be lower than those fixed by company.

Transfer of land in liquidation of capital.

5. The Company may from time to time by a resolution of the shareholders at a general meeting duly convened and held in accordance with the by-laws of the Company, resolve and declare that any holder of fully paid up shares of the Company may intimate to the board his desire to accept a conveyance of land other than town sites in repayment and satisfaction of his interest or part of his interest in the capital stock of the Company as represented by fully paid up shares to such extent, on such terms and in such manner and form as may be determined by such resolution; and thereupon subject as hereinafter provided the board shall be entitled in their option to grant such conveyance to the shareholder or shareholders making such intimation; provided that no lands shall be conveyed and applied under the provisions of this Act in repayment of capital at a lower rate or price than the price affixed to such land and approved by the shareholders in manner hereinbefore provided at the immediately preceding annual general meeting of the shareholders of the Company or the increased price subsequently fixed by the board, nor shall an amount exceeding the par or nominal value of any share be paid in land to the holder of any share.

Proviso: as to price of lands.

Shares so acquired by company to be cancelled.

16. The certificate for every share which shall under the provisions of this Act be transferred to the Company in payment of the price of land or in exchange for land shall be delivered to the Company and shall forthwith be cancelled and the name of the holder thereof and the denoting number of shares shall be expunged from the register of shareholders; and no holder of such shares shall thereafter have in respect thereof any right or interest in the Company or in any of the lands or other property thereof or be entitled to receive any interest or dividend or capital for or in respect of such shares, and the provision made in this Act that the directors shall set apart the sum of two dollars and fifty cents for each acre sold

during the year shall not apply to land conveyed to shareholders in exchange for transfers or surrenders of shares in manner authorized by this Act.

Register of cancelled shares.

17. The board shall keep a register or registers of all shares in the Company which under the provisions of this Act have from time to time been transferred or surrendered to the Company in payment of land or repaid by them in land and cancelled as aforesaid, and shall from time to time cause to be inscribed therein the name of the shareholder by whom the same has been transferred or surrendered or to whom the same has been repaid and the price at which land was conveyed to such holder with a concise description of such land. The said register shall during business hours, but subject to such reasonable restrictions as the board may impose, be open to the inspection of any shareholder. The board shall in each and every year lay before the annual general meeting of the shareholders an abstract or copy of so much of such register as shall relate to shares cancelled during the period embraced in the report presented to such meeting.

Reduction of capital.

18. The capital of the Company shall from time to time be and be deemed to be reduced by the nominal value of the shares cancelled in accordance with the provisions of this Act and the auditors of the Company shall, in their certificates applicable to each yearly account and balance sheet of the Company's affairs, state and certify the total nominal amount of the shares so cancelled during the year to which such account and balance sheet are applicable and the amount remaining uncancelled.

Chapter 118, R.S.C., to apply.

19. The provisions of Chapter 118 of the Revised Statutes shall apply to the Company so far as they are applicable to the undertaking and except in so far as they are inconsistent with the provisions of this Act.

No 40.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Canada North-west Land Company (Limited).

Received and read first time, Thursday, 16th February, 1893.
Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

MR. DENISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 41] **BILL.** [1893.

An Act to Incorporate the Eastern Trust Company.

WHEREAS the Honourable Alfred G. Jones, Thomas Fyshe, Wiley Smith, Hon. H. H. Fuller, James C. Mackintosh, Thomas E. Kenny, M.P., William Robertson, Adam Burns, Hugh McD. Henry, Q.C., Thomas Ritchie, John Doull, Patrick O'Mullin, William B. Ross, Q.C., John F. Stairs, M.P., Charles C. Blackadar and Jeremiah F. Kenny, all of the city of Halifax, in the province of Nova Scotia, and Robert Caie, of Yarmouth, in said province of Nova Scotia, and George A. Schoffield of the city of St. John, in the province of New Brunswick, have by their petition prayed that they may be incorporated under the name of "The Eastern Trust Company" for the purposes and with the powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition. Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. The several persons hereinbefore named, and such persons as become shareholders in the company by this Act created, are hereby constituted a body corporate under the name of "The Eastern Trust Company," hereinafter called the Company. Incorporation. Corporate name.

2. The Company may accept and execute all such trusts of every description as are committed to them by any person or persons, or by any corporation, or by any court of law or equity in Canada, and may take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on any manner of trusts created in accordance with law, and may fulfil and execute such legal trusts with regard to the same upon such terms as to remuneration and otherwise as is agreed on, or as the court may fix where no agreement is made, and generally may act as agents or attorneys for the transaction of business and the management of, or winding up of estates, the collection of rents, interests, dividends, mortgages, bonds, bills, notes and other securities, the winding up or management of bankrupt estates, and also may act as agents for the purpose of issuing or countersigning the certificates of stocks, bonds and other obligations of any corporation, association or municipality, and may receive and manage any sinking fund therefor on such terms as are agreed upon. Business of the company. Powers as agents.

3. The company may accept and hold the office of receiver, trustee, assignee, liquidator, executor and administrator, guardian of any minor, or committee of any lunatic, if appointed thereto, in accordance with the law of any province in which May act as executor, trustee, &c.

they do business, and in so far as under such law they may legally do so; and the accounts of the company in respect thereof shall be regularly settled and adjusted by the proper officers or tribunals, and the company may be allowed all proper remuneration and legal, usual and customary costs, charges and expenses for the care and management of any estate or trust so committed to them.

Adjustment of accounts.

Investment of trust moneys.

4. The investment of trust moneys by the company shall be

(*a.*) Upon first mortgages of improved freehold or leasehold property of ample value in the settled portions of Canada, or

(*b.*) In the public stocks, funds, or Government securities of the Dominion of Canada, or of any of the provinces thereof, or guaranteed thereby respectively, or in the bonds or debentures of any muncipal corporation, in any of the said provinces, or in the public stocks, funds, or Government securities of the United Kingdom, or any of the colonies or dependencies thereof, or

(*c.*) As may be directed or limited by the terms of any trust delared or affecting the same or the order, judgment, or decree of the court from which the same shall have been received; or

Proviso: as to foreign securities.

(*d.*) In such other securities as may be approved by the Directors of the Company; provided, however, that nothing herein contained shall prevent the Company from holding foreign or other securities forming part of any trust estate which come into the hands of the Company, and the Company may hold the same subject to the trusts thereof declared, but in case of the realization of any of such securities the proceeds of the same shall be invested as herein directed, unless otherwise provided in the will, deed or instrument creating the trust.

Moneys, &c., of each trust to be kept separate.

5. The moneys and securities of each trust shall always be kept distinct from those of the Company, and in separate accounts, and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the Company, and so invested that at no time shall trust monies form part of or be mixed with the general assets of the Company; and the Company shall in receipt of rents, and in the overseeing and management of trust and other property, keep distinct records and accounts of all operations connected therewith; provided always, that in the management of money and property kept by the Company as trustee under the powers conferred by this act, the Company may, unless the authority making the appointment shall, at the time of the making of such appointment otherwise direct, invest the same in a general trust fund of the Company; and provided also, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed two thousand dollars.

Proviso.

Proviso.

Company may guarantee investments.

6. The Company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the Company for investment, on such terms and conditions as are agreed upon.

7. The Company may be surety upon any bonds required in any judicial proceeding, and, subject to the discretion of the Court Judge or official receiving such bond, the surety of the Company shall suffice in all cases where two sureties are now required. Or act as surety in judicial matters.

2. The Company may arrange for, receive and recover, if necessary, such remuneration as is agreed upon for being such surety. And recover payment for so doing.

3. The Company may execute the security bond by the President and Secretary signing it for the Company and attaching the Company's seal thereto. Security bond.

4. A complete record of all such bonds shall be kept at the head office of the Company. Bonds to be recorded.

8. Nothing in this Act shall be construed to authorize the Company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking. No note payable to bearer.

9. The Company may hold such real estate not exceeding three thousand dollars in annual value, as is necessary for the transaction of their business, and further, any real estate of whatever value which being mortgaged to them, is acquired by them for the protection of their investment, and may from time to time, mortgage, sell, lease or ortherwise dispose of the same; provided always, that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired. Real estate.

10. The capital stock of the company shall be two hundred thousand dollars, divided into shares on one hundred dollars each, and the Company, may from time to time increase the capital stock of the Company to an amount not exceeding in the whole one million dollars, by a resolution adopted by a majority in number and amount of the shareholders at a meeting specially called for that purpose; and if the capital stock is at any time increased, the stockholders at the time of such increase shall be primarily entitled to a *pro rata* allotment of such increase. Capital stock and shares.

11. The persons hereinbefore named are hereby constituted the provisional directors of the company and shall hold office as such until other directors are elected by the shareholders in the manner hereinafter provided. Provisional directors.

12. The property, affairs and business of the company shall be managed by a board of eighteen directors, or by such other number as is from time to time fixed by law of the company. Board of directors.

13. When, and so soon as the sum of One Hundred thousand dollars has been subscribed, and twenty-five per cent thereof paid into one of the chartered banks of Canada, which amount shall not be withdrawn, except for the purposes of the Company, or upon the dissolution of the Company for any cause whatever, the provisional directors shall call a general meeting of the First meeting of shareholders.

shareholders, to be held at such time and place in the City of Halifax, as the said provisional directors appoint, of which meeting not less than two weeks notice shall be given in one newspaper published in the city of Halifax, and by notice mailed to the address of each of the shareholders, for the purpose of electing directors who shall hold office for the next ensuing year, and of organizing the company generally; and upon such election the powers and functions of the provisional directors shall cease.

Election of directors.

When business may be commenced.

14. The Company shall not commence business until at least one hundred thousand dollars of capital stock have been *bona fide* subscribed, and twenty-five per cent. of such amonnt has been paid up in cash as aforesaid.

Head office.

Annual general meeting.

15. The head office of the Company shall be in the City of Halifax and a general meeting of the Company shall be held at Halifax on such day in each and every year as is fixed by by-law of the Company, and fifteen days previous notice thereof shall be given in one of the newspapers published in the said city and by notice mailed to the address of each of the shareholders. At such meeting the shareholders shall elect by ballot a board of directors for the ensuing year.

Quorum of directors.

16. At all meetings of the directors, five or such other number as is fixed by by-law of the Company shall form a quorum for the transaction of business.

Qualification of directors.

17. No shareholder shall be eligible for election as a director unless he holds in his own right at least twenty shares upon which all calls due have been paid.

Insolvency of a director.

18. If any director makes any assignment for the benefit of creditors or comes within the operation of any insolvent law then in force, he shall thereby cease to be a director.

Calls on stock.

19. Calls for payment of subscription to the capital stock of the Company may be made by the board of directors at such times and in such proportions as they deem proper, under penalty of ferfeiture of all stock and previous payments thereon; provided, that not more than twenty-five per cent. shall be called up within any one year.

Annual statement.

20. The Company shall prepare, and annually submit to the Minister of Finance, a statement in duplicate, verified by the oath of the president, manager and secretary, setting forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company, and the trust property held by them, and such other details as the said Minister requires; and the said statement shall be made up to the thirty first day of December in each year.

Trust moneys, &c., not liable for company's debts.

21. The moneys, properties and securities received or held by the Company, under the provisions of this Act, upon trust or as agent of any person or persons, shall not be liable for the debts or obligations of the Company.

22. The Company may invest any moneys forming part of its capital or reserve or accumulated profit in such securities real or personal as the directors from time to time deem expedient. Investment of company's capital.

23. The powers and authority hereby conferred upon and granted to the Company shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of such province. Provincial laws not to be infringed.

24. Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

No. 41.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL

An Act to incorporate the Eastern Trust Company.

First reading, Thursday, 16th February, 1893.

Second reading, Friday, 17th February, 1893.

(PRIVATE BILL.)

Mr. STAIRS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 42.] **BILL.** [1893.

An Act to amend the Act to readjust the Representation in the House of Commons.

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

1892, c. 11, s. 2 amended.

1. The paragraph lettered (*m*) of subsection two of section two of the *Act to readjust the Representation in the House of Commons*, being chapter eleven of the Statutes of 1892, is hereby repealed and the following substituted therefor :—

Electoral district of Nipissing.

"(*m.*) The electoral district of Nipissing shall consist of the townships of Airey, Appleby, Awrey, Badgerow, Ballantyne, Biggar, Bishop, Blezard, Bonfield, Boulter, Bower, Boyd, Broder, Butt, Caldwell, Calvin, Cameron, Canisbay, Chisholm, Clara, Deacon, Devine, Dill, Dryden, Dunnet, Ferris, Field, Finlayson, Fitzgerald, French, Freswick, Grant, Hagar, Hawley, Head, Hugel, Hunter, Kirkpatrick, Lauder, Lister, Lorrain, Lyell, Maria, Mattawan, McCraney, McKim, McLaughlin, Merrick, Mulock, Murchison, Neelon, Olrig, Osler, Papineau, Paxton, Peck, Pentland, Phelps, Ratter, Robinson, Sabine, Springer, Widdifield and Wilkes, together with any other territory included within the following description :— Commencing at the water's edge of Georgian Bay, near the most westerly mouth of French River, in the production southerly of the east limit of the township of Humboldt; thence due north along a line formed by the said produced limit, the east limit of the said township of Humboldt, the limit between timber berths numbered 59 and 67, 60 and 68, 61 and 69, and along the east limits of the townships of Waters, Snider and Rayside, and continuing due north to the shore of that part of Hudson's Bay commonly known as James' Bay ; thence south-easterly along the said shore to a point where a line drawn due north from the head of Lake Temiscamingue would strike it; thence due south along the said line, and southerly and south-easterly along the boundary between Ontario and Quebec to the north-west corner of the township of Rolph ; thence southerly along the westerly boundaries of the townships of Rolph, Wylie, McKay and Fraser to the north-east corner of the township of Richards ; thence westerly along the northerly boundaries of the townships of Richards and Burns to the north-west corner of the said township of Burns ; thence southerly along the westerly boundary of the township of Burns to the north-east corner of the township of Jones ; thence westerly along the northerly boundary of the township of Jones to the north-east corner of the township of Lyell; thence southerly along the easterly boundary of the

township of Lyell to the south-east corner of the said township; thence westerly along the southerly boundaries of the townships of Lyell and Sabine to the easterly boundary of the township of Clyde; thence northerly along the easterly boundaries of the townships of Clyde and Nightingale to the north-east corner of the township of Nightingale; thence westerly along the northerly boundaries of the townships of Nightingale, Lawrence, Livingstone and McClintock to the easterly boundary of the township of Sinclair; thence northerly along the easterly boundary of the township of Sinclair to the southerly boundary of the township of Bethune; thence easterly to the south-east corner of the township of Bethune; thence northerly along the easterly boundaries of the townships of Bethune, Proudfoot, Joly and Laurier to the south boundary of the township of Himsworth; thence along the southerly and easterly boundaries of the township of Himsworth to the north-east corner of the township of Himsworth; thence westerly along the northerly boundary of the township of Himsworth to Lake Nipissing; thence westerly along the main channel of the said lake and along the main channel of French River, and along the channel which runs north of the more northerly of the two islands on which the town plot of Coponaning has been laid out, to a point where the waters divide into the North channel and the Bad River channel; thence to the northern shore of the North channel; thence along the said northern shore and the water's edge of Georgian Bay to the place of beginning."

Ottawa city.

2. The paragraph lettered (*p*) of the said subsection two of section two is hereby repealed and the following substituted therefor:—

"(*p.*) The electoral district of the city of Ottawa shall consist of the city of Ottawa, except that part thereof known as New Edinburgh, and shall return two members."

Labelle.

3. The paragraph lettered (*b*) of subsection three of the said section two is hereby amended by subtituting the word "east" for the word "west" in the tenth line thereof.

Hochelaga.

4. The paragraph lettered (*g*) of the said subsection three of section two is hereby repealed and the following substituted therefor:—

"(*g.*) The electoral district of Hochelaga shall consist of the towns of Ste. Cunégonde, St. Henri and Côte St. Antoine, and of St. Gabriel ward in the city of Montreal;"

Rouville.

5. The paragraph lettered (*r*) of the said subsection three of section two is hereby repealed and the following substituted therefor:—

"(*r.*) The electoral district of Rouville shall consist of the villages of St. Césaire, Marieville, Richelieu and Canrobert, and the parishes of St. Pie, St. Paul, L'Ange Gardien, St. Césaire, Notre-Dame de Bonsecours, St. Michel de Rougemont, St. Jean Baptiste, St. Hilaire, Ste. Angèle, Ste. Marie de Monnoir and St. Mathias;"

6. The paragraph lettered (*t*) of the said subsection three of section two is hereby repealed and the following substituted therefor :— Bagot.

"(*t.*) The electoral district of Bagot shall consist of the town of Acton, the village of Upton, and the parishes of St. André d'Acton, St. Ephrem d'Upton, Ste. Hélène, St. Hugues, St. Liboire, Ste. Rosalie, St. Simon, St. Théodore d'Acton, St. Marcel and St. Dominique, and those part of the parishes of St. Nazaire and Ste. Christine which are included in the township of Acton ;"

7. The paragraph lettered (*g*) of subsection seven of the said section two is hereby repealed and the following substituted therefor :— Provencher.

"(*g.*) The electoral district of Provencher, which shall comprise the rural municipalities of Franklin, Montcalm, Morris, DeSalaberry, Hanover, La Broquerie, Taché, St. Boniface and Ritchot, and the towns of Emerson, St. Boniface and Morris, together with all the unorganized territory lying east of the eastern boundaries of the municipalities of Franklin, La Broquerie and Taché, south of the line between townships ten and nine, and extending to the eastern boundary of the province."

No. 42.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to amend the Act to readjust the Representation in the House of Commons.

Received and read first time, Thursday, 16th February, 1893.
Second reading, Friday, 17th February, 1893.

Sir JOHN THOMPSON.

OTTAWA
Printed by S. E. DAWSON
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1893

No 43.] **BILL.** [1893.

An Act to amend the Criminal Code, 1892.

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

1. *The Criminal Code*, 1892, is hereby amended in the manner set forth in the following schedule :— Criminal Code, 1892, amended.

SCHEDULE.

Section 133.....	By inserting before the word "offence" in the first line the word "indictable."
Section 181.....	By substituting the word "or" for the word "and" in the second line.
Section 215.	By adding at the end thereof the words "unless the offence amounts to culpable homicide."
Section 254.....	So that paragraph *(a)* shall begin with the word "who" in the second line instead of with the word "any" in the fourth line as at present.
Section 256	By striking out (*a*) in the third line.
Section 260.....	By substituting the word "ten" for the word "seven" in the second line, and the word "intent" for the word "attempt" in the third line.
Section 266.....	By transferring the clause now forming subsection 3 to Part I (Preliminary), and making the same, section 4 *(a)*.
Section 539.....	By inserting between the words "general" and "quarter" in the first line, the word "or."
Section 546.....	By substituting the following section therefor :— "546. No person shall be prosecuted for any offence under section two "hundred and fifty-six or two hundred and fifty-seven without the consent of "the Minister of Marine and Fisheries."
Section 613.....	By inserting as paragraph (*h*) :— "(*h*) Or in cases where the consent of any person, official or authority is re-"quired before a prosecution can be instituted, that it does not state that such "consent has been obtained."
Section 634.....	By substituting for the word "appears" in the seventh line, the word "bears."
Section 684.....	By substituting for the numeral "xii" in the eighth line, the numeral "xiii."
Section 705.....	By substituting therefor the following section :— "705. In any criminal proceeding commenced or prosecuted for publishing "any extract from, or abstract of, any paper containing defamatory matter and "which has been published by or under the authority of the Senate, House of "Commons or any Legislative Council, Legislative Assembly or House of "Assembly, such paper may be given in evidence, and it may be shown that "such extract or abstract was published in good faith and without ill-will to "the person defamed, and if such is the opinion of the jury, a verdict of not "guilty shall be entered for the defendant."
Section 735.....	By striking out the words "writ of error or" in the seventh line.
Section 838.....	By substituting for the words "three hundred and eighteen or three hundred "and sixty-one" in the fifth and sixth lines of subsection four, the words "three hundred and twenty or three hundred and sixty-three."
Section 909.....	By inserting after the word "Peace" in the second line the word "recorder."
Section 951.....	By substituting for the word "seven" in the third line the word "five."

Section 958.....	By adding at the end thereof the following words:— "In which case the sentence may direct that in default of payment of his "fine the person so convicted shall be imprisoned until such fine is paid or "for a period not exceeding five years, to commence at the end of the term of "imprisonment awarded by the sentence or forthwith as the case may "require."
Section 959.....	By striking out the words "under this part" in the second line and inserting after the word "offence" in the same line the words "triable under Part LVIII," and by substituting for the words "of this part" in the first line of sub-section three the words "of Part LVIII."
Section 981.....	By striking out subsection two thereof, and substituting the following:— "2. The provisions of this Act which relate to procedure shall apply to all "prosecutions commenced on or after the day upon which this Act comes into "force, in relation to any offence whensoever committed. The proceedings in "respect of any prosecution commenced before the said date otherwise than "under the Summary Convictions Act, shall, up to the time of committal for "trial, be continued as if this Act had not been passed, and after committal "for trial shall be subject to all the provisions of this Act relating to pro-"cedure so far as the same are applicable thereto. The proceedings in respect "of any prosecutions commenced before the said day, under the Summary "Convictions Act, shall be continued and carried on as if this Act had not "been passed."
Schedule 2.....	By excepting from the repeal of R. S. C., chap. 157, sec. 8, subsec. 4 thereof, and from the repeal of 51 Vic., chap. 41, secs. 16 and 23 thereof.

No. 43.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL

An Act to amend the Criminal Code, 1892.

Received and read a first time, Thursday, 16th February, 1893.

Second reading, Friday, 17th February, 1893.

Sir JOHN THOMPSON.

OTTAWA
Printed by S. E. DAWSON
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1893

No. 44.] **BILL.** [1893.

An Act respecting the Manitoba and South Eastern Railway Company.

Preamble.

WHEREAS a petition has been presented by the Manitoba and South Eastern Railway Company praying for the passing of an Act to amend as hereinafter setforth the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. 1 of c. 46, 1892, repealed.

1. Section one of chapter forty-six of the statutes of 1892, is hereby repealed, and the following substituted therefor:—

Time for construction extended.

"**1.** Notwithstanding anything contained in the Acts relating to the Company or in *The Railway Act*, the Company shall have until the first day of July, one thousand eight hundred and ninety-five, to complete that portion of their line of railway between the town of St. Boniface and the parish of St. Anne, and the Company shall construct not less than twenty miles additional each year after the said date until the whole line of railway is completed; and upon the failure to construct the several lengths of line within the times above mentioned, then the power to continue the construction of the said railway thereafter shall cease and determine; but the right of the Company to the portion constructed and to the rights and privileges arising therefrom shall not thereby be affected."

No. 44.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Manitoba and South Eastern Railway Company.

Received and read a first time, Friday, 17th February, 1893.
Second reading, Monday, 20th February, 1893.

(PRIVATE BILL.)

Mr. La Rivière.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 45] **BILL.** [1893.

An Act to incorporate the Cleveland, Port Stanley and London Transportation and Railway Company, and to confirm an Agreement respecting the London and Port Stanley Railway.

Preamble.

WHEREAS an agreement was, on the twenty-fourth day of January, eighteen hundred and ninety-three, duly made between the London and Port Stanley Railway Company and Charles R. Jones, Frank S. Miller, Lorenzo Dudley Dodge, M. Silas Pettingill and Thomas W. Larwood, jun., all of the city of Cleveland, in the state of Ohio, one of the United States, hereinafter called "the lessees," whereby the said London and Port Stanley Railway Company gave to the lessees the use, occupation and possession of their line of railway between London and Port Stanley for the period of twenty years, with power to work the same for the benefit of the said lessees, which agreement is set out in the schedule to an Act passed during the present session of Parliament, intituled *An Act respecting the London and Port Stanley Railway Company*; And whereas by the said agreement the said lessees, among other things, convenanted to furnish a line of vessels to run between the ports of Ashtabula or Cleveland in the state of Ohio, one of United States, and Port Stanly, in the province of Ontario; and whereas the Corporation of the city of London is the owner of all the first mortgage bonds and other securities at present in existence and forming a lien on the said railway, except bonds and securities to the nominal amount of forty-eight thousand nine hundred and thirty-three dollars owned by the Corporation of the city of St. Thomas; and whereas it was contemplated by the said agreement that the said lessees should be incorporated by the Parliament of Canada, with power to operate the said railway, and with such other power as might be necessary to carry out the terms of the said agreement; and whereas the said London and Port Stanley Railway Company and the Corporation of the city of London and the Corporation of the city of St. Thomas, have petitioned that such agreement might be ratified, confirmed and legalized, and and the said lessees have petitioned to be incorporated with the powers necessary to operate the said line, and to carry out the terms of the said agreement; and whereas the said London and Port Stanley Railway has been declared to be a work for the general benefit of Canada; and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1888, c. 29.

1. The Railway Act shall apply to the Company incorporated hereunder, and to the undertaking of the Company, except in so far as it is inconsistent with the provisions hereof or is for any other reason inapplicable thereto.

Agreement confirmed.

2. The agreement between the London and Port Stanley Railway Company and Charles R. Jones, Frank S. Miller, Lorenzo Dudley Dodge, M. Silas Pettingill and Thomas W. Larwood, set out in the schedule to an Act passed during the present session of Parliament, intituled *An Act respecting the London and Port Stanley Railway Company*, is hereby approved, ratified and confirmed, and declared to be valid and binding upon the parties thereto, and upon the Company by this Act incorporated, and each of the parties to such agreement and the said Company hereby incorporated may do whatever is necessary to give effect to the substance and intention of the said agreement, and are hereby declared to have, and as regards the parties to the said agreement, to have had power to do all acts necessary to give effect thereto; and the Corporations of the city of London and the city of St. Thomas, their successors and assigns, are hereby declared to have assented to and to be bound by the said agreement, as if they had been parties to and had executed it.

Incorporation.

3. Charles R. Jones, Frank S. Miller, Lorenzo Dudley Dodge, M. Silas Pettingill, Thomas W. Larwood, jun., all of the city of Cleveland, in the state of Ohio, one of the United States, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body

Corporate name.

corporate under the name of "The Cleveland, Port Stanley and London Transportation and Railway Company," hereinafter called the Company.

Head office.

4. The head office of the Company shall be in the city of London.

Powers of company.

5. The Company may—

As to working of railway.

(*a.*) Under and subject to the conditions and agreements in the said lease contained and during the period for which under the terms thereof they are entitled to the rights and privileges thereby granted, equip, maintain and operate the line of railway now known as "The London and Port Stanley Railway" running from a point in or near the city of London to a point in or near the village of Port Stanley, and are subject as aforesaid, hereby vested with all the powers, rights and privileges of the London and Port Stanley Railway Company which may be necessary for that purpose.

Purchase of vessels.

(*b.*) The Company may also purchase, build, complete, fit out and charter, sell, mortgage and dispose of, work and control and keep in repair steam or other vessels from time to time to ply on the lakes, rivers and canals of Canada in connection with the said railway;

Arrangements with steamboat owners, &c.

(*c.*) Make arrangements and agreements with steam-boat and vessel proprietors by charter and otherwise to ply on the said lakes, rivers and canals in connection with the said railway;

Dealing in merchandise.

(*d.*) Buy, sell, dispose of and deal in coal, wood, lumber and other commodities, goods, chattels, wares and merchandise;

As to hotels.

(*e.*) Erect or acquire by purchase one or more hotels, and lands to be connected therewith, as contemplated by the said agreement, and equip and operate the same.

6. The Company may also purchase and hold wharves, piers, docks, water-lots and lands and mortgage the same; and upon the said water-locks and lands and in and over the waters adjoining the same may build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, erected or controlled by the Company or any other steam or other vessel, and may collect wharfage, store charges, freight, whether for back charges of other carriers or otherwise, and other dues, earnings and incomes to be derived from the use and service of its property, steamships and other vessels, works and buildings; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying, loading or unloading within the same, and may dredge, deepen and enlarge such works; and in its discretion may sell, mortgage, lease or convey the said wharves, piers and docks, water-lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections or any part thereof, or any portions thereof.

May purchase docks and water lots, &c.

Collect wharfage, &c.

May lease wharves, &c.

7. The Company may also contract and agree with the said lessees, and such other person or persons, if any, as may be interested with them in the said lease, for the purchase and assignment thereof, and of all the rights and privileges thereunder; and the Company may, on the assignment thereof to it, take and hold the same; and the Company shall thereupon and thereby have vested in it all the right, title, interest, property, claim, demand and privilege of the lessees thereunder; subject, however, to the conditions and obligations upon which the same shall be held by the lessees.

Company may purchase the lease of railway and works.

Conditions and obligations of lessees continued.

2. The Company may grant and issue its shares, except the one hundred thousand dollars to be paid up in cash according to the terms of the said agreement, as paid up shares in payment, or on account of payment, of the price agreed to be paid to the said lessees for their rights under the said lease, or may give them credit on their subscriptions for shares on account thereof.

And may make payment therefor in in shares of stock.

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

Provisional directors.

9. The capital stock of the Company shall be two hundred and fifty thousand dollars.

Capital stock.

10. The annual general meeting of the shareholders shall be held on the first Wednesday of March in each year, at the city of London, in the province of Ontario.

Annual general meeting.

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

Election of directors.

Borrowing powers of company.

12. The Company, being first authorized by a resolution, passed at a special general meeting of the shareholders duly called for the purpose, may from time to time borrow in Canada or elsewhere such sums of money as may be expedient for the purposes of the undertaking, and the due carrying out of the said agreement to the extent of two hundred and fifty thousand dollars, and may make bonds, debentures or other securities for the sums so borrowed, payable either in sterling, or Canadian currency, or in the currency of the United States, and at such place or places in Canada or elsewhere as is deemed advisable; and may sell the same at such prices or discount as is deemed expedient or necessary, or pledge or otherwise deal with the same; and may hypothecate, mortgage or pledge the tolls, revenue and other property of the Company or any part thereof for the due payment of the said sums or the interest thereon; and may make such terms and arrangements and execute such mortgages and agreements for securing the said bonds or any part thereof as is deemed advisable;

Amount limited.

Issue and sale of bonds.

Montgage to secure bonds.

Proviso: working expenditure, &c, to be first paid.

Proviso: certain rights saved.

Provided, however, that the tolls and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the Railway Act respecting returns to be made to the Minister of Railways and to the payment of the working expenditure of the railway; provided always that all such bonds, debentures or other securities shall be subject to the rights of the London and Port Stanley Railway Company and the mortgage bond holders of the said Company, under the terms of the said lease, and shall not operate upon the said railway or the property of the said railway Company, except to the extent of the right of the Company hereby incoporated under the said lease.

Arrangements with other companies, for leasing or hiring railway or rolling stock.

13. The Company may enter into traffic arrangements with the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, the Michigan Central Railroad Company, the Canadian Pacific Railway Company, or any one, or all of them, or any other company intersecting the line of railway controlled by the said Company, for the hiring, leasing, working or using the said line of railway or any part thereof, at any time or times or for any period so that the expiration of such period shall not extend beyond the twenty-eighth day of February, one thousand nine hundred and thirteen; or for the leasing or hiring any locomotives, carriages or movable property and generally to make any agreement or agreements with any of the said companies touching the use by them or any of them of the said railway or any part thereof, or touching any services to be rendered by the one Company to the others or any of them and the compensation therefor, with power to each of the said Companies to operate the same as part of their railway in the event of running powers being granted; and all such agreements shall be valid and binding, and shall be enforced by any court of justice according to the terms and tenor thereof.

No. 45.

3rd Session, 7th Parliament, 56 Victoria, 1

BILL.

An Act to incorporate the Clevelar Port Stanley and London Transp tation and Railway Company, and confirm an agreement respecting t London and Port Stanley Railw Company.

Received and read a first time, Friday, 17 February, 1893.
Second reading, Monday, 20th February, 18

(PRIVATE BILL.)

Mr. Roome.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 45] **BILL.** [1893.

An Act to incorporate the Cleveland, Port Stanley and London Transportation and Railway Company, and to confirm an Agreement respecting the London and Port Stanley Railway.

(Reprinted as proposed to be amended in the Select Committee on Railways, Canals and Telegraph Lines.)

Preamble.

WHEREAS an agreement was, on the twenty-fourth day of January, eighteen hundred and ninety-three, duly made between the London and Port Stanley Railway Company and Charles R. Jones, Frank S. Miller, Lorenzo Dudley Dodge, M. Silas Pettingill and Thomas W. Larwood, jun., all of the city of Cleveland, in the state of Ohio, one of the United States, hereinafter called "the lessees," whereby the said London and Port Stanley Railway Company gave to the lessees, on certain terms and conditions, the use, occupation and possession of their line of railway between London and Port Stanley for the period of twenty years, with power to work the same for the benefit of the said lessees, which agreement is set out in the schedule to an Act passed during the present session of Parliament, intituled *An Act respecting the London and Port Stanley Railway Company*; And whereas by the said agreement the said lessees, among other things, convenanted to furnish a line of vessels to run between the ports of Ashtabula or Cleveland in the state of Ohio, one of United States, and Port Stanly, in the province of Ontario; and whereas the Corporation of the city of London is the owner of all the first mortgage bonds and other securities at present in existence and forming a lien on the said railway, except bonds and securities to the nominal amount of forty-eight thousand nine hundred and thirty-three dollars owned by the Corporation of the city of St. Thomas; and whereas it was contemplated by the said agreement that the said lessees should be incorporated by the Parliament of Canada, with power to operate the said railway, and with such other power as might be necessary to carry out the terms of the said agreement; and whereas the said London and Port Stanley Railway Company and the Corporation of the city of London have petitioned that such agreement might be ratified, confirmed and legalized, and and the said lessees have petitioned to be incorporated with the powers necessary to operate the said line, and to carry out the terms of the said agreement; and whereas the said London and Port Stanley Railway has been declared to be a work for the general benefit of Canada; and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1888, c. 29.

1. The Railway Act shall apply to the Company incorporated hereunder, and to the undertaking of the Company, except inso far as it is inconsistent with the provisions hereof or with the provisions of the lease hereinafter mentioned or is for any other reason inapplicable thereto.

Agreement confirmed.

2. The lease between the London and Port Stanley Railway Company and Charles R. Jones, Frank S. Miller, Lorenzo Dudley Dodge, M. Silas Pettingill and Thomas W. Larwood, set out in the schedule to an Act passed during the present session of Parliament, intituled *An Act respecting the London and Port Stanley Railway Company*, is hereby amended by adding to the end of the third paragraph thereof the words following, that is to say: "and provided also that the said parties of the second part shall be entitled to be reimbursed under the provisions of this paragraph only for and in respect of such repairs as shall have before the same shall be made, been either agreed to by the said parties of the first part or determined by arbitration under the provisions of paragraph twelve of this indenture to be necessary repairs, and that no deduction shall be made from the rent as hereinbefore provided in respect of any repairs unless the same shall have been so agreed or have been determined by arbitration to be necessary repairs as aforesaid, and then only on production of the vouchers showing in detail the actual expenditure therefor; and in case of dispute as to such expenditure unless or until the amount thereof shall have been determined by arbitration under the provisions of the said paragraph twelve;" and the said lease by this section confirmed and validated is the said lease so amended, and as so amended, is hereby approved, ratified and confirmed, and declared to be valid and binding upon the parties thereto, and upon the Company by this Act incorporated, as if the Company had covenanted therein as the lessees covenant, and each of the parties to such agreement and the said Company hereby incorporated may do whatever is necessary to give effect to the substance and intention of the said lease, and are hereby declared to have, and as regards the parties to the said lease, to have had power to do all acts necessary to give effect thereto; and the Corporations of the city of London and the city of St. Thomas, their successors and assigns, are hereby declared to have assented to and to be bound by the said lease, amended as if they had been parties London shall have the right to enforce the terms and conditions to and had executed it, and the corporation of the city of thereof as against the lessees and the Company hereby incorporated and their assigns.

Incorporation.

3. Charles R. Jones, Frank S. Miller, Lorenzo Dudley Dodge, M. Silas Pettingill, Thomas W. Larwood, jun., all of the city of Cleveland, in the state of Ohio, one of the United States, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body

Corporate name.

corporate under the name of "The Cleveland, Port Stanley and London Transportation and Railway Company," hereinafter called the Company.

Head office.

4. The head office of the Company shall be in the city of London.

Powers of company.

5. The Company may—

As to working of railway.

(*a.*) Equip, maintain and operate the said railway during the term of the said lease, and under and subject to the provisions thereof, as fully and effectually as the said London and Port Stanley Railway Company might.

Purchase of vessels.

(*b.*) The Company may also purchase, build, complete, fit out and charter, sell, mortgage and dispose of, work and control and keep in repair steam or other vessels from time to time to ply on the lakes, rivers and canals of Canada in connection with the said railway;

Arrangements with steamboat owners, &c.

(*c.*) Make arrangements and agreements with steam-boat and vessel proprietors by charter and otherwise to ply on the said lakes, rivers and canals in connection with the said railway;

Dealing in merchandise.

(*d.*) Buy, sell, dispose of and deal in coal, wood and lumber;

As to hotels.

(*e.*) Erect or acquire by purchase one or more hotels, and lands to be connected therewith, as contemplated by the said agreement, and equip and operate the same.

May purchase docks and water lots, &c.

6. The Company may also purchase and hold wharves, piers, docks, water-lots and lands and mortgage the same; and upon the said water-lots and lands and in and over the waters adjoining the same may build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, erected or controlled by the Company or any other steam or other vessel, and may collect wharfage and store charges, (the amount thereof to be from time to time subject to agreement between the London and Port Stanley Railway Company and the said lessees and the Company, and in case they cannot agree the same shall be fixed by the Minister of Railways and Canals), freight, whether for back charges of other carriers or otherwise, and other dues, earnings and incomes to be derived from the use and service of its property, steamships and other vessels, works and buildings; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying, loading or unloading within the same, and may dredge, deepen and enlarge such works; and in its discretion may sell, mortgage, lease or convey the said wharves, piers and docks, water-lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections or any part thereof, or any portions thereof.

Collect wharfage, &c.

May lease wharves, &c.

Company may purchase the lease of railway and works.

7. The Company may also contract and agree with the said lessees, and such other person or persons, if any, as may be interested with them in the said lease, for the purchase and assignment thereof, and of all the rights and privileges thereunder; and the Company may, on the assignment thereof to it, take and hold the same; and the Company shall thereupon and thereby have vested in it all the right, title, interest, property, claim, demand and privilege of the lessees thereunder; subject, however, to the conditions and obligations upon which the same shall be held by the lessees.

Conditions and obligations of lessees continued.

And may make payment therefor in in shares of stock.

2. The Company may grant and issue its shares, except the one hundred thousand dollars to be paid up in cash according to the terms of the said agreement, as paid up shares in payment, or on account of payment, of the price agreed to be paid to the said lessees for their rights under the said lease, or may give them credit on their subscriptions for shares on account thereof.

Provisional directors.

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

Capital stock.

9. The capital stock of the Company shall be two hundred and fifty thousand dollars, and at least one hundred thousand dollars of the said capital stock shall be paid up in cash within six months after the passing of this Act, indefault whereof all the powers by this Act granted to the Company shall immediately cease, determine and be at an end.

Annual general meeting.

10. The annual general meeting of the shareholders shall be held on the first Wednesday of March in each year, at the city of London, in the province of Ontario.

Election of directors.

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

Borrowing powers of company.

Amount limited.

Issue and sale of bonds.

Montgage to secure bonds.

12. The Company, being first authorized by a resolution, passed at a special general meeting of the shareholders duly called for the purpose, may from time to time borrow in Canada or elsewhere such sums of money as may be expedient for the purposes of the undertaking, and the due carrying out of the said agreement to the extent of two hundred and fifty thousand dollars, and may make bonds, debentures or other securities for the sums so borrowed, payable either in sterling, or Canadian currency, or in the currency of the United States, and at such place or places in Canada or elsewhere as is deemed advisable; and may sell the same at such prices or discount as is deemed expedient or necessary, or pledge or otherwise deal with the same; and may hypothecate, mortgage or pledge the tolls, revenue and other property of the Company or any part thereof for the due payment of the said sums or the interest thereon; and may make such terms and arrangements and execute such mortgages and agreements for securing the said bonds or any part thereof as is deemed advisable;

Proviso: working expenditure, &c, to be first paid.

Proviso: certain rights saved.

Provided, however, that the tolls and revenues of the Company shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the Railway Act respecting returns to be made to the Minister of Railways and to the payment of the working expenditure of the railway; provided always that all such bonds, debentures or other securities shall be subject to the rights of the London and Port Stanley Railway Company and the mortgage bondholders of the said Company, under the terms of the said lease, and to the right

of the said the London and Port Stanley Railway Company, and of any other corporation entitled to enforce the provisions of the said lease to determine the same for non-payment of rent or for any other cause for which the determination thereof is provided for by the said lease, and provided also that such bonds, debentures or other securities shall not operate upon the said railway or the property of the said Railway Company, except to the extent of the right of the Company hereby incorporated under the said lease.

Arrangement with other companies, for leasing or hiring railway or rolling stock.

13. Subject to the terms and conditions in the said lease contained, the Company may enter into traffic arrangements with the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, the Michigan Central Railroad Company, the Canadian Pacific Railway Company, or any one, or all of them, or any other company intersecting the line of railway controlled by the said Company, for the hiring, leasing, working or using the said line of railway or any part thereof, at any time or times or for any period, so that the expiration of such period shall not extend beyond the twenty-eighth day of February, one thousand nine hundred and thirteen; or the other sooner determination of the said lease, or for the leasing or hiring any locomotives, carriages or movable property and generally to make any agreement or agreements with any of the said companies touching the use by them or any of them of the said railway or any part thereof, or touching any services to be rendered by the one Company to the others or any of them for the said term, but subject to the sooner determination thereof as aforesaid, and the compensation therefor, with power to each of the said Companies to operate the same as part of their railway in the event of running powers being granted; and all such agreements shall be valid and binding, and shall be enforced by any court of justice according to the terms and tenor thereof.

Amount of rent.

14. In any arbitration between the Company and the Michigan Central Railway Company under the provisions of paragraph fifteen of the said lease, the rent payable by the Company shall for the purpose of such arbitration only and as between the Company and the Michigan Central Railway Company only be deemed to be the sum of twenty-four thousand dollars.

No. 45.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Cleveland, Port Stanley and London Transportation and Railway Company, and to confirm an agreement respecting the London and Port Stanley Railway.

(*Reprinted as proposed to be amended in the Select Committee on Railways, Canals and Telegraph Lines.*)

(PRIVATE BILL.)

Mr. ROOME.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 46.] **BILL.** [1893.

An Act to incorporate the Ocean Fidelity Guarantee Corporation.

Preamble.

WHEREAS the persons hereinafter mentioned have, by their petition, prayed to be incorporated under the name of the Ocean Fidelity Guarantee Corporation, for the purpose of carrying on the business of fidelity guarantee and the issuing of surety bonds, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Thomas Hewitt, Barrister at Law, of the Inner Temple, London England; Clarence Smith, M.P., Chislehurst, England; Richard Pryce Harrison, C.S.I., Director of the National Bank of India, London, England; William Miller Ramsay, and Sir Joseph Hickson, K.C.M.G., both of Montreal; Edmund B. Osler, of Toronto, and Edward Black Greenshields, of Montreal, together with such persons as become shareholders in the corporation hereby incorporated, are hereby constituted a body corporate under the name of the "Ocean Fidelity Guarantee Corporation," hereinafter called the Corporation.

Capital stock and shares.

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

Increase of capital stock.

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

Provisional directors and their powers.

3. For the purpose of organizing the Corporation the persons hereinbefore named are appointed provisional directors, and three of them shall be a quorum for the transaction of business; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Corporation, and withdraw the same for the purposes only of the Corporation.

First meeting of shareholders.

4. When and so soon as one hundred thousand dollars of the capital stock have been subscribed, and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Corporation at some place to be named in the city of Montreal, in the province of Quebec,—at which general meeting the shareholders present in person or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of directors, but no person other than a shareholder eligible to vote shall be permitted to vote or act as a proxy at any meeting of the Corporation.

Election of directors.

Qualification of directors.

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

Number and quorum of board of directors.

5. The affairs of the Corporation shall be managed by a board of not less than five nor more than twenty directors, of whom not less than one-fourth shall form a quorum for the transaction of business, but such quorum shall in no case be less than three.

Sub-boards.

6. The directors may appoint sub-boards or local boards and committees with such powers and to discharge such duties as the directors from time to time confer and impose on them; but such sub-boards, local boards or committees shall, at all times and in regard to all their actions and duties, be subject to the control of the board of directors.

Annual general meeting.

7. A general meeting of the Corporation shall be called once in each year after the organization of the Corporation and commencement of business, at such time as is fixed by by-law, after not less than ten days' notice in one or more newspapers published in the city of Montreal, at which meeting a statement of the affairs of the Corporation shall be submitted; and special, general or extraordinary meeting may, at any time, be called by five of the directors or by requisition of twenty-five shareholders, specifying in the notice the object of such meeting.

Special meetings.

General powers.

8. The Corporation may execute and enter into contracts by way of guarantee, indemnity or suretyship, with any person and for the purpose of guaranteeing the fidelity and faithful accounting and performance of duties of persons in positions of trust, the guaranteeing of persons and corporations against loss or damage by burglary, and generally carry on and transact every description of guarantee and suretyship assurance, upon such terms and conditions as are agreed upon.

Head office and branches.

9. The head office of the Corporation shall be in the city of Montreal, in the province of Quebec, but branches or sub-boards or agencies may be established either within Canada or elsewhere, in such manner as the directors, from time to time, appoint.

10. The Corporation may invest its funds in the debentures, bonds, stocks, or other securities of the Kingdom of Great Britain and Ireland or of the Dominion of Canada, or of any of the other British dependencies, or on the security thereof, or in or on the securities of any of the provinces composing the Dominion, or in or on the securities of any municipal corporation in Canada, or on the security of stock or debentures of any incorporated building society or loan company, or in bank stock, or on the security of real estate or mortgage security thereon, in any province in Canada, and may change and reinvest the same as occasion from time to time requires, and may take, receive and hold all or any such securities in the corporate name of the Corporation, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the Corporation on the security of the said debentures, bonds, mortgages or other securities as aforesaid; such loans shall be made on such terms and conditions, and in such manner and at such times, and for such sums and on such terms of re-payment, whether of principal or interest, or principal and interest together, and at such rate of interest as the board of directors from time to time determine and direct, and whether they are taken absolutely or conditionally, or whether such securities are taken in satisfaction of debts due to the Corporation, or judgments against any person or body corporate in its behalf or in security for the payment of the same. Investment of funds.

11. The Corporation may hold real estate to an amount not exceeding two hundred thousand dollars in value, on which it shall provide itself with offices necessary for the prosecution of its business, and may sell or mortgage the same; and the Corporation may hold such real estate as has been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided always, that the Corporation shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall revert to the previous owner, or to his heirs or assigns. Power to hold real estate limited. Proviso: as to sale thereof.

12. The Corporation may have offices, maintain agencies and transact business, and may invest or deposit such portions of its funds in foreign securities as is necessary for the establishment or maintenance of any foreign branch or agency. Foreign business.

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

14. Notwithstanding anything contained therein or in any other Act, *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Corporation hereby incorporated and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained. R. S. C., c. 118.

No. 46.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Ocean Fidelity Guarantee Corporation.

Received and read a first time, Friday, 17th February, 1893.
Second reading, Monday, 20th February, 1893.

Mr. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 47.] **BILL.** [1893.

An Act respecting the London and Port Stanley Railway Company.

Preamble.

WHEREAS the London and Port Stanley Railway Company and the Corporation of the city of London have by their petition prayed that the said Company be authorized to enter into an agreement for the leasing of the said railway, and otherwise as hereinafter provided, and also that the lease hereinafter mentioned be declared to be valid and binding; 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:—

Agreement confirmed.

1. The London and Port Stanley Railway Company may enter into and execute the lease of its railway, lands and appurtenances, set out in the schedule hereto, and the said lease, when so executed, shall be valid and binding on the said Company and the other parties thereto according to the terms thereof.

Lessees and new company may operate railway.

2. The lessees named in the said lease and the Company, the incorporation of which is referred to in the said lease, may operate the said railway and exercise, so far as they are applicable, all the rights, powers and privileges of the London and Port Stanley Railway Company, during the term of the said lease and under and subject to the provisions thereof, as fully and effectually as the said London and Port Stanley Railway Company might operate the said railway.

Arrangements with another company.

3. The said London and Port Stanley Railway Company may from time to time, but subject always to the provisions of the said lease and so that the agreement hereinafter mentioned shall not take effect until after the expiration or other determination of the said lease, enter into any agreement with any company having authority to enter into such agreement, or with any other railway company, or with any person, for the leasing of the Company's railway for such term and on such conditions as are agreed upon between the said railway company and such railway company or other company or person, or for the working of the said railway, or for running powers over it, on such terms and conditions as are agreed upon by the contracting parties, or for leasing or hiring from such other contracting company or person any portion of its railway, or for the use thereof, and generally to make any agreement with any such company or person, if so lawfully authorized, touching the use by one or the other or by both of the contracting parties of the railway or the rolling stock of either or both,

Proviso: sanction of general meeting.

or any part thereof, or touching any service to be rendered by the one party to the other and the compensation therefor. Provided always, that every such lease or agreement shall be first sanctioned at a special general meeting called for the purpose of considering it according to the by-laws of the said Company.

Agreements as to hiring of rolling stock, &c.

4. The said Company may from time to time enter into agreements with any company or person for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property, for such term and on such conditions as are agreed upon, and may also enter into agreements with any company authorized so to agree, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms and conditions as to compensation and otherwise as are agreed on.

SCHEDULE.

THIS INDENTURE, made the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and ninety-three, between the London and Port Stanley Railway Compano of the first part, and Charles R. Jones, of the city of Cleveland, in the State of Ohio, one of the United States of America, vessel owner; Frank S. Miller, of the same place, insurance agent; Lorenzo Dudley Dodge, of the same place, secretary of the Cleveland Steam Gauge Company; M. Silas Pettingill, of the same place, insurance agent; and Thomas W. Larwood, the younger, of the same place, stationer, of the second part,

Whereas the said parties of the second part have agreed to work the London and Port Stanley Railway, its plant and appurtenances upon the terms and conditions hereinafter set forth.

Now this indenture witnesseth:

1. The London and Port Stanley Railway Company hereby give, subject to all the rents, conditions, provisos and agreements hereinafter mentioned, the use, occupation and possession of their line of railway between London and Port Stanley, to the parties of the second part, for the period of twenty years from the first day of March, 1893, so that the same shall be worked by the said parties of the second part and all the receipts and earnings shall be collected by the said parties of the second part for their own use and benefit.

2. The said parties of the second part shall, within twenty-four months from the date hereof, put the said line of railway of the said parties of the first part, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, and shall also, after putting the same in good repair, well and sufficiently at all times, during the said term of twenty years, repair, maintain, amend and keep the same and every part thereof in good and substantial repair and all fixtures and things thereto belonging, or which at any time during the said term shall be erected, put or made, when, where and so often as need shall be.

3. The necessary cost of putting the said line of railway of the said parties of the first part, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, as above provided, shall, in the first place, be paid by the said parties of the second part who shall be reimbursed by the said parties of the first part by the application by the said parties of the second part, for the first two years of the said term of twenty years, of so much of the rents hereby reserved as shall be necessary to recoup them the amount of the said cost; provided however that, in case the parties hereto differ as to the amount necessarily expended by the said parties of the second part for the purposes aforesaid, the same shall be determined by arbitration in the manner provided by paragraph twelve hereof. Provided also that the erection by the parties of the second part of a passenger station at St. Thomas on the lands of the said parties of the first part, at a cost not to exceed twenty-five hundred dollars, shall be deemed a portion of the necessary cost aforesaid. Provided further that nothing shall be done by the said parties of the second part and that no money shall be expended by them for the purpose of putting the said line of railway of the said parties of the first part, its road, bridges, rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, if the Great Western Railway Company of Canada or the Grand Trunk Railway Company of Canada, who, the parties of the first part contend, are bound under the present lease to put the same in repair, do put the same in good repair on or before the first day of April next and that with the exception of the necessary repair of the icehouse at Port Stanley and any work absolutely necessary for the safe running of the railway, no sum shall be expended nor shall any expense chargeable under the provisions of this indenture to the parties of the first part be incurred by the said parties of the second part for the purposes aforesaid until the first day of April next and provided also that the amount which the said parties of the second part shall be at liberty to recoup themselves from the rent hereby reserved for the necessary cost of putting the said line of railway, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair including the erection of the passenger station at St. Thomas, the summer passenger station at Port Stanley and the temporary and permanent passenger station at London, shall not in any event exceed the amount of the first two years rent hereby reserved.

The said parties of the second part shall, at the expiration, or other sooner determination of the said term of twenty years, peaceably surrender and yield up unto the London and Port Stanley Railway Company, their successors, or assigns, the said the London and Port Stanley Railway, its property appurtenances and effects, together with all buildings, erections and fixtures thereon, in good and substantial repair and condition.

The parties of the second part shall pay to the parties of the first part, their successors or assigns, without any deduction whatever except as provided by paragraphs 3 and 19 hereof, the clear yearly rent or sum of twenty-eight thousand dollars during the said term of twenty years, by equal quarterly

payments of seven thousand dollars each on the first days of June, September, December and March in each year for the first two years of the said term of twenty years, and thereafter the said clear yearly rent, or sum of twenty-eight thousand dollars, during the residue of the said term of twenty years, shall be paid by equal quaterly payments of seven thousand Dollars each in advance on the first day of March, June, September and December in each and every year, and, should in any year during the said term of twenty years the gross receipts from all sources of the said Railway exceed the sum of one hundred thousand dollars, the said parties of the second part shall pay to the said parties of the first part, as additional rent, at the end of each year in which the said gross receipts exceed the sum of one hundred thousand dollars, fifteen per cent, of the said gross receipts, in excess of the said sum of one hundred thousand dollars. The said parties of the second part covenant with the said parties of the first part that they will, at the end of each year of the said term of twenty years, furnish to the said parties of the first part accounts and statements of such receipts, certified by their secretary and verified by his statutory declaration as to the correctness thereof, and shall permit the parties of the first part and they the said parties of the first part shall be entitled at all times during the month of April in each year during the said term to inspect the books and accounts of the Company by the Auditor of the City of London, or other officer from time to time appointed for that purpose by the said parties of the first part, and the said parties of the second part shall afford to the said parties of the first part all necessary or reasonable facilities for such inspection at the head office of the said parties of the second part at the said city of London.

6. The parties of the second part shall pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, now charged, or which may or shall, during the term aforesaid, be charged upon the said The London and Port Stanley Railway or its appurtenances, or upon the said parties of the first part on account thereof, or on account of any of its property, including five-sixths of the taxes for the year 1893, and one-sixth of the taxes for the year in which this lease terminates.

7. The said parties of the second part shall forward all trains and traffic with reasonable and proper despatch, and shall run daily, Sundays excepted, at least two passenger trains between Port Stanley and London, stopping at and starting from such points and at such hours as the exigencies of traffic may from time to time, during the said term of twenty years, require, and at least two passenger trains daily each way shall stop at the stations where the passenger trains of the Grand Trunk Railway Company, the present Lessees of the said The London and Port Stanley Railway, now stop, if a passenger for such station be on board or if the train be flagged at such station.

8. The said parties of the second part shall not, during the said term, make any alteration in the location of the buildings on the London and Port Stanley Railway without the consent in writing of the said parties of the first part.

9. The weekly excursion trains from London to Port Stanley shall be continued one day in each week from the fifteenth day

of May, to the fifteenth day of September in each year during the said term of twenty years by the said parties ot the second part. The fare from London to Port Stanley and back on such trains shall not exceed thirty cents current funds for each person, and such fare shall include all charges for the use by the passengers by excursion trains of the grounds known as The London and Port Stanley Railway picnic grounds at Port Stanley, as has heretofore been customary, and such fare shall entitle the passengers to be carried to the terminus referred to in paragraph 19 hereof without extra charge.

10. The said parties of the second part, covenant with the said parties of the first part, that they will furnish sufficient, suitable and comfortable cars, and will keep the road properly supplied with suitable and comfortable rolling stock sufficient for the requirements of the traffic including the excursion traffic provided for by this indenture and the efficient working of the London and Port Stanley Railway, and that the passenger cars shall be at least as good as the first class passenger cars used in the year 1892 on said railway by the Grand Trunk Railway Company of Canada.

11. And the said parties of the second part, further covenant with the said parties of the first part, that they will not assign or transfer this indenture or their rights thereunder, or any of them, or sublet the said railway or any part thereof, without the consent in writing of the said parties of the first part first had and obtained, except as provided by paragraph 15 hereof.

12. And it is hereby agreed that, in case any dispute shall arise relating to any matter herein contained and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each of the said parties to such dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties, and in case either of the said parties shall neglect or fail to appoint an arbitrator within thirty days after the request in writing by the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties The award shall be made within four months after the appointment of the first of such arbitrators, and, in the further event of the two arbitrators appointed, as aforesaid, being unable or failing to agree upon a third arbitrator for two weeks after their appointment, or the appointment of the one of them who was last appointed, then such third arbitrator shall be chosen and appointed by the Chief Justice for the time being of the Queen's Bench Division of the High Court of justice for the province of Ontario ; or, in the event of the Chief Justice being sick, absent from the province, or otherwise unable or refusing to act, then such third arbitrator shall be appointed by the Senior Judge of the said Queen's Bench Division of the said court.

13. The said parties of the second part further covenant with the said parties of the first part, that they will place a line of vessels, sufficient to meet the business, to run between the ports of Ashtabula or Cleveland, in the State of Ohio, one of the United States of America, and Port Stanley, in Ontario,

and will use all means and influence practicable in obtaining all the freight and passenger traffic between the ports named.

14. The said parties of the second part further covenant with the said parties of the first part, that the said parties of the second part will, before the first day of March, A.D. 1896, erect or purchase, and thereafter during the said term maintain a summer hotel at Port Stanley, and make the necessary improments to place such hotel on an equal footing with the summer hotels of the United States, and, at the end or sooner determination of the said term, will remove the said hotel from the said property of the said parties of the first part, if erected thereon, within one year from the said end, or sooner determination of the said term, and leave the lands upon which the same was erected in as good a state and condition as before the erection thereof, unless the parties of the first part shall, six months before the determination of the said term, elect to purchase the said hotel from the said parties of the second part, which they shall be at liberty to do provided they give notice of such their intention to the said parties of the second part, at least six months before the determination of the said term, the price to be paid for the said hotel to be settled by arbitration by arbitrators, to be appointed as hereinbefore provided in case the parties differ about the same.

15. The said parties of the second part further covenant with the said parties of the first part, that the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Michigan Central Railway Company, and all railroads which do now or which, during the continuance of this agreement, may intersect or cross the London and Port Stanley Railway, shall have reasonable and the usual running powers for their traffic over the line of the London and Port Stanley Railway from St. Thomas or the point of intersection or crossing of such railway with the London and Port Stanley Railway to the terminus of the London and Port Stanley Railway in the said city of London during the said term of twenty years, or such other sooner determination of the said term, and the terms and the compensation to be paid for such running powers shall, in case the parties differ about the same, be determined by arbitration in the same manner as provided by paragraph 12 hereof, and the said parties of the second part shall as far as practicable provide and keep proper and sufficient sidings for loading and unloading.

16. The said parties of the second part further convenant with the said parties of the first part, that during the the said term of twenty years the maximum rate for freight from Port Stanley to London, and *vice versa*, for special commodities, such as coal, sugar, syrup, pig iron, lead, nails, wire, &c., and other like commodities, will not exceed fifty cents per ton in car lots, and the said rates shall include handling from the boat to cars and from the cars to boat at Port Stanley ; and that the rate for all other classes of freight (except as provided by the next succeeding paragraph hereof) shall be in just and fair proportion to the above rate ; and for the handling from the boat to cars and from the cars to boat at Port Stanley of the said other classes of freight the actual cost thereof shall be added to the said rates ; and, in case the parties hereto shall differ as to the rates for the said other classes of freight, the same shall be

determined by arbitration in the manner provided by paragraph 12 hereof. And the said parties of the second part further convenant with the said parties of the first part that the classification of freight shall, during the said term of twenty years, be as provided in the Canadian Joint Freight Classification Number Eight Pamphlet hereto annexed and and marked with the letter " A."

17. The said parties of the second part further convenant with the said parties of the first part that they will, during the said term of twenty years, carry from London to Port Stanley and *vice versa* the goods, wares and merchandise manufactured by any manufacturer, in the counties of Middlesex or Elgin, in the province of Ontario, or ordered or procured by him for such manufacture, at a rate not to exceed fifty cents per ton in car load lots, with the additionnal charge of the actual cost for unloading and reloading at Port Stanley, if done by the said parties of the second part.

18. The said parties of the second part further covenant with the said parties of the first part that they will pay advance charges on all freight offered at Port Stanley and provide for the prompt handling of the same to the destination of the goods.

19. The said parties of the second part covenant with the said parties of the first part that at their own expense they will within one year from the date hereof lay the necessary tracks and do the other work necessary so that the trains can be taken around to the beach South of the present picnic grounds, and will before the end of the second year of the said term erect and build at the said terminus a suitable platform and summer passenger station the cost whereof, not to exceed $1,000, shall be refunded to them by deduction from the rent in the same manner as provided by paragraph 3 hereof.

20. The said parties of the second part further covenant with the said parties of the first part that, during the summer months during the continuance of the said term of twenty years, a daily train, Sundays excepted, shall be put on and shall leave Port Stanley for London at about eight o'clock in the forenoon and shall leave London for Port Stanley at about five o'clock in the afternoon for the convenience of the summer residents at Port Stanley, and that, between the fifteenth day of May and the fifteenth day of September in each year, the said parties of the second part will sell commutation tickets, not transferable, good for twenty-six single trips to be used witin three months from the date of issue good only during the period between the fifteenth day of May and the fifteenth day of September of the year in which the ticket is issued, to such parties as may desire to purchase the same at a cost not to exceed nineteen cents each way.

21. Provided always and it is hereby expressly agreed that if the rent hereby reserved, or any part thereof, shall be unpaid for thirty days after any of the days on which the same ought to have been, paid and after ten days' written notice requiring such payment has been given to them by mailing the same addressed to the said parties of the second part at the city of London in Ontario, or in case of the breach or non-performance of any of the covenants or agreements herein contained on the part of the said parties of the second part, their heirs, execu-

tors, administrators or assigns, then and in any of such cases it shall be lawful for the said parties of the first part into and upon the said Railway, or any part thereof, in the name of the whole, to reenter and the same to have, acquire, re-possess and enjoy as of their former estate, anything herein contained to the contrary notwithstanding.

22. In consideration of the corporations of the city of London and of the City of St. Thomas assenting to the provisions of this agreement, the said the corporation of the city of London shall be entitled, in case of a breach on the part of the said parties of the second part, their heirs, executors, administrators or assigns, of any of the covenants on their part contained herein, to enforce the forfeiture clause hereinbefore contained, but nothing herein contained shall affect or prejudice the rights of the said corporations in respect of the mortgage bonds held by them against the London and Port Stanley Railway Company so as to prevent the said corporations or either of them from enforcing the same, or any right that they may acquire to the said road by means or in consequence thereof, in the event of default on the part of the said parties of the second part, their executors, administrators or assigns, in performing the convenants and agreements on their part contained in these presents.

23. And the said parties of the second part further covenant and agree with the said parties of the first part that they will lease to the present lessees of that portion of the lands of the London and Port Stanley Railway Company within the limits of the city of St. Thomas the same lands as are now leased to the said Lessees, for a further term to continue as long as the said parties of the second part are the lessees of the said the London and Port Stanley Railway, and on the same terms and conditions as are contained in the present leases of the said lands to the present lessees and will provide the said lessees with reasonable switching accommodation at the rate (if any) from time to time fixed by the Railway Committee of the Privy Council of Canada and if none be fixed by the said Railway Committee, then at a fair and reasonable price therefor to be settled by arbitration in the manner provided by paragraph 12 hereof, in cases the parties differ about the said price.

24. Throughout this indenture the mention of the said parties of the first part is intended to include their successors and assigns and the mention of the said parties of the second part is intended to include their heirs, executors, administrators and assigns unless such meaning is inconsistent with the context.

25. This indenture is made subject to its being adopted and confirmed by the shareholders of the London and Port Stanley Railway Company representing or owning at least two-thirds of the subscribed capital stock of the Company, present or represented at an annual general meeting thereof or at a special general meeting duly called for the purpose and subject to its being approved by the Parliament of Canada and for the purposes of this paragraph the debenture debt shall be deemed subscribed capital stock and the holders of such debentures as shareholders.

26. In consideration of the said corporations assenting to this indenture, as provided by paragraph 22 hereof, it is

further agreed by and between the parties hereto that, so long as the said corporations of the city of London and of the city of St. Thomas, or either of them, shall continue to be mortgagees of the London and Port Stanley Railway Company, the salaries of the officers of the said Railway Company and the expenses of the board of directors, including remuneration to the president, vice-president and directors, shall not together exceed the sum of $200 per annum during the term of this indenture, and that the said parties of the second part shall and may, during the term of this indenture and on demand, pay and divide, after the same shall become due from time to time, the whole annual rentals reserved by this indenture (save and except the amounts they are entitled to retain as provided by paragraphs 3 and 19 hereof), less the said sum of $200 (which is to be paid to the said parties of the first part) to and among the first Mortgage Bond Holders of the said The London and Port Stanley Railway Company, according to the respective amounts owned or held by such first Mortgage Bond Holders, in lieu of paying the same to the London and Port Stanley Railway Company, such payments to be applied by the said Bond Holders in or towards the satisfaction of their said respective bonds.

27. The said parties of the second part further covenant with the said parties of the first part that their headquarters and offices during the said term of twenty years shall be and continue in the said city of London.

28. The said parties of the second part agree with the said parties of the first part that they will, immediately upon the Municipal Council of the Corporation of the city of London, so far as they have the power so to do, approving by resolution of the terms of this idenfure, and agreeing to use their best endeavours to have the same executed by the parties of the first part and confirmed by legislation as hereinbefore provided, deposit with the Treasurer of the corporation of the city of London the sum of twenty-five thousand dollars cash, to be retained by the corporation of the city of London as security for the due executiou by the said parties of the second part of this idenfure so soon as it has been adopted and confirmed by the shareholders of the London and Port Stanley Railway Company, as provided by paragraph 25 hereof, and as security also for the fulfilment of the terms, conditions and provisos herein contained, on the part of the said parties of the second part, for three months from the deposit thereof and until the slip dock at Port Stanley, which the said parties of the second part propose to construct at their own expense, is substantially completed by them and at least one hundred thousand dollars of the capital stock of the company proposed to be incorporated by the said parties of the second part is paid in cash to the said Company, and, in case the said parties of the second part make default in the execution of this indenture as above provided, or fail to perform and fulfil the terms, conditions and provisos herein contained on their part until the said slip duck at Port Stanley has been substantially completed by them, or in case the said parties of the second part shall fail to complete the said slip dock before the 31st day of December, A.D. 1893, or fail, within 6 months from the incorporation of the said company, to pay in the said sum of one hundred thousand

dollars of the capital stock as aforesaid, the said sum of twenty-five thousand dollars shall be forfeited as liquidated and ascertained damages to the Corporation of the city of London. After the said parties of the second part have duly executed this indenture as above provided and after the said slip dock at Port Stanley has been completed, if completed within the time above mentioned, and after the said sum of one hundred thousand dollars of capital stock has been paid in as aforesaid, if paid in within the time hereinbefore mentioned, the said sum of twenty-five thousand dollars shall be returned to the said parties of the second part, with interest thereon from the date of the deposit at the rate of six per cent per annum, or, if this indenture shall not be approved by the Parliament of Canada and the said parties of the second part shall have used due diligence to obtain such approval, then the said sum of twenty-five thousand dollars, with interest as aforesaid, shall be returned to the said parties of the second part. Provided always that, if the said parties of the first part neglect or refuse to execute this indenture on or before the Twenty-fifth day of January, A.D. 1893, the said sum of twenty-five thousand dollars, together with interest thereon at the rate of six per cent per annum from the day of its deposit with the said Treasurer, shall be repaid by the Corporation of the city of London to the said parties of the second part.

29. The said parties of the first part do hereby covenant with the said parties of the second part, their executors, administrators and assigns, that they, paying the rent hereby reserved and performing the covenants hereinbefore on their part contained, shall and may peaceably possess and enjoy the said demised premises for the term hereby granted without any interruption or disturbance from the said parties of the first part, their successors or assigns, or any other person or persons lawfully claiming by, from or under them or any of them.

30. Nothing herein contained shall be taken to give to the parties of the second part any of the lands or property of the parties of the first part to which the Great Western Railway Company of Canada or the Grand Trunk Railway Company of Canada are entitled under the agreement made between the London and Port Stanley Railway Company and the Great Western Railway Company of Canada and dated the twenty-fifth day of April, A.D. 1870.

31. It is further agreed by and between the parties hereto that the said parties of the second part shall, during the continuance of the said term, insure and keep insured at their own expense (in the name and for the benefit of the said parties of the first part) the railway stations to be built by them as hereinbefore provided and the other buildings of the parties of the first part in some Insurance Company or Companies, to be approved of by the parties of the first part from time to time, to the amount of not less than two-thirds of the value of the said respective buildings.

32. It is hereby further agreed by and between the parties hereto that the parties of the first part, will, on or before the first day of March, A.D. 1894, provide terminal facilities for the parties of the second part, either as the same were conferred by the Great Western Railway Company of Canada upon the said parties of the first part by the said agreement

dated the twenty-fifth day of April, A.D. 1870, or by the use of the terminal facilities of the London and South-eastern Railway Company, or by a passenger station to be erected on one side or the other side of Bathurst Street, west of Wellington Street, in the said city of London, at the option of the said parties of the first part, or (at the option of the said parties of the first part, such option to be exercised on or before the said first day of March, A.D. 1894) the parties of the first part, will in lieu thereof, allow the said parties of the second part a reduction from the rent hereby reserved of three thousend dollars per annum, and will also allow them to retain out of the first two years' rent a sum, not to exceed the sum of five thousand dollars, towards the cost of a permanent passenger station on the side of the old London and Port Stanley Station, if erected by the said parties of the second part, and a sum, not to exceed one thousand dollars, towards the cost of a temporary passenger station on the said old site, if erected by the said parties of the second part, such permanent and temporary passenger stations to be completed on or before the first day of March, A.D. 1895, and a temporary station not to be commenced or any cost in respect thereof incurred before the first day of April, A.D. 1893, and the said permanent station not to be commenced or any cost in respect thereof incurred before the first day of March, A.D. 1894, both said stations, if and when erected, to become and be the property of the said parties of the first part and to be insured by and at the expense of the said parties of the second part in the same manner and to the same extent as is provided by paragraph 31 hereof in regard to the other buildings.

In witness whereof the parties of the first part have caused to be affixed their Corporate Seal and their President has set his hand and the parties of the second part have set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

No. 47.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting The London and Port Stanley Railway Company.

Received and read a first time, Friday, 17th February, 1893.
Second reading, Monday, 20th February, 1893.

(PRIVATE BILL.)

Mr. MONCRIEFF.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 47.] **BILL.** [1893.

An Act respecting the London and Port Stanley Railway Company.

(*Reprinted as proposed to be amended in the Select Committee on Railways, Canals and Telegraph Lines.*)

Preamble.

WHEREAS the London and Port Stanley Railway Company and the Corporation of the city of London have by their petition prayed that the said Company be authorized to enter into an agreement for the leasing of the said railway, and otherwise as hereinafter provided, and also that the lease hereinafter mentioned be declared to be valid and binding; 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:—

Lease amended.

1. The lease set out in the schedule hereto is hereby amended by adding to the end of the third paragraph thereof the words following, that is to say:—"And provided also that the said parties of the second part shall be entitled to be reimbursed under the provisions of this paragraph only for and in respect of such repairs as shall have, before the same shall be made, been either agreed to by the said parties of the first part or determined by arbitration, under the provisions of paragraph twelve of this indenture to be necessary repairs, and that no deduction shall be made from the rent as hereinbefore provided in respect of any repairs unless the same shall have been so agreed or have been determined by arbitration to be necessary repairs as aforesaid and then only on production of the vouchers showing in detail the actual expenditure therefor and, in case of dispute as to such expenditure, unless or until the amount thereof shall have been determined by arbitration under the provisions of said paragraph twelve, and the said lease by this section confirmed and validated is the said lease so amended and, as so amended, shall be valid and binding on the said Company and the other parties thereto according to the terms thereof, provided always that nothing herein or in the said lease contained shall affect the powers of the Governor in Council under section two hundred and twenty-six of *The Railway Act* and that sections two hundred and twenty-seven and two hundred and twenty-eight of *The Railway Act* shall apply to this Act and to the said lease except as to the tolls fixed by the said lease."

Cleveland, Port Stanley and London Transportation Co.

2. The Cleveland, Port Stanley and London Transportation Company incorporated by an Act passed in the present Session of Parliament, the incorporation of which is referred to in the

said lease, may, subject to the provisions of the Act passed in the present Session of Parliament, intituled: *An Act to incorporate the Cleveland, Port Stanley and London Transportation Company and to confirm an agreement respecting The London and Port Stanley Railway Company*," equip, maintain and operate the said railway during the term of the said lease and under and subject to the provisions thereof as fully and effectually as the said London and Port Stanley Railway Company might.

Arrangements with another company.

3. The said London and Port Stanley Railway Company may from time to time, but subject always to the provisions of the said lease and so that the agreement hereinafter mentioned shall not take effect until after the expiration or other determination of the said lease, enter into any agreement with any company having authority to enter into such agreement, or with any other railway company, or with any person, for the leasing of the Company's railway for such term and on such conditions as are agreed upon between the said railway company and such railway company or other company or person, or for the working of the said railway, or for running powers over it, on such terms and conditions as are agreed upon by the contracting parties, or for leasing or hiring from such other contracting company or person any portion of its railway, or for the use thereof, and generally to make any agreement with any such company or person, if so lawfully authorized, touching the use by one or the other or by both of the contracting parties of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one party to the other and the compensation therefor.

Proviso: sanction of general meeting.

Provided always, that every such lease or agreement shall be first sanctioned at a special general meeting called for the purpose of considering it according to the by-laws of the said Company.

If lessee is not authorized.

4. If at any time under the provisions of the next preceding section the said railway is leased to any person or corporation which has not any corporate powers authorizing the leasing and operating thereof by such lessee; the lessee thereof shall transmit to the Minister of Railways and Canals within ten days from the date of such lease a notice in writing stating the fact that such lease has been made, describing the termini and line of route of the railway leased, and specifying the charter or act of incorporation under which the same has been constructed and operated, including a copy of any writing preliminary to a lease of such railway which has been made as evidence of such lease, and immediately upon the execution of any deed of lease of such railway the lessee shall also transmit to the said Minister a duplicate or authenticated copy of such lease and shall furnish to the said Minister on request any further details or information which he requires.

Grant of license by Minister of Railways and Canals.

5. Until the lessee has given notice to the said Minister in manner and form as provided by the next preceding section, the lessee shall not run or operate the railway so leased or take, exact or receive any tolls whatsoever in respect of any traffic carried thereon; but after the said conditions have been com-

plied with, the lessee may continue until the end of the then next session of the Parliament of Canada to operate such railway and to take and receive such tolls thereon as the company previously operating the same was authorized to take, and shall be subject in so far as they can be made applicable to the terms and conditions of the charter or act of incorporation of the said company, until he has received a letter of license from the said Minister, which letter the said Minister is hereby authorized to grant defining the terms and conditions on which such railway shall be run by such lessee during the said period.

Ratification by Parliament necessary.

6. Such lessee shall apply to the Parliament of Canada at the next following session thereof after the lease of such railway for an Act of incorporation or other legislative authority to hold, operate and run such railway; and if such application is made to Parliament and is unsuccessful, the Minister may extend the license of such lessee until the end of the then next following session of Parliament and no longer.

Agreements as to hiring of rolling stock, &c.

7. The said Company may from time to time enter into agreements with any company or person for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property, for such term and on such conditions as are agreed upon, and may also enter into agreements with any company authorized so to agree, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms and conditions as to compensation and otherwise as are agreed on.

SCHEDULE.

THIS INDENTURE, made the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and ninety-three, between the London and Port Stanley Railway Compano of the first part, and Charles R. Jones, of the city of Cleveland, in the State of Ohio, one of the United States of America, vessel owner; Frank S. Miller, of the same place, insurance agent; Lorenzo Dudley Dodge, of the same place, secretary of the Cleveland Steam Gauge Company; M. Silas Pettingill, of the same place, insurance agent; and Thomas W. Larwood, the younger, of the same place, stationer, of the second part,

Whereas the said parties of the second part have agreed to work the London and Port Stanley Railway, its plant and appurtenances upon the terms and conditions hereinafter set forth.

Now this indenture witnesseth:

1. The London and Port Stanley Railway Company hereby give, subject to all the rents, conditions, provisos and agreements hereinafter mentioned, the use, occupation and possession of their line of railway between London and Port Stanley, to the parties of the second part, for the period of twenty years from the first day of March, 1893, so that the same shall be worked by the said parties of the second part and all the receipts and earnings shall be collected by the said parties of the second part for their own use and benefit.

2. The said parties of the second part shall, within twenty-four months from the date hereof, put the said line of railway of the said parties of the first part, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, and shall also, after putting the same in good repair, well and sufficiently at all times, during the said term of twenty years, repair, maintain, amend and keep the same and every part thereof in good and substantial repair and all fixtures and things thereto belonging, or which at any time during the said term shall be erected, put or made, when, where and so often as need shall be.

3. The necessary cost of putting the said line of railway of the said parties of the first part, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, as above provided, shall, in the first place, be paid by the said parties of the second part who shall be reimbursed by the said parties of the first part by the application by the said parties of the second part, for the first two years of the said term of twenty years, of so much of the rents hereby reserved as shall be necessary to recoup them the amount of the said cost; provided however that, in case the parties hereto differ as to the amount necessarily expended by the said parties of the second part for the purposes aforesaid, the same shall be determined by arbitration in the manner provided by paragraph twelve hereof. Provided also that the erection by the parties of the second part of a passenger station at St. Thomas on the lands of the said parties of the first part, at a cost not to exceed twenty-five hundred dollars, shall be deemed a portion of the necessary cost aforesaid. Provided further that nothing shall be done by the said parties of the second part and that no money shall be expended by them for the purpose of putting the said line of railway of the said parties of the first part, its road, bridges, rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, if the Great Western Railway Company of Canada or the Grand Trunk Railway Company of Canada, who, the parties of the first part contend, are bound under the present lease to put the same in repair, do put the same in good repair on or before the first day of April next and that with the exception of the necessary repair of the icehouse at Port Stanley and any work absolutely necessary for the safe running of the railway, no sum shall be expended nor shall any expense chargeable under the provisions of this indenture to the parties of the first part be incurred by the said parties of the second part for the purposes aforesaid until the first day of April next and provided also that the amount which the said parties of the second part shall be at liberty to recoup themselves from the rent hereby reserved for the necessary cost of putting the said line of railway, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair including the erection of the passenger station at St. Thomas, the summer passenger station at Port Stanley and the temporary and permanent passenger station at London, shall not in any event exceed the amount of the first two years rent hereby reserved.

The said parties of the second part shall, at the expiration, or other sooner determination of the said term of twenty

years, peaceably surrender and yield up unto the London and Port Stanley Railway Company, their successors, or assigns, the said the London and Port Stanley Railway, its property appurtenances and effects, together with all buildings, erections and fixtures thereon, in good and substantial repair and condition.

The parties of the second part shall pay to the parties of the first part, their successors or assigns, without any deduction whatever except as provided by paragraphs 3 and 19 hereof, the clear yearly rent or sum of twenty-eight thousand dollars during the said term of twenty years, by equal quarterly payments of seven thousand dollars each on the first days of June, September, December and March in each year for the first two years of the said term of twenty years, and thereafter the said clear yearly rent, or sum of twenty-eight thousand dollars, during the residue of the said term of twenty years, shall be paid by equal quaterly payments of seven thousand Dollars each in advance on the first day of March, June, September and December in each and every year, and, should in any year during the said term of twenty years the gross receipts from all sources of the said Railway exceed the sum of one hundred thousand dollars, the said parties of the second part shall pay to the said parties of the first part, as additional rent, at the end of each year in which the said gross receipts exceed the sum of one hundred thousand dollars, fifteen per cent, of the said gross receipts, in excess of the said sum of one hundred thousand dollars. The said parties of the second part covenant with the said parties of the first part that they will, at the end of each year of the said term of twenty years, furnish to the said parties of the first part accounts and statements of such receipts, certified by their secretary and verified by his statutory declaration as to the correctness thereof, and shall permit the parties of the first part and they the said parties of the first part shall be entitled at all times during the month of April in each year during the said term to inspect the books and accounts of the Company by the Auditor of the City of London, or other officer from time to time appointed for that purpose by the said parties of the first part, and the said parties of the second part shall afford to the said parties of the first part all necessary or reasonable facilities for such inspection at the head office of the said parties of the second part at the said city of London.

6. The parties of the second part shall pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, now charged, or which may or shall, during the term aforesaid, be charged upon the said The London and Port Stanley Railway or its appurtenances, or upon the said parties of the first part on account thereof, or on account of any of its property, including five-sixths of the taxes for the year 1893, and one-sixth of the taxes for the year in which this lease terminates.

7. The said parties of the second part shall forward all trains and traffic with reasonable and proper despatch, and shall run daily, Sundays excepted, at least two passenger trains between Port Stanley and London, stopping at and starting from such points and at such hours as the exigencies of traffic may from time to time, during the said term of twenty years, require,

and at least two passenger trains daily each way shall stop at the stations where the passenger trains of the Grand Trunk Railway Company, the present Lessees of the said The London and Port Stanley Railway, now stop, if a passenger for such station be on board or if the train be flagged at such station.

8. The said parties of the second part shall not, during the said term, make any alteration in the location of the buildings on the London and Port Stanley Railway without the consent in writing of the said parties of the first part.

9. The weekly excursion trains from London to Port Stanley shall be continued one day in each week from the fifteenth day of May, to the fifteenth day of September in each year during the said term of twenty years by the said parties ot the second part. The fare from London to Port Stanley and back on such trains shall not exceed thirty cents current funds for each person, and such fare shall include all charges for the use by the passengers by excursion trains of the grounds known as The London and Port Stanley Railway picnic grounds at Port Stanley, as has heretofore been customary, and such fare shall entitle the passengers to be carried to the terminus referred to in paragraph 19 hereof without extra charge.

10. The said parties of the second part, covenant with the said parties of the first part, that they will furnish sufficient, suitable and comfortable cars, and will keep the road properly supplied with suitable and comfortable rolling stock sufficient for the requirements of the traffic including the excursion traffic provided for by this indenture and the efficient working of the London and Port Stanley Railway, and that the passenger cars shall be at least as good as the first class passenger cars used in the year 1892 on said railway by the Grand Trunk Railway Company of Canada.

11. And the said parties of the second part, further covenant with the said parties of the first part, that they will not assign or transfer this indenture or their rights thereunder, or any of them, or sublet the said railway or any part thereof, without the consent in writing of the said parties of the first part first had and obtained, except as provided by paragraph 15 hereof.

12. And it is hereby agreed that, in case any dispute shall arise relating to any matter herein contained and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each of the said parties to such dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties, and in case either of the said parties shall neglect or fail to appoint an arbitrator within thirty days after the request in writing by the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties. The award shall be made within four months after the appointment of the first of such arbitrators, and, in the further event of the two arbitrators appointed, as aforesaid, being unable or failing to agree upon a third arbitrator for two weeks after their appointment, or the appointment of the one of them who was last appointed, then such third arbitrator shall be chosen and appointed by the Chief Justice for the time being of the Queen's Bench Division of the High Court

of justice for the province of Ontario ; or, in the event of the Chief Justice being sick, absent from the province, or otherwise unable or refusing to act, then such third arbitrator shall be appointed by the Senior Judge of the said Queen's Bench Division of the said court.

13. The said parties of the second part further covenant with the said parties of the first part, that they will place a line of vessels, sufficient to meet the business, to run between the ports of Ashtabula or Cleveland, in the State of Ohio, one of the United States of America, and Port Stanley, in Ontario, and will use all means and influence practicable in obtaining all the freight and passenger traffic between the ports named.

14. The said parties of the second part further covenant with the said parties of the first part, that the said parties of the second part will, before the first day of March, A.D. 1896, erect or purchase, and thereafter during the said term maintain a summer hotel at Port Stanley, and make the necessary improments to place such hotel on an equal footing with the summer hotels of the United States, and, at the end or sooner determination of the said term, will remove the said hotel from the said property of the said parties of the first part, if erected thereon, within one year from the said end, or sooner determination of the said term, and leave the lands upon which the same was erected in as good a state and condition as before the erection thereof, unless the parties of the first part shall, six months before the determination of the said term, elect to purchase the said hotel from the said parties of the second part, which they shall be at liberty to do provided they give notice of such their intention to the said parties of the second part, at least six months before the determination of the said term, the price to be paid for the said hotel to be settled by arbitration by arbitrators, to be appointed as hereinbefore provided in case the parties differ about the same.

15. The said parties of the second part further covenant with the said parties of the first part, that the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Michigan Central Railway Company, and all railroads which do now or which, during the continuance of this agreement, may intersect or cross the London and Port Stanley Railway, shall have reasonable and the usual running powers for their traffic over the line of the London and Port Stanley Railway from St. Thomas or the point of intersection or crossing of such railway with the London and Port Stanley Railway to the terminus of the London and Port Stanley Railway in the said city of London during the said term of twenty years, or such other sooner determination of the said term, and the terms and the compensation to be paid for such running powers shall, in case the parties differ about the same, be determined by arbitration in the same manner as provided by paragraph 12 hereof, and the said parties of the second part shall as far as practicable provide and keep proper and sufficient sidings for loading and unloading.

16. The said parties of the second part further convenant with the said parties of the first part, that during the the said term of twenty years the maximum rate for freight from Port Stanley to London, and *vice versa*, for special commodities, such as coal, sugar, syrup, pig iron, lead, nails, wire, &c., and other

like commodities, will not exceed fifty cents per ton in car lots, and the said rates shall include handling from the boat to cars and from the cars to boat at Port Stanley ; and that the rate for all other classes of freight (except as provided by the next succeeding paragraph hereof) shall be in just and fair proportion to the above rate ; and for the handling from the boat to cars and from the cars to boat at Port Stanley of the said other classes of freight the actual cost thereof shall be added to the said rates ; and, in case the parties hereto shall differ as to the rates for the said other classes of freight, the same shall be determined by arbitration in the manner provided by paragraph 12 hereof. And the said parties of the second part further convenant with the said parties of the first part that the classification of freight shall, during the said term of twenty years, be as provided in the Canadian Joint Freight Classification Number Eight Pamphlet hereto annexed and and marked with the letter " A."

17. The said parties of the second part further convenant with the said parties of the first part that they will, during the said term of twenty years, carry from London to Port Stanley and *vice versa* the goods, wares and merchandise manufactured by any manufacturer, in the counties of Middlesex or Elgin, in the province of Ontario, or ordered or procured by him for such manufacture, at a rate not to exceed fifty cents per ton in car load lots, with the additionnal charge of the actual cost for unloading and reloading at Port Stanley, if done by the said parties of the second part.

18. The said parties of the second part further covenant with the said parties of the first part that they will pay advance charges on all freight offered at Port Stanley and provide for the prompt handling of the same to the destination of the goods.

19. The said parties of the second part covenant with the said parties of the first part that at their own expense they will within one year from the date hereof lay the necessary tracks and do the other work necessary so that the trains can be taken around to the beach South of the present picnic grounds, and will before the end of the second year of the said term erect and build at the said terminus a suitable platform and summer passenger station the cost whereof, not to exceed $1,000, shall be refunded to them by deduction from the rent in the same manner as provided by paragraph 3 hereof.

20. The said parties of the second part further covenant with the said parties of the first part that, during the summer months during the continuance of the said term of twenty years, a daily train, Sundays excepted, shall be put on and shall leave Port Stanley for London at about eight o'clock in the forenoon and shall leave London for Port Stanley at about five o'clock in the afternoon for the convenience of the summer residents at Port Stanley, and that, between the fifteenth day of May and the fifteenth day of September in each year, the said parties of the second part will sell commutation tickets, not transferable, good for twenty-six single trips to be used witin three months from the date of issue good only during the period between the fifteenth day of May and the fifteenth day of September of the year in which the ticket is issued, to such parties as may desire to purchase the same at a cost not to exceed nineteen cents each way.

21. Provided always and it is hereby expressly agreed that if the rent hereby reserved, or any part thereof, shall be unpaid for thirty days after any of the days on which the same ought to have been, paid and after ten days' written notice requiring such payment has been given to them by mailing the same addressed to the said parties of the second part at the city of London in Ontario, or in case of the breach or non-performance of any of the covenants or agreements herein contained on the part of the said parties of the second part, their heirs, executors, administrators or assigns, then and in any of such cases it shall be lawful for the said parties of the first part into and upon the said Railway, or any part thereof, in the name of the whole, to reenter and the same to have, acquire, re-possess and enjoy as of their former estate, anything herein contained to the contrary notwithstanding.

22. In consideration of the corporations of the city of London and of the City of St. Thomas assenting to the provisions of this agreement, the said the corporation of the city of London shall be entitled, in case of a breach on the part of the said parties of the second part, their heirs, executors, administrators or assigns, of any of the covenants on their part contained herein, to enforce the forfeiture clause hereinbefore contained, but nothing herein contained shall affect or prejudice the rights of the said corporations in respect of the mortgage bonds held by them against the London and Port Stanley Railway Company so as to prevent the said corporations or either of them from enforcing the same, or any right that they may acquire to the said road by means or in consequence thereof, in the event of default on the part of the said parties of the second part, their executors, administrators or assigns, in performing the convenants and agreements on their part contained in these presents.

23. And the said parties of the second part further covenant and agree with the said parties of the first part that they will lease to the present lessees of that portion of the lands of the London and Port Stanley Railway Company within the limits of the city of St. Thomas the same lands as are now leased to the said Lessees, for a further term to continue as long as the said parties of the second part are the lessees of the said the London and Port Stanley Railway, and on the same terms and conditions as are contained in the present leases of the said lands to the present lessees and will provide the said lessees with reasonable switching accommodation at the rate (if any) from time to time fixed by the Railway Committee of the Privy Council of Canada and if none be fixed by the said Railway Committee, then at a fair and reasonable price therefor to be settled by arbitration in the manner provided by paragraph 12 hereof, in cases the parties differ about the said price.

24. Throughout this indenture the mention of the said parties of the first part is intended to include their successors and assigns and the mention of the said parties of the second part is intended to include their heirs, executors, administrators and assigns unless such meaning is inconsistent with the context.

25. This indenture is made subject to its being adopted and confirmed by the shareholders of the London and Port Stanley Railway Company representing or owning at least two-thirds

of the subscribed capital stock of the Company, present or represented at an annual general meeting thereof or at a special general meeting duly called for the purpose and subject to its being approved by the Parliament of Canada and for the purposes of this paragraph the debenture debt shall be deemed subscribed capital stock and the holders of such debentures as shareholders.

26. In consideration of the said corporations assenting to this indenture, as provided by paragraph 22 hereof, it is further agreed by and between the parties hereto that, so long as the said corporations of the city of London and of the city of St. Thomas, or either of them, shall continue to be mortgagees of the London and Port Stanley Railway Company, the salaries of the officers of the said Railway Company and the expenses of the board of directors, including remuneration to the president, vice-president and directors, shall not together exceed the sum of $200 per annum during the term of this indenture, and that the said parties of the second part shall and may, during the term of this indenture and on demand, pay and divide, after the same shall become due from time to time, the whole annual rentals reserved by this indenture (save and except the amounts they are entitled to retain as provided by paragraphs 3 and 19 hereof), less the said sum of $200 (which is to be paid to the said parties of the first part) to and among the first Mortgage Bond Holders of the said The London and Port Stanley Railway Company, according to the respective amounts owned or held by such first Mortgage Bond Holders, in lieu of paying the same to the London and Port Stanley Railway Company, such payments to be applied by the said Bond Holders in or towards the satisfaction of their said respective bonds.

27. The said parties of the second part further covenant with the said parties of the first part that their headquarters and offices during the said term of twenty years shall be and continue in the said city of London.

28. The said parties of the second part agree with the said parties of the first part that they will, immediately upon the Municipal Council of the Corporation of the city of London, so far as they have the power so to do, approving by resolution of the terms of this identure, and agreeing to use their best endeavours to have the same executed by the parties of the first part and confirmed by legislation as hereinbefore provided, deposit with the Treasurer of the corporation of the city of London the sum of twenty-five thousand dollars cash, to be retained by the corporation of the city of London as security for the due executiou by the said parties of the second part of this identure so soon as it has been adopted and confirmed by the shareholders of the London and Port Stanley Railway Company, as provided by paragraph 25 hereof, and as security also for the fulfilment of the terms, conditions and provisos herein contained, on the part of the said parties of the second part, for three months from the deposit thereof and until the slip dock at Port Stanley, which the said parties of the second part propose to construct at their own expense, is substantially completed by them and at least one hundred thousand dollars of the capital stock of the company proposed to be incorporated by the said parties of the second part is paid in cash to the

said Company, and, in case the said parties of the second part make default in the execution of this indenture as above provided, or fail to perform and fulfil the terms, conditions and provisos herein contained on their part until the said slip duck at Port Stanley has been substantially completed by them, or in case the said parties of the second part shall fail to complete the said slip dock before the 31st day of December, A.D. 1893, or fail, within 6 months from the incorporation of the said company, to pay in the said sum of one hundred thousand dollars of the capital stock as aforesaid, the said sum of twenty-five thousand dollars shall be forfeited as liquidated and ascertained damages to the Corporation of the city ot London. After the said parties of the second part have duly executed this indenture as above provided and after the said slip dock at Port Stanley has been completed, if completed within the time above mentioned, and after the said sum of one hundred thousand dollars of capital stock hasbeen paid in as aforesaid, if paid in within the time hereinbefore mentioned, the said sum of twenty-five thousand dollars shall be returned to the said parties of the second part, with interest thereon from the date of the deposit at the rate of six per cent per annum, or, if this indenture shall not be apprved by the Parliament of Canada and the said parties of the second part shall have used due diligence to obtain such approval, then the said sum of twenty-five thousand dollars, with interest as aforesaid, shall be returned to the said parties of the second part. Provided always that, if the said parties of the first part neglect or refuse to execute this indenture on or before the Twenty-fifth day of January, A.D. 1893, the said sum of twenty-five thousand dollars, together with interest thereon at the rate of six per cent per annum from the day of its deposit with the said Treasurer, shall be repaid by the Corporation of the city of London to the said parties of the second part.

29. The said parties of the first part do hereby covenant with the said parties of the second part, their executors, administrators and assigns, that they, paying the rent hereby reserved and performing the covenants hereinbefore on their part contained, shall and may peaceably possess and enjoy the said demised premises for the term hereby granted without any interruption or disturbance from the said parties of the first part, their successors or assigns, or any other person or persons lawfully claiming by, from or under them or any of them.

30. Nothing herein contained shall be taken to give to the parties of the second part any of the lands or property of the parties of the first part to which the Great Western Railway Company of Canada or the Grand Trunk Railway Company of Canada are entitled under the agreement made between the London and Port Stanley Railway Company and the Great Western Railway Company of Canada and dated the twenty-fifth day of April, A.D. 1870.

31. It is further agreed by and between the parties hereto that the said parties of the second part shall, during the continuance of the said term, insure and keep insured at their own expense (in the name and for the benefit of the said parties of the first part) the railway stations to be built by them as hereinbefore provided and the other buildings of the parties of the first part in some Insurance Company or Com-

panies, to be approved of by the parties of the first part from time to time, to the amount of not less than two-thirds of the value of the said respective buildings.

32. It is hereby further agreed by and between the parties hereto that the parties of the first part, will, on or before the first day of March, A.D. 1894, provide terminal facilities for the parties of the second part, either as the same were conferred by the Great Western Railway Company of Canada upon the said parties ot the first part by the said agreement dated the twenty-fifth day of April, A.D. 1870, or by the use of the terminal facilities of the London and South-eastern Railway Company, or by a passenger station to be erected on one side or the other side of Bathurst Street, west of Wellington Street, in the said city of London, at the option of the said parties of the first part, or (at the option of the said parties of the first part, such option to be exercised on or before the said first day of March, A.D. 1894) the parties of the first part, will in lieu thereof, allow the said parties of the second part a reduction from the rent hereby reserved of three thousend dollars per annum, and will also allow them to retain out of the first two years' rent a sum, not to exceed the sum of five thousand dollars, towards the cost of a permanent passenger station on the side of the old London and Port Stanley Station, if erected by the said parties of the second part, and a sum, not to exceed one thousand dollars, towards the cost of a temporary passenger station on the said old site, if erected by the said parties of the second part, such permanent and temporary passenger stations to be completed on or before the first day of March, A.D. 1895, and a temporary station not to be commenced or any cost in respect thereof incurred before the first day of April, A.D. 1893, and the said permanent station not to be commenced or any cost in respect thereof incurred before the first day of March, A.D. 1894, both said stations, if and when erected, to become and be the property of the said parties of the first part and to be insured by and at the expense of the said parties of the second part in the same manner and to the same extent as is provided by paragraph 31 hereof in regard to the other buildings.

In witness whereof the parties of the first part have caused to be affixed their Corporate Seal and their President has set his hand and the parties of the second part have set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

No. 47.

3rd Session, 7th Parliament, 56 Victoria

BILL.

An Act respecting The London and Stanley Railway Company.

(Reprinted as proposed to be amended in Select Committee on Railways, Canal and Telegraph Lines.)

(PRIVATE BILL.)

MR. MONCRIE

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 48.] **BILL.** [1893

An Act respecting the Port Arthur, Duluth and Western Railway Company.

Preamble.

WHEREAS a petition has been presented praying that certain additional powers as hereinafter set forth be conferred on the Port Arthur, Duluth and Western Railway Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act the expression "the Company" means the Port Arthur, Duluth and Western Railway Company.

Arrangements with other companies in Canada.

2. The Company may enter into working arrangements with or may enter into a lease of or acquire running powers over or the right to work the line of any other Company in Canada which has been empowered to make or grant the same to or with the Port Arthur, Duluth and Western Railway Company, and upon such terms and conditions and for such period or periods as are from time to time agreed upon by the boards of directors of the respective companies; and among such terms and conditions may provide for and guarantee the payment of the principal and interest, or either, of mortgages, bonds, debentures, debenture stock, and other railway securities: Provided, however, that such agreement or arrangements have been first sanctioned by two-thirds of the votes at an annual general meeting, or at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy; and thereafter the Company may acquire and hold shares, bonds or other securities of such other Company.

Proviso: sanction of shareholders.

Arrangements with companies outside of Canada.

3. The Company may make working arrangements with, or may lease or acquire running powers over or the right to work the line of, any railway company outside of Canada upon such terms and conditions as the Company's board of directors considers advantageous, and among such terms and conditions may provide for and guarantee the payment of the principal and interest, or either, of mortgages, bonds, debentures, debenture stock or other railway securities: Provided, however, that such agreement or arrangements have been first sanctioned by two-thirds of the votes at an annual general meeting or at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy; and thereafter the Company may acquire and hold shares, bonds, or other securities of any such railway company.

Proviso: sanction of shareholders.

No. 48.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Port Arthur, Duluth and Western Railway Company.

Received and read a first time, Friday, 17th February, 1893.

Second reading, Monday, 20th February, 1893.

(PRIVATE BILL.)

Mr. MACDONELL,
(*Algoma.*)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 49.] **BILL.** [1893.

An Act to incorporate the Atlantic and Pacific Railway Company.

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

1. Andrew F. Gault, The Hon. J. R. Thibaudeau, Raymond Préfontaine, Henry Hogan, The Hon. N. Desjardins, Archibald Campbell, C. N. Armstong, J. N. Greenshields, J. C. Wilson, H. J. Beemer and J. U. Emard, all of the city of Montreal; The Honourable F. X. O. Méthot, of St. Pierre les Bequets; Geo. Ball, of the town of Nicolet; The Hon. J. B. Guèvremont, of the city of Sorel; D. Bergin, of the town of Cornwall; M. P. Davis and J. W. McRae, of the city of Ottawa; Edgar McMullen, of the city of Boston; Herbert Richmond, N. R. Chisholm, J. V. Clark, of the city of New York; the Hon. William McDonald, of Cape Breton; Michael Adams, of Newcastle, N. B., and R. R. McLenan, of the Village of Alexandria, Ontario, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of the Atlantic and Pacific Railway Company, hereinafter called "the Company." Incorporation. Corporate name.

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

3. The Company may, by agreements with other railway companies as hereinafter provided for, acquire, lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near Gaspé Bay, in the province of Quebec, to a point at or near the St. Mary's River, in the District of Algoma, in the province of Ontario. Line of railway.

4. The Company may enter into an agreement with any or all of the following railway companies: the Baie des Chaleurs Railway Company, the Quebec and Eastern Railway Company, the Great Eastern Railway Company, the Montreal and Sorel Railway Company, the Montreal Bridge Company, the Ottawa Valley Railway Company, the Pontiac and Pacific Junction Railway Company, the Ontario and Pacific Railway Company, and with any other company whose line, or any portion thereof, can be made a portion of the through line of the Company, and also with the Nova Scotia Midland Railway Company, and also with the Government of Canada, Agreements with certain other railway companies.

for the purchase or lease of any or all of the railways of such companies and Government, in whole or in part, or of all or any rights or powers possessed by such companies or Government, as also the surveys, plans, works, plant, material, machinery, and other property belonging to such companies or Government, or for an amalgamation with any or all of such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit.

Other companies may agree thereto.

2. The aforesaid railway companies are hereby authorized and empowered to enter into such agreements with the Company.

Sanction of shareholders.

3. Each such agreement shall be first sanctioned by two-thirds of the votes at special general meetings of the shareholders of the respective companies duly called for the purpose of considering the same,—at which meetings shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and each such agreement shall also receive the approval of the Governor in Council.

Approval of Governor.

Notice of application for approval.

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

Provisional directors.

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

Capital stock.

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

Annual meeting.

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

Election of directors.

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

Amount of bonds, &c., limited.

9. The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway acquired, or for the acquisition of which agreement has been made.

Bridge bonds.

2. If the Company acquires the bridge and terminus at Montreal of the Montreal Bridge Company, or the right to construct and operate the same, the Company may also issue bonds, debentures or other securities to the extent of five millions of dollars, upon the security thereof.

3. The Company may issue its bonds, debentures or other securities in different series on different sections of the railway, and may make each series a privileged lien on the section in respect whereof it is issued.

Motive power, plant, &c.

10. The Company may work and operate their railway by steam, electricity or other power, and may purchase or manufacture all necessary plant, instruments or machinery, and may acquire such property as may be necessary for such purposes.

Telegraph and telephone lines.

11. The Company may construct, equip, work and maintain telegraph and telephone lines along the whole length of their railway and its branches, and may connect such lines with the telegraph or telephone lines of other companies, and exchange business with such companies, and may establish offices for the transmission of messages for the public; and for the purpose of erecting and working such telegraph and telephone lines, the Company may enter into a contract or contracts with any other company or companies.

Erection of docks, wharves, &c.

12. The Company may erect and maintain docks, dock yards, wharves, slips, piers, and warehouses, at any point on or in connection with their railway, and at all the termini thereof on navigable water, for the convenience and accommodation of vessels and elevators; and may also acquire and work elevators, and acquire, own, hold, charter, work and run steam and other vessels for cargo and passengers upon any navigable water which the Company reaches or connects with.

Vessels, elevators, &c.

Company may grant land for the erection of storehouses, elevators, &c.

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

Such buildings not to be liable for lien on property.

Agreement with company in the State of Michigan.

14. The Company may enter into an agreement with any railway company owning or controlling or in possession of a railway in the State of Michigan, connecting directly or by bridge or ferry with the railway of the Company, for the use by either of the railway of the other, and the Company may acquire running powers over, or the right to use, the bridge across the St. Mary's River, so as to connect its railway with other railways, on such terms as are agreed upon.

Bridge over St. Mary's river.

No. 49.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Atlantic and Pacific Railway Company.

Received and read a first time, Friday, 17th February, 1893.
Second reading, Monday, 20th February, 1893.

(PRIVATE BILL.)

MR. BERGIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 49.] **BILL.** [1893.

An Act to incorporate the Atlantic and Pacific Railway Company.

(*Reprinted as amended by the Sub-Committee of the Railway Committee to which it was referred.*)

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to acquire, construct and operate a railway as hereinafter set forth, and whereas it has been made to appear that certain companies hereinafter named have assented to the incorporation of such a Company with such powers as are hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Andrew F. Gault, The Hon. J. R. Thibaudeau, Raymond Préfontaine, Henry Hogan, The Hon. A. Desjardins, Archibald Campbell, C. N. Armstong, J. N. Greenshields, J. C. Wilson, H. J. Beemer and J. U. Emard, all of the city of Montreal; The Honourable F. X. O. Méthot, of St. Pierre les Béquets; Geo. Ball, of the town of Nicolet; The Hon. J. B. Guévremont, of the city of Sorel; D. Bergin, of the town of Cornwall; M. P. Davis and J. W. McRae, of the city of Ottawa; Edgar McMullen, of the city of Boston; Herbert Richmond, A.R. Chisolm and J. V. Clark, of the city of New York; the Hon. William McDonald, of Cape Breton; Michael Adams, of Newcastle, N. B., and R. R. McLennan, of the Village of Alexandria, Ontario, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of the Atlantic and Pacific Railway Company, hereinafter called the Company.

Corporate name.

Head office.

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

Line of Railway.

3. The Company may, by agreements with other railway companies as hereinafter provided for, acquire, lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point at or near Gaspé Bay, in the province of Quebec, to a point at or near the St. Mary's River, in the District of Algoma, in the province of Ontario.

Agreements with certain other railway companies.

4. The Company may enter into an agreement with any or all of the following railway companies: the Baie des Chaleurs Railway Company, the Great Eastern Railway Company, the Montreal and Sorel Railway Company, the Montreal Bridge

Company, the Ottawa Valley Railway Company, the Pontiac and Pacific Junction Railway Company, the Ontario and Pacific Railway Company, and also with the Government of Canada, for the purchase or lease of any or all of the railways of such companies and Government, in whole or in part, or of all or any rights or powers possessed by such companies or Government, as also the surveys, plans, works, plant, material, machinery, and other property belonging to such companies or Government, or for an amalgamation with any or all of such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit.

Other companies may agree thereto.

2. The aforesaid companies are hereby authorized and empowered to enter into such agreements with the Company.

Sanction of shareholders.

3. Each such agreement shall be first sanctioned by two-thirds of the votes at special general meetings of the shareholders of the respective companies duly called for the purpose of considering the same,—at which meetings shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and each such agreement shall also receive the approval of the Governor in Council.

Approval of Governor.

Notice of application for approval.

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

Provisional directors.

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

Capital stock.

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

Annual meeting.

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

Election of directors.

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

Issue of bonds on security of railways acquired by company.

9. So soon as each or any of the railways mentioned in section four of this Act have been acquired as provided in the said section four, the Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of such railway and its branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway acquired or constructed under the provisions of this Act, or under contract to be constructed ; and the company shall, out of the proceeds of the sale of the said bonds, debentures or other securities, set aside

Outstanding bonds to be provided for.

a sufficient sum to pay off and cancel or redeem, by exchange or otherwise, all the outstanding bonds, debentures or other securities on such railway, and all interest coupons due or to fall due thereon, on such terms and in such manner as is agreed upon by the Company and the holders of such bonds, debentures or other securities.

Bridge bonds.

2. In the event of the Company acquiring the bridge and terminus at Montreal of the Montreal Bridge Company, or the right to construct and operate the same, the Company may issue bonds, debentures or other securities to the extent of five millions of dollars, upon the security thereof; and such bonds, debentures or other securities shall be issued in lieu of those authorized under the provisions of the Acts respecting the Montreal Bridge Company to be issued to the extent of six millions of dollars.

Sections 93 to 97 of *Railway Act* to apply to boards.

3. Sections ninety-three to ninety-seven inclusive of *The Railway Act* shall apply to the bonds, debentures or other securities to be issued in lieu of those heretofore issued, as well as to the other bonds, debentures or other securities hereby authorized.

Undertaking may be divided into sections.

10. The company may divide its undertaking into sections, which shall be designated and known as :—

(*a.*) The Baie des Chaleurs section ;
(*b.*) The Great Eastern section ;
(*c.*) The Montreal and Sorel section ;
(*d.*) The Montreal Bridge section ;
(*e.*) The Ottawa Valley section ;
(*f*). The Pontiac and Pacific Junction section ;
(*g.*) The Ontario Pacific section ; and
(*h.*) The Intercolonial section;

Separate issue of bonds for each section.

And the Company may issue the bonds, debentures or other securities (authorized to be issued by this Act) separately in respect of each of the said sections or of certain combined sections; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon, and be limited to the particular section or sections in respect of which respectively they are issued, and upon the rents and revenues thereof, and upon all the property of the Company of or belonging to such section or sections.

Motive power, plant, &c.

11. The Company may work and operate its railway by steam, electricity or other power, and may purchase or manufacture all necessary plant, instruments or machinery, and may acquire such property as may be necessary for such purposes.

Telegraph and telephone lines.

12. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of their railway and its branches, and may establish offices for the transmission of messages for the public; and for the purposes of erecting and working such telegraph and telephone lines, the Company may enter into a contract or contracts with any other company or companies.

Connecting lines of telegraph and telephone.

13. The Company may construct, erect, purchase, lease, let, equip, work or maintain any other line or lines of telegraph and telephone, to connect the line or lines constructed or to be constructed along the line of their railway with any other line or lines of telegraph and telephone in Canada, either by land or by water, and upon, along, across, over or under any public road, highways, streets, bridges, watercourses or other such places, and any navigable or non-navigable waters, and may undertake the transmission of messages for the public by all or any such line or lines, or any portion thereof; provided that the same shall be so constructed and maintained as not to interfere with the public use of such roads or highways, or injuriously interrupt the navigation or use of such waters and watercourses; and provided also that nothing herein contained shall confer on the Company the right of building a bridge over any navigable water.

Proviso: public rights saved.

Bridges over navigable rivers.

Company may enter upon public roads.

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

May erect poles.

And open public roads.

Travel, &c., not to be obstructed.

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

Height of rivers, &c.

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

Kind of poles.

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

Cutting poles or wires in case of fire.

(*d.*) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of

the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred :

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

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

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

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

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

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

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

16. The Company may erect and maintain docks, dock yards, wharves, slips, piers, and warehouses, at any point on or in connection with their railway, and at all the termini thereof on navigable water, for the convenience and accommodation of vessels and elevators ; and may also acquire and work elevators, and acquire, own, hold, charter, work and run steam and other vessels for cargo and passengers upon any navigable water which the railway of the Company reaches or connects with. Docks, wharves, &c. Vessels, elevators, &c.

Land for erection of store houses, elevators, &c., may be granted by company.

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

Agreement with company in Michigan, U.S.

St. Mary's river bridge.

18. The Company may, subject to the provisions contained in section four of this Act, enter into an agreement with any railway company owning or controlling or in possession of a railway in the State of Michigan, connecting directly or by bridge or ferry with the railway of the Company, for the use by either of the railway of the other, and the Company may acquire running powers over, or the right to use, the bridge across the St. Mary's River, so as to connect its railway with other railways, on such terms as are agreed upon.

No. 49.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Atlantic and Pacific Railway Company.

Reprinted as amended by the Sub Committee of the Railway Committee to which it was referred.

(PRIVATE BILL.)

MR. BERGIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 50.] **BILL.** [1893.

An Act respecting the Grand Trunk Railway Company of Canada.

Preamble.

WHEREAS the Grand Trunk Railway Company of Canada and the railway companies mentioned in section one of this Act, have severally by their respective petitions prayed that an Act be passed to ratify and confirm and make valid a certain agreement entered into by the said companies for the amalgamation or consolidation of the said companies into one company, under the name of "The Grand Trunk Railway Company of Canada," and to give the said amalgamated company power to do such acts as are necessary to carry out the provisions of the said agreement in all respects; and whereas it is expedient to grant the prayer of the said petitions; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In the interpretation of this Act, unless the context requires a different interpretation, the words "the company" shall mean the company created by the said amalgamation or consolidation, and the words "the said companies" shall mean the Grand Trunk Railway Company of Canada, the Jacques Cartier Union Railway Company, the Montreal and Champlain Junction Railway Company, the Beauharnois Junction Railway Company, the Midland Railway of Canada, the Peterborough and Chemong Lake Railway Company, the Lake Simcoe Junction Railway Company, the Grand Trunk, Georgian Bay and Lake Erie Railway Company, the London, Huron and Bruce Railway Company, the Galt and Guelph Railway Company, the Brantford, Norfolk and Port Burwell Railway Company, the Wellington, Grey and Bruce Railway Company, the Waterloo Junction Railway Company, the North Simcoe Railway Company, and the Cobourg, Blairton and Marmora Railway and Mining Company.

Short title.

2. This Act may be cited as *The Grand Trunk Act*, 1893.

Agreement confirmed.

3. The agreement entered into by the said companies, and set out in the schedule to this Act, is hereby confirmed and made valid, and shall in all courts and places be taken and held to be legal, valid and binding in all respects whatsoever, as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this Act; and the said companies named in the said agreement are hereby amalgamated; and from and after the passing of this Act the said companies shall form and be one company under the name of "The Grand Trunk Railway Company of Canada,"

on the terms and conditions set out in the said agreement and in this Act, with the capital also mentioned in the said agreement.

Issue of consolidated debenture stock.

4. The company may, after the date of union mentioned in the said agreement, in addition to the several amounts of Grand Trunk consolidated debenture stock mentioned in and authorized by the several statutes referred to in section three of Chapter forty-eight of the Statutes of 1890, and also in addition to the amount authorized by the said section three, and over and above and in addition to the amounts authorized by Chapter thirty-nine of the Statutes of 1892, and over and above and in addition to the amounts heretofore authorized by any Statute or Statutes of Canada, (all of which by this Act are made applicable to the company formed by the said union) in order to get in the borrowed capital referred to in column three of the first part of schedule X mentioned in the said agreement as is not included in the schedules to the said above mentioned Acts, or any of them, borrow and raise, for the purposes in the said agreement mentioned and specified, by the creation and issue of perpetual consolidated debenture stock, to be called Grand Trunk consolidated debenture stock, bearing interest at a rate not exceeding four per cent per annum, such sum, not exceeding seventy five thousand pounds sterling, as a majority of the proprietors present in person or represented by proxy (entitled to vote) at general or special meetings assembled determine.

Application of debenture stock.

5. The additional Grand Trunk consolidated debenture stock hereby authorized to be created and issued, or the proceeds thereof, shall be applied by the company in acquiring or getting in by exchange, purchase or otherwise, the said securities and obligations in the next preceding clause of this Act mentioned as being omitted from the schedules in the said several Acts in the said next preceding clause referred to, upon such terms and conditions as are from time to time agreed upon between the company and the respective holders thereof; and if there is any surplus it may be applied to the general purposes of the company.

Ranking of consolidated debenture stock.

6. The Grand Trunk consolidated debenture stock issued or to be issued under the provisions of Chapter fifty-two of the Statutes of 1884, of Chapter fifty-seven of the Statutes of 1887, of Chapter fifty-eight of the Statutes of 1888, of Chapter forty-eight of the Statutes of 1890, and of Chapter thirty-nine of the Statutes of 1892, shall, together with the Grand Trunk consolidated debenture stock hereby authorized to be created and issued, also the consolidated debenture stock authorized to be created and issued under the provisions of Section twelve of this Act, as and when created and issued, and the interest thereon respectively, rank equally as one single consolidated stock, and shall, subject to all the priorities of existing charges, and also to the five per cent perpetual debenture stock mentioned in schedule number two to the said Chapter fifty-two of the Statutes of 1884, and to all the provisions relating to the company as to working expenses as set forth in the schedule to this Act, be and become a first charge upon the whole of the

undertaking, railways, works, rolling stock, plant, property and effects of the company; but the holders of the said Grand Trunk consolidated debenture stock, whether issued prior or subsequently to the passing of this Act or of the said former Acts in this Act above referred to, shall not as amongst themselves be entitled to any preference or priority.

Votes of holders of debenture stock.

7. The holders of the said Grand Trunk consolidated debenture stock, thereby authorized to be created and issued, also the holders of the consolidated debenture stock authorized by section twelve of this Act, shall have the same voting power thereon as is now possessed by the holders of the debenture stock heretofore authorized under the several Acts in this Act above referred to, and the interest on the consolidated debenture stock by this Act authorized shall be due and payable at the same times, and in the same manner, and at the same places, as the interest on the four per cent consolidated debenture stock of the Grand Trunk Railway Company of Canada, issued or authorized to be issued, before the date of union in the said agreement mentioned, under the said several Acts above in this Act mentioned and referred to.

Payment of interest.

Security to debenture holders.

8. The securities and obligations to be acquired as aforesaid shall be held as subsisting and continuing for the purposes mentioned in section six of *The Grand Trunk Railway Act*, 1888.

Powers as to issue of consolidated debenture stock.

9. After the passing of this Act, in addition to the powers by this Act conferred, the company, as regards the creation and issue of consolidated debenture stock, shall have to their full extent the powers possessed by the Grand Trunk Railway Company of Canada at and before the passing of this Act.

Issue of ordinary stock.

10. The company, for the purpose of the exchange of shares in the capital stock of the said companies other than the Grand Trunk Railway Company of Canada, as contemplated by the agreement set out in the schedule to this Act, may create and issue to the holders of the said shares ordinary or common stock of the company to the extent mentioned in the said agreement, and may exchange the said stock for the said common stock of the said companies other than the Grand Trunk Railway Company of Canada, in the manner mentioned and specified in the said agreement.

As to existing charters.

Proviso: G. T. R. Acts to prevail.

11. All the provisions of the several Acts now existing relating to the said several companies respectively so consolidated or amalgamated shall each and every one of them apply to the company formed by the said amalgamation; provided, however, that where there is any conflict in the provisions of the said Acts the provisions of the Acts relating to the Grand Trunk Railway Company of Canada before the said amalgamation shall prevail and govern.

1888, c. 58.
1891, c. 69.

12. The company may, instead of issuing bonds on that portion of its line of railway between Glencoe and Kingscourt, in the Province of Ontario, and creating a mortgage to secure the same, as authorized under the provisions of chapter fifty-eight

Issue of consolidated debenture stock instead of bonds.

of the Statutes of 1888, and of chapter sixty-nine of the Statutes of 1891, create and issue Grand Trunk consolidated debenture stock, bearing interest at a rate not exceeding four per cent per annum, to an amount not exceeding twenty thousand dollars per mile of the said line so erected or built between Glencoe and Kingscourt aforesaid; and all the provisions contained in sections six and seven of this Act, in regard to the consolidated debenture stock therein mentioned, shall, in each and every respect, also apply to the said consolidated debenture stock authorized by this section of this Act to be created and issued.

When this Act shall take effect.

13. This Act shall not take effect unless and until it is submitted to a general meeting of the Grand Trunk Railway Company of Canada and accepted by a majority of the votes of the persons present at such meeting in person or represented by proxy entitled to vote thereat; provided that notice of the submission of this Act at such meeting shall be duly given; and the certificate of the chairman of such meeting shall be taken as sufficient evidence of its acceptance by the proprietors; and such certificate shall be filed in the office of the Secretary of State of Canada, and copies thereof certified by the Secretary of State shall be taken and accepted in all courts of law and equity as sufficient evidence of the said acceptance.

SCHEDULE.

When Act shall take effect.

THIS DEED made the First day of October, in the year of our Lord one thousand eight hundred and ninety-two; between the Grand Trunk Railway Company of Canada, in this agreement called "The Grand Trunk," of the the first part; the Jacques Cartier Union Railway Company, in the schedule hereto, marked "X," called "The Jacques Cartier Company," of the second part; the Montreal and Champlain Junction Railway Company, hereinafter in the schedule hereto, marked "X," called "The Montreal Company," of the third part; the Beauharnois Junction Railway Company, hereinafter in the schedule hereto, marked "X," called "The Beauharnois Company," of the fourth part; the Midland Railway of Canada, hereinafter in the schedule hereto, marked "X," called "The Midland," of the fifth part; the Peterborough and Chemong Lake Railway Company, hereinafter in the schedule hereto, marked "X," called "The Peterborough Company," of the sixth part; the Lake Simcoe Junction Railway Company, hereinafter in schedule hereto, marked "X," called "The Lake Simcoe Company," of the seventh part; the Grand Trunk, Georgian Bay and Lake Erie Railway Company, hereinafter in the schedule hereto, marked "X," called "The Georgian Bay Company," of the eighth part; the London, Huron and Bruce Railway Company, hereinafter in the schedule hereto, marked "X," called "The Huron Company," of the ninth part; the Galt and Guelph Railway Company, hereinafter in the schedule hereto, marked "X," called "The Galt Company," of the tenth part; the Brantford, Norfolk and Port Burwell Railway Company, hereinafter in the schedule hereto, marked "X," called "The Brantford Com-

pany," of the eleventh part; the Wellington, Grey and Bruce Railway Company, hereinafter in the schedule hereto, marked "X," called "The Wellington Company," of the twelfth part; the Waterloo Junction Railway Company, hereinafter in the schedule hereto, marked "X," called "The Waterloo Company," of the thirteenth part; the North Simcoe Railway Company, hereinafter in the schedule hereto, marked "X," called "The North Simcoe Company," of the fourteenth part; the Cobourg, Blairton and Marmora Railway and Mining Company, hereinafter in the schedule hereto, marked "X," called "The Cobourg Company," of the fifteenth part;

Whereas the capital of the Grand Trunk at the date of these presents, hereinafter called the Grand Trunk capital, consists of the sums mentioned in the first schedule hereto, marked "A," in which part one shows the amount of borrowed capital and debenture stock, hereinafter called "Grand Trunk Borrowed Capital," and part two shows the amount of stock or share capital, including guaranteed preference and ordinary stocks, which guaranteed preference and ordinary stocks are hereinafter called "Grand Trunk Share Capital."

And whereas the capital of the said several companies, parties hereto, other than the Grand Trunk, at the date of these presents, consists of the respective sums mentioned opposite the name of each in the schedule hereto marked "X"; part one of said last mentioned schedule shows the borrowed capital of each company, and part two of said schedule shows the share capital of each company before the execution of these presents, all of which is fully paid up;

And whereas the Grand Trunk is now the owner of the share capital in certain of the said companies parties hereto, and holds the majority of the share capital of the remainder of said companies parties hereto;

And whereas the Grand Trunk in now working and managing said railways;

And whereas it would be to the advantage both of the Grand Trunk and also of the other companies, parties hereto, and would tend to economise and simplify the working and management of said companies if they were all consolidated and reduced to one united company;

Therefore these presents witness that the said parties hereto have and they hereby do each of them agree with the other of them and do declare in manner following, that is to say:

1. That on and after the first day of April, which will be in the year of our Lord 1893, which day in these presents is called the date of union or the date when this agreement shall take effect, the said several companies respectively shall be and shall become one company and one corporation.

2. That the corporate name of the said united company so formed shall be the Grand Trunk Railway Company of Canada.

3. That the united company shall be invested with and shall have all the rights powers and property, and be responsible for all the liabilities of the said the Grand Trunk and of the said several companies parties to these present other than the Grand Trunk, and any rights or claim which could be enforced by or against either the Grand Trunk or any other of the said

several parties hereto, may on and after the date of union be enforced by or against the said the united company.

4. The borrowed capital existing at the date of union of the united company shall consist of the Grand Trunk borrowed capital mentioned in said first part of the schedule hereto marked "A," and the borrowed capital of the said several parties hereto other than the Grand Trunk shown in column No. 3 in the first part of the said schedule hereto marked "X."

5. It is further agreed, that the share capital of the said several parties hereto other than the Grand Trunk for the purposes of this agreement and the said amalgamation shall be converted into ordinary stock of the united company, and, that when the said amalgamation is completed and takes effect, the holders of the said share capital shall be entitled to receive one dollar in the ordinary stock of the united company for each dollar held by them respectively in the share capital of each company other than the Grand Trunk so amalgamated, and the share capital of the Grand Trunk at the time of such union and the share capital of the said companies other than the Grand Trunk so converted as aforesaid shall, after said union, form the share capital of the amalgamated company. It is also agreed, that the holders of the said ordinary stock created for the conversion of the said share capital of said several parties hereto other than the Grand Trunk, for each fifty pounds sterling held by them shall at all meetings of the united company have one vote, but no holder of said ordinary stock shall have a vote for any fractional part of said sum of fifty pounds sterling held by him.

6. The earnings of the said the united company shall be liable and applicable to discharge all debts and liabilities of the Grand Trunk and of the said the other parties hereto other than the Grand Trunk, in the same order and in the same manner and to the same extent that the earnings of each company shall be applicable at the time this agreement takes effect.

7. Any issues of any share capital, which could immediately before the date of union be made by the Grand Trunk or the said several parties hereto respectively other than the Grand Trunk, may from time to time be made by the united company under the powers conferred by the Acts relating to the Grand Trunk or to the said several companies parties hereto respectively or any or either of them as the case may be, or otherwise, but such increase shall not be made so as to raise the share capital of the united company to an amount in the aggregate in excess of that to which each company party hereto could have raised the same if these presents had not been made.

8. The number of directors of the united company shall be twelve.

9. The number of directors may at any time be increased or reduced by the shareholders in special general meeting.

10. The qualification for directors shall be the same as the qualification for directors of the Grand Trunk at and immediately before the date when this agreement shall take effect.

11. Subject to the provisions contained in the next clause of these presents the holders of Grand Trunk capital shall continue to have the like power to vote at all general meetings of the

united company on and after the date of union, as holders of similar capital in the Grand Trunk may have, at the date when this agreement shall take effect, to vote at meetings of that company, and holders of the share capital of said several parties to this agreement respectively other than the Grand Trunk shall have and continue to have the power to vote at all meetings of the united company on and after this agreement takes effect as holders of ordinary stock of the Grand Trunk at and after the date when this agreement takes effect as aforesaid, but each such holder shall only have one vote for each fifty pounds sterling in the share capital of such other company converted as aforesaid held by him or her at the date of such union or thereafter, as the case may be.

12. Holders of the several stocks and shares and other capital of the Grand Trunk at the time this agreement takes effect shall be and shall while such holders, and all who become after said union the holders of any such, shall be entitled to vote in the same manner and on the said amount as a qualification to vote as they were or would have been entitled had these presents never been made.

13. The Board of Directors of the Grand Trunk in office when this agreement takes effect shall continue in office and shall be the first directors of the united company formed by this agreement, and they shall be directors until an election of directors shall be held and made by the persons entitled to vote at the times and in the manner hereinafter provided. The directors of the said several companies other than the Grand Trunk shall go out of office on the day this agreement takes effect, and thereupon the then directors of the Grand Trunk shall become and shall be the directors of the united company and shall undertake and have the direction and control of the affairs of the united company. The first election of directors of the united company shall, as specified in clause 15, take place in the month of March or April, 1894, and the election of directors thereafter shall take place at meetings of the united company, to be held in the month of March or April in each year as the directors shall from time to time by resolution direct.

14. The quorum of the directors of the united company shall be from time to time fixed by the directors.

15. Of the said first directors of the said united company so constituted as aforesaid, one-third as near as may be, to be determined by ballot among the whole body of directors unless they shall otherwise agree, shall go out of office at the ordinary general meeting which shall be held in the month of March or April 1894, and in the like manner one-third of the whole, to be determined by ballot among the other said first directors mentioned above, unless otherwise agreed, shall go out of office at the ordinary general meeting which may be held in the month of March or April, 1895, and the remainder of the said directors named in this agreement as the first directors of the united company shall go out of office at the ordinary general meeting of the united company in the month of March or April, 1896, and in each instance the places of the retiring directors shall be supplied by an equal number of qualified holders of capital of the united company, and at the first ordinary general meeting held in the year next after the whole of the directors herein above first appointed shall have gone

out of office and in each succeeding year one-third of the directors, being those who have been longest in office, shall go out of office and their places shall be supplied in like manner; but every director going out of office may (if duly qualified) be re-elected and after re-election shall with reference to going out by rotation be considered as a new director, and in case at any time the number of directors should not be divisible by three the directors shall determine what number as nearly equal to one-third as may be, are to go out of office so that the whole number of directors shall go out of office every three years, but in case at any meeting the vacancies then occurring in the office of director shall not be filled up, the outgoing directors, if willing to act, shall be deemed re-elected and shall continue in office.

16. The first ordinary general meeting of the holders of the capital in the united company entitled to vote at such meeting shall be held at such time in the month of March or April in the year 1893, and at such place in London, England, as the directors may appoint. The meetings of the united company, whether general or special, shall be held in London, England, and two ordinary general meetings of the company shall be held, one in March or April, and the other in September or October, in each year, unless the directors shall by resolution appoint any other months, and at the first of such two meetings in every year, commencing with the year 1894, the election of directors and auditors shall take place. Advertisement of each general meeting shall be published once at least in the *Canada Gazette* not less than fourteen days before the holding of the meeting, and such advertisement shall be sufficient without further or other notice.

17. At the first ordinary general meeting of the united company, two auditors resident in Canada and two auditors resident in England shall be appointed, one of which auditors in Canada and one of which auditors in England, to be determined in the first instance by ballot between the Canadian and English auditors respectively, unless they agree amongst themselves, and afterwards by seniority of election, shall go out of office, and at such meeting auditors shall be elected to supply the place of the auditors retiring, and any auditor going out of office may be re-elected, and after re-election shall in reference to outgoing be deemed newly elected, and if no auditors be elected, the outgoing auditors shall continue in office and be deemed re-elected. In the event of any vacancy occurring by death or otherwise, the directors may fill up such vacancy until the next ordinary meeting of the united company. On or immediately after the date when this agreement takes effect, the board of directors of the united company shall appoint two auditors resident in Canada and two auditors resident in England, who shall hold their office until the first ordinary general meeting of the united company thereafter.

18. The auditors in England shall examine and report upon the accounts of the united company in England, and the auditors in Canada shall examine and report upon the accounts of the united company in Canada, and shall have all the necessary powers and facilities for so doing.

19. The "net earnings" of the united company shall mean the surplus of the earnings of the united company, and its revenues from all sources after discharging the working ex-

penses thereof, and "working expenses" shall mean and include all expenses of maintenance and renewals of the railway and of the stations, buildings, ferries, works and conveniences of all kinds belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and also all interest on borrowed capital, and all such tolls, rents, percentages of receipts, interest, guaranteed or annual sums as may be paid in respect of railways, elevators, warehouses, wharves or other property leased to or held by the Grand Trunk, or for which it is now liable or by any of the above named companies other than the Grand Trunk, at or immediately before this agreement takes effect, or to or by the united company thereafter, and also all moneys payable by way of rebate or otherwise under traffic or working or other arrangements with any of the parties to this agreement, and any other corporation, company or person, or in respect of the hire of engines, carriages, or waggons let to the separate companies before the union or to the united company after the union, also sums payable in the adjustment of the pooling or division of traffic, rent, charges or interest on lands rented by or otherwise belonging to the united company or purchased for the purposes of the company, but not paid for, and all interest thereon, also all outlay on revenue account in the purchase or manufacture of engines and cars of all kinds, with the necessary appliances and works required therewith, and also all expenses of and incident to the working of the railways and the traffic thereon, including stores and consumable articles, also rates, taxes, insurance and compensation for accidents or losses, also all salaries and wages of persons employed in and about the working of the railways and traffic, contributions to superannuation, provident and insurance funds, and other like funds, and all secretarial and establishment expenses, including doctors' fees, salaries of commissioners, agency, legal and other like expenses, and generally all such charges (if any) not above otherwise specified as in the case of English railway companies are usually carried to the debit of revenue as distinguished from capital account. Provided, however, that nothing herein contained shall give to the proprietors or mortgagees or bondholders of any railway, warehouse, wharf, or other property leased to or held by the separate companies at the date of union, or leased to or held by the united company thereafter, any further or other rights against the united company, its property or earnings, than they respectively have under the lease, mortgage, bond, agreement or guarantee upon which their rights are based. Provided that money paid under a guarantee shall, if and when repaid, be applied as nearly as may be in the manner it would have been applied if no payment under the guarantee had been made. Provided always that sums equal to twenty per cent of the traffic interchanged between what is now known as the Wellington, Grey and Bruce Railway and what was the Great Western Railway as defined in the agreement between the said the Wellington, Grey and Bruce Railway Company and the said the Great Western Railway Company, and to the extent only in the said agreement defined and provided, and for the purpose in said agreement set out and mentioned, shall continue to be applied by the united company as provided in said agreement.

20. The net earnings of the united company shall be applied half yearly in the manner directed by the statutes affecting the Grand Trunk, which statutes shall each and all be applicable to the said united company, subject however to the provisions of section twenty-one of the agreement of union, dated the 24th day of January, A.D. 1888, between the Grand Trunk Railway Company of Canada, of the first part, the Northern Railway Company of Canada, of the second part, and the Hamilton and North-western Railway Company, of the third part.

21. All the books, vouchers and documents of all the companies parties hereto, shall on the day of the date of the union be transferred to and belong to the united company, and the registers of holders of borrowed capital and share capital of the said companies respectively parties hereto, shall continue to be kept as registers of the united company, with such variations in the certificates and otherwise as may be ordered by the directors of the united company.

22. Subject to the proviso in this article contained, the directors of the united company shall wind up the affairs of the said several companies parties hereto to the date when the union takes effect, and finally balance the books of the said companies respectively to that date, and all moneys due or standing to the credit of either or any of the said companies on the date of union shall be paid and applied by the directors of the united company for the purposes and in the manner to which they would have been applicable if these presents had not been made.

23. The directors of the united company shall have power to, and may, from time to time, make by-laws for the management and disposition of the stock, property and business affairs of the united company not inconsistent with the laws of Canada and the provisions contained in these presents, and for the appointment of all officers, servants, and artificers and for prescribing their duties.

24. All Acts of the Legislatures of Upper or Lower Canada, or of any of the Parliaments of the Province of Canada or of any of the Parliaments of the Dominion of Canada relating to any of the said companies respectively parties to this agreement, and all the powers, rights and privileges conferred upon or held by each and every one of the said companies shall all be vested in, held and enjoyed by the said united company and all and each and every of the said Acts of said Legislatures respectively, except as in these presents expressly varied and except as otherwise in these presents expressly provided, shall apply to and shall be held as applicable to the said united company, but generally, except as aforesaid, the united company shall continue to be carried on and managed, and all by-laws, rules and regulations of the Grand Trunk in use when this agreement takes effect shall have effect and shall until changed or altered by the united company or the directors thereof, be binding on all the officers, agents, servants and employees of the united company and all others affected thereby, as if the united company were the same company as the said the Grand Trunk, and as if the whole undertaking of the united company had been originally the undertaking of the Grand Trunk, and in case of any conflict between the provisions of any Act of any

Legislature or Parliament relating to the Grand Trunk, and the Acts of any Legislature or Parliament relating to any other of the said companies parties hereto, the Acts relating to the Grand Trunk shall prevail and be applicable to the whole property of the united company, but where there is no such conflict the whole of the said enactments shall apply cumulatively, and the united company shall possess all the powers as to raising capital and all other purposes held by each and all the companies parties hereto before the making of this agreement.

25. Provided always, nothing herein contained shall prejudice the agreements made the 12th day of April, 1884, and the 24th day of June, 1884, respectively, and scheduled to the Act 49 Victoria, Chapter 76, of the Dominion of Canada, and the united company shall be bound by said agreements as if they had been named therein originally as parties thereto.

26. It is also agreed that in order to carry out the conversion of the several classes of securities shown in said schedules annexed hereto the Parliament of Canada shall be asked in the Act confirming this agreement for power to create four per cent consolidated debenture stock and ordinary stock to the extent necessary for the purposes aforesaid in order as far as possible to reduce all the said several securities into one security on the whole property of the united company, and also for such purposes as the meetings of the several companies parties hereto approving of this agreement may all agree upon.

27. This agreement is made subject to the approval of a majority of the proprietors of each of the said companies, and in case of such approval the said parties agree each with the other to assist by all lawful means in obtaining an Act confirming and approving thereof.

28. This agreement shall take effect on the fourth day of May, 1893, or as soon as approved and confirmed by said Parliament.

In witness whereof the respective parties hereto have hereunto set their respective corporate seals on the day and year first above written.

Signed, sealed and delivered in the presence of

THE GRAND TRUNK RAILWAY COMPANY OF CANADA.

L. J. SEARGEANT, [L.S.]
General Manager.

CHAS. PERCY.

THE JACQUES CARTIER UNION RAILWAY COMPANY.

L. J. SEARGEANT, [L.S.]
President.

CHAS. PERCY.

THE MONTREAL AND CHAMPLAIN JUNCTION RAILWAY COMPANY.

L. J. SEARGEANT, [L.S.]
President.

CHAS. PERCY.

THE BEAUHARNOIS JUNCTION RAILWAY COMPANY.

L. J. SEARGEANT, [L.S.]
President.

CHAS. PERCY.

THE MIDLAND RAILWAY OF CANADA.

L. J. SEARGEANT, [L.S.]
President.

CHAS. PERCY.

THE PETERBOROUGH AND CHEMONG LAKE RAILWAY COMPANY.

EDMUND WRAGGE, [L.S.]
President.

Witness:
G. H. MCBEAN.

THE LAKE SIMCOE JUNCTION RAILWAY COMPANY.

D. TISDALE, [L.S.]
President.

Witness:
W. E. TISDALE.

THE GRAND TRUNK, GEORGIAN BAY AND LAKE ERIE RAILWAY COMPANY.

L. J. SEARGEANT, [L.S.]
President.

CHAS. PERCY.

THE LONDON, HURON AND BRUCE RAILWAY COMPANY.

L. J. SEARGEANT, [L.S.]
President.

CHAS. PERCY.

THE GALT AND GUELPH RAILWAY COMPANY.

L. J. SEARGEANT, [L.S.]
President.

CHAS. PERCY.

THE BRANTFORD, NORFOLK AND PORT BURWELL RAILWAY COMPANY.

L. J. SEARGEANT, [L.S.]
Persident.

CHAS. PERCY.

THE WELLINGTON, GREY AND BRUCE RAILWAY COMPANY.

L. J. SEARGEANT, [L.S.]
President.

CHAS. PERCY.

THE WATERLOO JUNCTION RAILWAY COMPANY.

EDMUND WRAGGE, [L.S.]
President.

Witness:
G. H. MCBEAN.

THE NORTH SIMCOE RAILWAY COMPANY.

EDMUND WRAGGE, [L.S.]
Vice-President.

Witness:
G. H. MCBEAN.

THE COBOURG, BLAIRTON AND MARMORA RAILWAY AND MINING COMPANY.

L. J. SEARGEANT, [L.S.]
President.

CHAS. PERCY.

SCHEDULE "A"

(Mentioned in the Annexed Agreement).

PART I.

GRAND TRUNK RAILWAY.

BORROWED CAPITAL.

Description.	Rate of Interest.	Amount.
		$ cts.
Loan Capital—Grand Trunk	6 per cent.	2,016,260 00
do Northern, and Hamilton and North-Western	6 "	2,696,619 99
do Northern	5 "	3,015,386 67
Bonds matured but not paid off		9,733 34
Debenture Stock—Grand Trunk	5 per cent.	20,782,491 67
do Great Western	5 "	13,252,322 67
do Grand Trunk	4 "	48,396,371 99
do Northern	4 "	1,693,551 33
		$91,862,737 66

PART II.

SHARE CAPITAL.

4 per cent Guaranteed Stock	$ 25,402,996 09
First Preference Stock	16,644,000 00
Second Preference Stock	12,312,666 67
Third Preference Stock	34,884,535 43
Ordinary Stock	99,913,288 66
	$ 189,157,486 85

SCHEDULE "X"

(Mentioned in the Annexed Agreement).

PART I.

BOROOWED CAPITAL.

Name of Company.	Column 1.	Column 2.	Column 3.
	Total Capital.	Held by Grand Trunk Railway.	Held by Public.
	$ cts.	$ cts.	$ cts.
The Montreal Company	839,986 67	332,393 33	507,593 34
The Beauharnois Company	86,000 00	86,000 00	
The Midland	10,201,993 33	2,742,366 67	7,459,626 66
The Lake Simcoe Company	251,606 66	251,606 66	
The Georgian Bay Company	1,680,000 00	484,720 00	1,195,280 00
The Huron Company	912,646 00	912,646 00	
The Brantford Company	123,126 67	123,126 67	
The Wellington Company	2,589,066 66	2,065,900 00	523,166 66
The Waterloo Company	105,000 00	105,000 00	
The North Simcoe Company	300,000 00	300,000 00	
	$ 17,089,425 99	$ 7,403,759 33	$ 9,685,666 66

Part II.

CAPITAL STOCK.

Name of Company.	Amount.
	$ cts.
The Jacques Cartier Company	200,000 00
The Montreal Company	250,000 00
The Beauharnois Company	300,000 00
The Midland	6,600,000 00
The Peterboro' Company	150,000 00
The Lake Simcoe Company	34,100 00
The Georgian Bay Company	503,250 00
The Huron Company	104,250 00
The Galt Company	236,485 44
The Brantford Company	30,000 00
The Wellington Company	221,200 00
The Waterloo Company	50,000 00
The North Simcoe Company	50,000 00
The Cobourg Company	1,000,000 00
	$ 9,729,285 44

To be converted as in Section 5 of the Agreement hereto annexed mentioned.

No. 50.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Grand Trunk Railway Company of Canada.

Received and read a first time, Friday, 17th February, 1893.
Second reading, Monday, 20th February, 1893.

(PRIVATE BILL.)

Mr. Tisdale.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 51.] **BILL.** [1893.

An Act respecting the South Eastern Railway.

WHEREAS a petition has been presented representing that under the provisions of an Act of the Legislature of the Province of Quebec, and an indenture of mortgage and deed of trust made in pursuance thereof, the South Eastern Railway has for several years been owned absolutely, free from any right of redemption, and operated and managed by trustees for the holders and owners of bonds issued by the said South Eastern Railway Company; that repairs, renewals and improvements are necessary, the cost of which cannot be provided for out of earnings of the railway; and that it will facilitate the raising of the requisite funds if doubts are removed as to the authority of the trustees to mortgage the said Railway; and praying for the passing of an Act to remove such doubts; 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 aud House of Commons of Canada, enacts as follows:— Preamble.

1. The trustees owning the South Eastern Railway absolutely, as aforesaid, may from time to time raise money by way of loan and apply the proceeds towards repairs, renewals or improvements of the said Railway and its appurtenances, or in settlement of debts incurred on account of the trust property, and may mortgage the same as security for the repayment of all such money, provided that the aggregate thereof shall at no time exceed a sum equal to twelve thousand five hundred dollars per mile of the said Railway actually constructed; and the trustees may issue debentures as evidence of any such loan without thereby incurring any personal liability in respect thereof. Trustees may borrow on security of trust property

And issue debentures.

No. 51.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the South Eastern Railway.

Received and read a first time, Friday, 17th February, 1893.
Second reading, Monday, 20th February, 1893.

(PRIVATE BILL).

Mr. Pope.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 52.] **BILL.** [1893.

An Act to incorporate the Calgary Street Railway Company.

Preamble.

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

Incorporation.

1. John Lineham and George K. Leeson, both of the town of Calgary ; Donald Lineham, of Dewdney, in the district of Alberta ; and James Scott, of Qu'Appelle, in the district of Assiniboia ; together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Calgary Street Railway Company," hereinafter called "the Company."

Head office.

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

Street railway may be constructed.

Motive power.

3. The Company may lay out, construct and operate a single or double track street railway, with all necessary switches, sidetracks, and turnouts for the passage of cars, carriages and other vehicles, upon and along the streets and lanes of the town of Calgary, and along such roads adjacent to the said town, as the Company deems expedient, but not extending beyond five miles from the municipal limits of the said town as such limits exist at the time of the passing of this Act ; and may carry passengers and freight thereon by the power of animals, or of electricity, or by such other motive power, except steam, as the Company, from time to time, deem expedient ; and may establish works to supply electricity for such power, also for lighting and for such commercial or general purposes as the Company deems expedient ; and may also construct, erect and maintain all necessary buildings, machinery, appliances, and conveniences for the purposes of such electrical railway and works, including the erection of poles upon any and all streets upon which the Company may deem expedient to run their railway for the carrying on of their said business.

Buildings, machinery, &c.

Provisional directors.

4. John Lineham, George K. Leeson and William Donald Lineham shall be the first or provisional directors of the Company.

Capital stock.

5. The capital stock of the Company shall be one hundred thousand dollars divided into shares of one hundred dollars

each, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Annual general meeting.

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

First general meeting.

7. So soon as twenty-five thousand dollars of the capital stock have been subscribed and ten per cent thereon paid up, the provisional directors shall call a meeting of the shareholders for the purpose of electing directors, first giving two weeks notice of such meeting by advertisement in the *Canada Gazette* and in a newspaper published in the town of Calgary.

Election of directors.

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

Increase of capital stock.

9. The directors of the Company may, at any time after the whole capital stock of the Company has been taken up and fifty per cent thereon paid in, make a by-law for increasing the capital stock of the Company to any amount which they consider requisite for the due carrying out of the objects of the Company :

Allotment of new stock.

2. Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which the same shall be allotted ; and in default of its so doing, the control of such allotment shall vest absolutely in the directors.

Approval of shareholders.

3. No such by-law shall have any force or effect whatsoever until it is approved by the votes of shareholders representing at least two-thirds in value of all the subscribed stock of the Company, at a special general meeting of the Company duly called for considering the same.

Bonds may be issued.

10. The directors may, when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed stock of the Company of the Company represented at a special general meeting duly called for considering the by-law,—

(*a.*) Borrow money upon the credit of the Company and issue bonds, debentures or other securities for any sums borrowed, at such prices as are deemed necessary or expedient; but no such bebentures shall be for a less sum than one hundred dollars ;

(*b.*) Hypothecate or pledge the real or personal property of the Company to secure any sums borrowed by the Company ;

Borrowing power limited.

But the amount borrowed shall not, at any time, be greater than seventy-five per cent of the actual paid-up stock of the company ; but the limitation made by this section shall not apply to commercial paper discounted by the Company.

Company's tracks not to be obstructed.

11. The vehicles of the Company, shall have the right to use the tracks of the Company as against all other vehicles

whatever; and all other vehicles using the said tracks, shall turn out of the said tracks and permit the vehicles of the Company to pass, and shall in no case, and under no pretense whatever, obstruct or hinder the passage on and the free use of the said tracks by the vehicles of the Company.

Fare on cars.

12. The fare shall be due and payable by every passenger on entering the car, and any person who refuses to pay the fare when demanded by the conductor or driver, and refuses to leave the car when requested to do so by the conductor or driver, shall on summary conviction thereof before a justice of the peace, be liable to a fine of not less than twenty dollars.

Corporation of Calgary may agree with company.

13. The Municipal Council of the town of Calcagy, may, subject to the provisions of this Act, make and enter into any agreement with the Company relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of, and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway, and the particular streets along which the same shall be laid, the pattern of rails, the time and speed of runing the cars, the amount of fares to be paid by passengers, the time in which the works are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers.

By-laws to carry out agreement.

14. The Municipal Council of the town of Calgary, may pass by-laws, and amend and repeal the same, for the purpose of carrying into effect any such agreement; and such by-laws may contain all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for the enjoining obedience to such by-laws, and also for faciliting the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway passes.

Agreements with other companies.

15. The Company may enter into agreements with any person or company having right and authority to construct or operate street railways in the town of Calgary or in the district of Alberta adjacent to the said town for conveying or leasing to such person or company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, or for leasing, hiring or purchasing plant and rolling stock of such person or company, or for running arrangements over the railway of such person or company, or for running arrangements by such person or company over the railway of the Company:

Sanction of shareholders.

2. Such agreements may be on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that any such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of con-

sidering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council :

Approval of Governor in Council.

Notice of application for approval.

3. Such approval shall not be signified until after notice of the proposed application therefor has been published for two months in the *Canada Gazette* and also for a like period in one newspaper in the town of Calgary.

R. S. C., c. 118.

16. *The Companies Clauses Act*, excepting sections eighteen and thirty-nine thereof, shall apply to the Company.

1887, c. 29.

17. *The Railway Act* shall not apply to the Company.

Short title.

18. This Act may be cited as *The Calgary Street Railway Act*, 1893.

No. 52.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Calgary Street Railway Company.

Received and read a first time, Friday, 17th February, 1893.
Second reading, Monday, 20th February, 1893.

(PRIVATE BILL.)

Mr. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 53.] **BILL.** [1893.

An Act respecting the Alberta Railway and Coal Company.

(Reprinted as proposed to be amended in the Railway Committee.)

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

1. The Alberta Railway and Coal Company, hereinafter called the Company, may lease, sell and convey to the Canadian Pacific Railway Company those portions of its railway and works following, that is to say: first, that portion extending from Dunmore to Lethbridge; second, that portion extending from Lethbridge to Fort McLeod; third, that portion extending from Fort McLeod to and through the Crow's Nest Pass to the authorized western terminus of its railway in British Columbia; or any one or more of the said portions of the said railway and works constructed or to be constructed; together with all rights, powers, franchises, surveys, plans, plant, material, machinery and other property or any portion thereof belonging or appertaining to the said above-described portions of the said railway or any of them or to the undertaking and railway of the Company as a whole; or may enter into an agreement with the Canadian Pacific Railway Company, giving them running powers over all or any of the said portions of the railway of the Company, or for the operation by the Canadian Pacific Railway Company of any or all of the said portions of the railway and works of the Company, and upon such terms and conditions as are agreed upon by the boards of directors of the respective companies; and every such lease, conveyance and agreement made in pursuance of this enactment shall be as valid and effectual as if it had been set out and specially authorized and confirmed by this Act; provided, that such sale, lease or agreement has been first sanctioned by the consent, in writing, of every shareholder of the Company, and by the Governor in Council, or, failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at an annual general meeting or at a special general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette* for at least four weeks previous to the hearing of such application. Agreement for sale or lease of railway and works with C.P.R. Sanction of shareholders. Chapter 70 of 1891. Chapter 87 of 1890.

No. 53.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Alberta Railway and Coal Company.

(Reprinted as proposed to be amended in the Railway Committee.)

(PRIVATE BILL.)

Mr. Davis.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 54.] **BILL.** [1893.

An Act to incorporate the Alberta Irrigation Company.

Preamble.

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

Incorporation.

1. The Honourable Sir Alexander T. Galt, Elliott T. Galt, Charles A. Magrath, Isaac D. Haines, Alexander Ferguson, Donald W. Davis, together with such persons as become shareholders in the Company hereby incorporated, are hereby created a body corporate under the name of the "The Alberta Irrigation Company," hereinafter called the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the town of Lethbridge, or in such other place as is named by by-law of the Company.

Provisional directors.

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

Capital stock.

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

Annual general meeting.

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

Powers.

6. The Company may, for the purposes of irrigation of land or supply of water power, excavate, construct, maintain, and operate irrigation ditches or canals in that portion of the district of Alberta lying south of the fiftieth parallel of latitude where it passes through the said district, with all necessary cross or branch ditches or canals; acquire by purchase or otherwise under the powers contained in *The Railway Act*, the land necessary for these purposes, and may also with a view to improve the same by irrigation and to again dispose thereof, acquire lands; draw off from rivers and other waters the waters necessary for the purposes of the Company; and collect such rates or charges for water supplied for irrigation or other purposes as are from time to time fixed by by-law of the Company; but the tariff of such rates or charges shall be submitted to and approved of by the Governor in Council before any such rates or charged are exacted or recovered, and such

Ditches, canals, &c.

Acquisition of necessary land.

Use of water.

Tariff of charges.

Approval of Governor in Council.

tariff may be revised and altered from time to time by by-law of the Company and shall be subject to the approval of the Governor in Council.

Rlght to break up streets, &c.

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

Erection of dams in rivers, &c.

8. The Company may construct, maintain, and erect dams, and all necessary appurtenances thereto, at such points in such rivers and creeks as may be found necessary for the purposes of the Company; and may in connection with its works, erect, maintain, and operate machinery, plant, mills, or manufactories, of any description.

Supplying water and power.

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

Approval of Governor in Council.

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

Issue of bonds limited.

11. The Company may issue bonds, debentures, or other securities, to the extent of ten thousand dollars per mile of the canals or ditches, and such bonds, debentures, or other securities, may be issued only in proportion to the length of the canals or ditches constructed or under contract to be constructed; and the said bonds, debentures or securities may be made payable either in Canadian currency or sterling money.

Time for completion of works.

12. The works hereby authorized shall be commenced within three years and completed within ten years, otherwise the powers hereby granted shall cease and be null and void as respects so much of the works hereby authorized as remains uncompleted.

The Railway Act to apply.

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

"Company."

1. Wherever, in *The Railway Act*, the expression "Company" occurs, it shall mean the Company hereby incorporated;

"Railway."

2. Wherever, in *The Railway Act*, the expression "Railway" occurs, it shall mean the canals or ditches, or branch canals or cross ditches, authorized by this Act to be constructed.

No. 54.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Alberta Irrigation Company.

Received and read a first time, Friday, 17th February, 1893.
Second reading, Monday, 20th February, 1893.

(PRIVATE BILL.)

MR. DAVIS.

OTTAWA
Printed by S. E. DAWSON
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1893

No. 55] **BILL.** [1893.

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

Preamble.

WHEREAS the Lake Erie and Detroit River Railway Company, incorporated by Act of the Parliament of Canada, and the Company bearing the same name, incorporated by the Acts of the Legislature of the province of Ontario, have by their petitions represented that they have, under the provisions of the Acts relating to such Companies respectively, entered into an agreement for the amalgamation and union of the said two companies as one Company, (which agreement is set out in the Schedule to this Act), and have prayed that such agreement be confirmed, and that the works constructed or authorized to be constructed by the Company incorporated by the Legislature of the province of Ontario be declared to be for the general advantage of Canada, and that the time for the completion of their lines of railway be extended, and whereas it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement confirmed.

1. The agreement between the two companies mentioned in the preamble to this Act, dated the thirty first day of January, 1893, and set out in the Schedule to this Act, is hereby ratified and confirmed, and shall be taken and read as part of this Act, and the amalgamation thereby effected is hereby declared to be valid and operative as and from the date of the passing of this Act; but nothing in this Act or in the said agreement shall be held to relieve either of the said Companies from any of its duties or liabilities under the railway laws of Canada:

Declaratory.

Incorporation.

2. All the lines of railway constructed or authorized to be constructed by the Acts of the Parliament of Canada and the Legislature of the province ofOntario relating to the said two Companies respectively, are hereby declared to be works for the general advantage of Canada, and the amalgamated Company under the name of the Lake Erie and Detroit River Railway Company, is hereby delared to be a body corporate subject to the legislative authority of the Parliament of Canada.

Time for completion extended.

3. The time for the completion of the lines of railway authorized by the Acts relating to the said two companies is hereby extended for seven years from the passing of this Act; and if the said lines of railway are not then completed the powers granted for such construction by the said Acts and this Act shall cease and be null and void as respects so much of the said lines of railway as then remains uncompleted.

SCHEDULE.

This agreement made the thirty-first day of January, A.D., 1893, between the Lake Erie and Detroit River Railway Company incorporated by Acts of the Parliament of the Dominion of Canada, hereinafter called " The Dominion Company," of the first part, and the Lake Erie and Detroit River Railway Company incorporated by Acts of the Legislature of the province of Ontario, hereinafter called " The Provincial Company," of the second part.

Whereas the Dominion Company are authorized to enter into an agreement with the Provincial Company for an amalgamation with that Company on such terms and conditions as are agreed upon and subject to such restrictions as to the directors may seem fit, provided that such agreement has been first sanctioned by the shareholders, and has also received the approval of the Governor in Council ;

And whereas the Provincial Company is authorized to agree with the Dominion Company for amalgamation with that Company provided the terms of such amalgamation are approved by the shareholders ;

And whereas the said two Companies propose amalgamating and uniting together as one Company, and the directors of the one Company have agreed with the directors of the other Company upon the terms of such amalgamation and other matters relating thereto, and it is desirable to embody the same in this agreement, but subject to ratification by the shareholders of the respective companies as provided by the Acts relating thereto respectively and to the approval of the Governor in Council ;

Now this indenture witnesseth, and the parties of the first and second parts respectively do mutually convenant and agree to and with each other in manner following :—

1. The said two railway companies do hereby agree to amalgamate and unite together, and that they shall become and be as one company to be styled and known as " The Lake Erie and Detroit River Railway Company " such united company being hereinafter called and referred to as " The United Company."

2. The capital stock of the United Company shall be equal to the combined capital stock of the two Companies, and the several shareholders of the Dominion Company and of the Provincial Company shall be entitled in lieu of the shares held by them respectively in these companies or either of them, to receive shares in the United Company to the like amount, and the shares to which each shareholder shall be so entitled in the United Company shall be fully paid up shares or shares partly paid up according as the shares held by such shareholder in the Dominion Company or the Provincial Company were fully or partly paid up, and if partly paid up, then to the same extent as his shares in the original Company were paid up.

3. The board of directors of the United Company shall consist of seven members together with any ex-officio directors under the provisions of the Railway Act of Canada, and the qualification for directors shall be the same as provided in the Acts relating to the Dominion Company.

4. The first board of directors of the United Company shall be, Hiram Walker, Edward Chandler Walker, Franklin Hiram Walker, James Harrington Walker, S. A. King, William Aikman and Charles R. Black who shall hold office until the first Tuesday of May next, being the day appointed for the annual election of directors under the Acts relating to the Dominion Company. Hiram Walker shall be the first president, and S. A. King the first vice-president.

5. The United Company shall be invested with and have all the rights, powers and property, and be responsible for all the liabilities of the said respective companies, and any right or claim which could be enforced by or against either of them may, on and after the date of such union, be enforced by or against the United Company, and any suit, action or proceeding pending at the date of such union by or against either of the Companies may be continued and completed by or against the United Company.

Provided always that the rights of any person or corporation having any special lien, charge or privileged claim upon the lands and buildings, tolls, revenues, or other property real or personal of either of such Companies, or upon any part thereof, shall not be impaired by such union.

6. All the privileges, powers, rights and franchises possessed or enjoyed by either of the said Companies under their respective Acts of incorporation and amendments in force at the date of such union shall be continued to and possessed by the United Company, who may use or exercise the same as fully as the Company who, immediately before the date of such union, possessed or enjoyed the same, except as in this agreement expressely varied or herein otherwise expressely provided; but, generally, except as aforesaid, the United Company shall continue to be carried on and managed, and all by-laws, rules and regulations of the Dominion Company in use when this agreement takes effect, shall have effect, and shall until changed or altered by the United Company be binding on all the officers, agents, servants and employees of the United Company and all others affected thereby, as if the United Company were the same Company as the Dominion Company, and as if the whole undertaking of the United Company had been originally the undertaking of the Dominion Company, and in case of any conflict between the provisions of the acts relating to the Dominion Company and the acts relating to the Provincial Company, the acts relating to the Dominion Company shall prevail and be applicable to the whole property of the United Company, but where there is no conflict the whole of the said enactments shall apply cumulatively.

7. The United Company shall be entitled to receive the subsidy authorized by the Act of the Parliament of Canada, 55 and 56 Victoria, chapter 5, in respect of fifty-eight miles of railway from a point at or near Cedar Creek to the town of Ridgetown, and both the said Companies agree that from the date of such union the United Company shall be subject to the legislative authority of the Parliament of Canada.

8. This agreement is made subject to the same being sanctioned by the necessary number and proportion of the shareholders of the Dominion Company in accordance with the acts relating to that Company, and to the same being approved

by the necessary number and proportion of the shareholders of the Provincial Company in accordance with the acts relating to that Company, and subject also to the approval of the Governor of the Dominion of Canada in Council.

In case of such approval by the shareholders of the respective Companies the two Companies agree to assist by all lawful means in obtaining an act of the Parliament of the Dominion of Canada confirming and approving of this agreement and declaring the railway and undertaking of the Provincial Company to be a work for the general advantage of Canada.

9. This agreement shall take effect on the same being approved by the Governor-General in Council, or as soon as approved and confirmed by such Parliament, whichever shall first happen.

IN WITNESS WHEREOF the respective Companies have hereunto set their respective corporate seals under the hands of the president and secretary of each Company.

Signed, sealed and delivered in the presence of

J. HARRINGTON WALKER.

The Lake Erie and Detroit River Railway Company (Dominion Charter) by

S. A. KING,
Vice-President.

G. J. LEGGATT
Secretary.

{ Corporate. Seal. }

The Lake Erie and Detroit River Railway Company (Provincial Charter).

E. CHANDLER WALKER,
President.

G. J. LEGGATT,
Secretary.

{ Corporate Seal. }

No. 55.

3rd Session, 7th Parliament, 56 Victo

BILL.

An Act respecting the Lake E
Detroit River Railway Comp

Received and read a first time, Mon
February, 1893.

Second reading, Tuesday, 21st
1893.

(PRIVATE BILL.)

MR. McG

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent M
1893

No. 56.] **BILL.** [1893.

An Act to revive and amend the Act to incorporate the Moncton and Prince Edward Island Railway and Ferry Company.

Preamble.

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

1890, c. 75.

Act revived and time for completion of works extended.

1. Subject to the provisions of this Act, the Act incorporating the Moncton and Prince Edward Island Railway and Ferry Company, being chapter seventy-five of the Statutes of 1890, is hereby revived and declared to be in force, and the time for the expenditure of fifteen per cent on the amount of the capital stock as required by section eighty-nine of *The Railway Act*, is hereby extended for the period of two years from the passing of this Act; and if such expenditure is not so made, and the railway completed within seven years from the passing of this Act, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Section 5 repealed.

2. Section five of the said Act is hereby repealed and the following substituted therefor:—

Capital stock.

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

Section 8 repealed.

3. Section eight of the said Act is hereby repealed and the following substituted therefor:—

Amount of bonds, &c., limited.

"**8.** The Company may issue bonds, debentures or other securities to the extent of one million five hundred thousand dollars, on the security of the railway, ferry-boats and all the property of the Company; or the Company may issue such bonds, debentures or other securities to the extent of one million dollars (part of the said one million five hundred thousand dollars), on the security of the ferry-boats and property connected with the ferry of the Company; or the Company may issue such bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway

and branches constructed or under contract to be constructed, and not exceeding in the aggregate five hundred thousand dollars (the same being the remaining part of the said one million five hundred thousand dollars); and such bonds, debentures and other securities shall be secured by deed of mortgage, respectively describing clearly the property charged as such security for such bonds or debentures or other securities; and all deeds or mortgages made under the provision of this section may contain provisions that all tolls and revenues derived respectively from the properties so given in security as aforesaid, with the respective franchises connected therewith, shall be specially pledged and charged as security in the premises, and may also provide that the Company shall pay to any trustee under any deed or mortgage heretofore referred to similar rates and tolls to those fixed for the use of such railway or steam ferry-boats by similar corporations,—which rates and tolls shall also be charged as security respectively in the premises."

Mortgage deed to secure bonds, &c.

Section 9 amended.

4. Section nine of the said Act is hereby amended by striking out the word "Kent" on line two thereof and substituting therefor the word "Northern."

Arrangement with two other companies.

5. The Company may enter into an agreement with the Buctouche and Moncton Railway Company and the Kent Northern Railway Company for purchasing the railways of such companies in whole or in part on such terms and conditions as are agreed upon, and may maintain and operate the same; provided that each such agreement has been first sanctioned by two-thirds of the votes at special general meetings of the shareholders of the respective companies duly called for the purpose of considering the same,—at which meetings shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that each such agreement has also received the approval of the Governor in Council.

Approval of shareholders.

And of Governor in Council.

Notice of application for approval.

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

No. 56.

3rd Session, 7th Parliament, 56 Victoria, 189

BILL.

An Act to revive and amend the Act t
incorporate the Moncton and Prin
Edward Island Railway and Ferr
Company.

Received and read a first time, Monday, 20
February, 1893.

Second reading, Tuesday, 21st February, 189

(PRIVATE BILL.)

Mr. McINERNEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 57.] **BILL.** [1893.

An Act to amend the Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes.

WHEREAS a petition has been presented representing that the possibility of such a sale of the railway as is provided for in section sixteen of chapter sixty-eight of the Statutes of 1891, is likely to prevent the raising of funds in the manner and for the purposes provided for in other portions of the said Act, and praying that the said section be repealed; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. C. 68, 1891.

1. Section sixteen of chapter sixty-eight of the Statutes of 1891, intituled *An Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes*, is hereby repealed. Section 16 repealed.

No. 57.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to amend the Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes.

Received and read a first time, Monday, 20th February, 1893.

Second reading, Tuesday, 21st February, 1893.

(PRIVATE BILL.)

Mr. POPE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No.. 58.] **BILL.** [1893.

An Act to incorporate the Automatic Telephone and Electric Company of Canada.

WHEREAS the persons hereinafter named have by their petition prayed to be incorporated under the name of the "Automatic Telephone and Electric Company of Canada" for the following purposes, viz.; to manufacture, deal in and operate telephone instruments, switches and connections, and to manufacture, operate and deal in electrical instruments and appliances, and to carry on a general electrical manufacturing, supply and operating business throughout Canada; And it is expedient to grant the prayer of the said petition:—Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. James P. Dawes, John Torrance, William E. Paton, William M. MacPherson, R. Wilson Smith, Frank Buller, Peter MacKenzie, Archibald W. Stevenson, George Bishop, John B. Clarkson, John Torrance, junior, Alexander G. Lomas, Dougall McDougall, Herbert M. Linnell, James E. MacDougall and Louis E. Dupuis and such persons as become shareholders in the Company hereby incorporated shall be and are hereby created a body politic and corporate under the name of the "Automatic Telephone and Electric Company of Canada," hereinafter called the Company. Incorporation. Corporate name.

2. The head office of the Company shall be at the City of Montreal, in the Province of Quebec, or at such other place in Canada as is determined hereafter by a majority of the shareholders for the time being, present or represented at any annual general meeting or special general meeting called for that purpose. Head office.

3. The capital stock of the Company shall be two hundred and fifty thousand dollars divided into shares of one hundred dollars each, and the said capital stock may be increased from time to time to a total amount not exceeding five hundred thousand dollars, in shares of one hundred dollars each, by resolution of the board of directors ratified by a majority in value of the shareholders present or represented at any annual general meeting or at any special meeting of the shareholders called for that purpose. Capital stock and shares.

4. The business of the Company shall be managed by a board of not less than five nor more than fifteen directors as is determined by resolution of the shareholders of the Company. Board of directors.

Provisional directors.

The said * * * * shall be the first or provisional directors of the Company, with powers of directors, and shall hold office until the first general meeting of the shareholders of the Company after the passing of this Act.

Power to purchase and deal in patents of electrical inventions, &c.

5. The Company may purchase, acquire and hold, sell and deal in any patents of invention covering any electrical device or apparatus and may manufacture, lease, sell and deal generally in the articles covered by such patents of invention and embodying the principles of construction thereof; and may manufacture telephones, telephone instruments, switches and such other apparatus and appurtenances as are connected therewith; provided the same are not covered by any patent or patents of invention, or if covered, that the patents relating thereto be owned or controlled by the Company, or with the permission of the owners of the said patents; and may deal in and operate the same, and may purchase, sell and lease the same and rights relating thereto, and may build, construct, purchase, acquire and lease any lines with the necessary connections for the transmission of messages by telephone in any part of Canada and may make connection for the purposes of their telephone business with the lines of any telephone or telegraph company in Canada.

Manufacture and sale of electrical appliances.

6. The Company may manufacture, operate, sell, purchase, lease or otherwise deal in electrical instruments and appliances, and may carry on a general electrical supply, operating and manufacturing business in any part of Canada, and as such may purchase, acquire and hold patents of invention and may manufacture electrical instruments, machinery and plant and may sell, lease, purchase and deal generally in the same.

Borrowing powers.

7. The Company may borrow such sum of money not exceeding the amount of the paid up capital as is necessary for carrying out any of its objects or purposes, and may issue bonds therefor in sums of not less than one hundred dollars each, which shall be a first charge npon the lines, works and plant of the Company, such bonds being payable at such times, in such sums and at such rates of interest as the directors determine.

Power to invest in stock of other companies.

8. The Company may acquire, hold, dispose of and otherwise deal in, as owner thereof, stock in any other incorporated company or companies, which stock may be issued to the Company as consideration for any articles manufactured by it or in consideration of any rights to use in any locality or localities in Canada any instruments or material manufactured by the Company or any patent rights owned by the company or any of the articles, telephones or electrical apparatus covered by any patent or patents of invention and manufactured and dealt in by the Company.

Company may hold lines, &c. of any other company, which it has acquired by default.

9. The Company may acquire and hold any property, lines, poles, wires, telephone apparatus, or other electrical appliances sold, leased or dealt in by it which it may have taken possession of according to law under any contract or contracts with any

other Company or individuals when by reason of such contract or as a result of any default this Company has been entitled to take possession of the same.

Arrangements with other companies.

10. The Company may lease or purchase any other telephone line which may be established now or hereafter in any part of Canada and may purchase or lease the right of any other Company or individual to construct any such telephone lines and may enter into any arrangements, contracts or agreements with any person or Company possessing any right to any such line of telephone established or to be established, the whole upon such terms as the Company deems advisable.

Construction and maintenance of lines.

11. The Company may construct, maintain and direct any line or lines of telephone along the sides of and across or under any public highways, streets, bridges, watercourses or other such places, or across or under any navigable waters in Canada, and may for such purpose erect poles on such streets and highways if necessary, provided the Company shall not interfere with the public right of travelling on or using such highways, streets, bridges, watercourses or navigable waters, and the Company shall have the right to enter into any contract with any city, town or municipality in Canada for the purpose of supplying such city, town or municipality with a telephone service either in such locality alone or to connect with any other locality and with any other company.

No amalgamation with Bell Telephone Company.

12. The Company shall not nor shall any of its branch lines, nor any line of telephone leased by the Company or under their control, be at any time amalgamated with the Bell Telephone Company of Canada, or any of its branch lines, or with any branch lines leased by the said Bell Telephone Company of Canada, or under their control ; and such amalgamation and any arrangement for making a common fund or pooling the earnings or receipts of the said telephone companies or their or any of their branch lines, or of any telephone lines or parts thereof leased by the said Companies, or either of them, or under the control of either of them, shall be absolutely void.

No. 58.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Automatic Telephone and Electric Company of Canada.

Received and read a first time, Monday, 20th February, 1893.

Second reading, Tuesday, 21st February, 1893.

(PRIVATE BILL.)

Mr. GIROUARD,
(Jacques-Cartier.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 59.] **BILL.** [1893.

An Act to incorporate the Canada Carriage Company.

WHEREAS the persons hereinafter named have by their petition, prayed to be incorporated under the name of "The Canada Carriage Company," and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Grant Howard Burrows and Lowe Emerson, both of the city of Cincinnatti, in the State of Ohio; Charles Wesley Taylor, of the town of Brockville, in the province of Ontario; Henry Eaton Walton, of the town of Gananoque, in the said province of Ontario; and Henry Christopher Yergason, of the said city of Cincinnatti, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "Canada Carriage Company" hereinafter called the Company. Incorporation.

2. The persons named in the first section of this Act shall be the provisional directors of the Company, and the first meeting of the provisional directors shall be held at the town of Brockville; and the head office of the Company shall be at the town of Brockville, or at such other place in Canada as is determined by by-law of the Company. Provisional directors. First meeting. Head office.

(2.) The Company may also establish agencies or branch offices in such other place or places out of Canada as is determined from time to time by by-law of the Company. Provided, however, that the domicile of the Company shall be at the town of Brockville. Branch offices outside of Canada. Proviso.

3. The Company may carry on throughout Canada and elsewhere the business of the manufacture and sale of carriages, wagons, sleighs and other vehicles; and wheels, axles, springs and all other parts appertaining to the construction and manufacture of such articles, and the business of the manufacture and sale of boats and canoes; and may acquire, buy and sell and lease or rent lands, machinery, water, electric and steam power and other property real and personal, required for and in connection with or incidental to their said business or businesses. Object and general powers of company.

4. The Company may also lease purchase, take over or otherwise acquire or manage all or any of the business or businesses now being carried on by the Gananoque Carriage Company, at the town of Gananoque and elsewhere, and may in Purchase of certain business.

like manner also lease, purchase, take over or otherwise acquire or manage all or any of the business or businesses now being carried on by the Brockville Carriage Company at the town of Brockville and elsewhere, and the whole or any of the good will, stock in trade, assets and property, real and personal, movable and immovable, of the said The Gananoque Carriage Company, and of the said The Brockville Carriage Company, subject to the obligations, if any, affecting the same; and may pay the price thereof, if purchased, wholly or partly in cash or wholly or partly in fully paid up or partly paid up, shares of stock of the Company, and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the said two Companies, and also the obligations affecting the assets and property so purchased as aforesaid.

Mode of payment.

Promissory notes, &c.

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

Proviso.

Power to borrow money.

6. The directors of the Company may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment of any of the moneys so borrowed, or any other moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

Issue of debentures.

7. The directors of the Company under the authority of the shareholders given at any general meeting called for the purpose, at which meeting shareholders representing at least one-half in value of the issued capital stock of the Company are present in person or represented by proxy, may also, from time to time, create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less than one thousand dollars each, signed by the president, or other presiding officer, under the seal of the Company, and countersigned by the secretary, and payable to bearer or order; and the directors may deliver the said debentures for the purposes set forth in section four of this Act; and the directors may sell or pledge the said debentures for the purpose of borrowing money or of paying or securing the indebtedness of the Company; provided that the total amount of debentures at any time outstanding shall not exceed three hundred thousand dollars; and the said debentures and interest thereon, if intended to be secured, may be secured by mortgage upon such of the property and assets of the Company as are described in the mortgage deed; and such mortgage deed may give to the holders ef the said bebentures, or the trustee or trustees for such holders named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed.

Amount limited.

8. The capital stock of the Company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and of these two thousand shares shall be called ordinary shares and five hundred shares shall be called preference shares. Capital stock.

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

(2.) The holders of such preference shares shall not be entitled to receive any further dividends or share of the profits than by this section is provided; but otherwise the holders of such preference stock shall be shareholders within the meaning of this Act; and shall in all other respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act. Dividends on preference shares limited; rights and liability of holders.

(3.) Nothing in this section contained shall affect or impair the rights of creditors of the Company. Rights of creditors of company.

10. The provisional directors of the Company shall hold office as such until replaced by others duly appointed in their stead, and shall have and possess all the powers which are conferred upon directors by *The Companies Clauses Act* and by this Act; and until otherwise ordered by by-law or resolution of the provisional directors, any three of them may call meetings of the provisional directors to be held at the town of Brockville at such times as they determine; provided that notice in writing signed by the three provisional directors calling any such meeting of the date and place of holding the same shall be mailed by registered letter to the address of each of the other provisional directors not less than ten days previous to the date of such meeting. A majority of the provisional directors shall form a quorum. Powers and duties of provisional directors. Quorum.

11. The directors shall not be more than five and not less than three in number, of whom a majority shall form quorum; and no person shall be a director unless he is a shareholder owning twenty shares of stock absolutely in his own right and has paid all calls due thereon. Director.

Equal rights of shareholders.

12. All shareholders in the Company whether British subjects or aliens or residents of Canada or elsewhere shall have equal right to hold stock in and become shareholders of the Company, and shall be eligible to office in the Company.

First general meeting.

13. Within one year after the passing of this Act the provisional directors, or any three of them, shall call a general meeting of the shareholders of the Company, to be held at the town of Brockville at such time as they determine for the purpose of passing or ratifying the by-laws of the Company, of electing directors and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing, signed by the provisional directors calling such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously shall be deemed sufficient notice of such meeting.

Notice to shareholders.

Vacancy in number of directors.

14. The directors and provisional directors of the Company may act notwithstanding any vacancy in their number; provided that if the number falls below three, the directors shall not, except for the purpose of filling vacancies have power to act so long as the number is below the said minimum.

R.S.C., c. 118.

15. Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

No. 59.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Canada Carriage Company.

Received and read a first time, Tuesday, 21st February, 1893.

Second reading, Wednesday, 22nd February, 1893.

(PRIVATE BILL.)

Mr. TAYLOR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 60.] **BILL.** [1893.

An Act further to amend the Acts respecting the Duties of Customs.

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

1. Section six of the *Act respecting the Duties of Customs*, chapter thirty-three of the Revised Statutes, is hereby repealed. R.S.C., c. 33, s. 6 repealed.

2. Schedule E to the said Act, as amended by section three of chapter thirty-nine of the statutes of 1887, is hereby repealed. Schedule E repealed.

3. Section one of chapter fifteen of the statutes of 1888, is hereby repealed. 1888, c. 15, s. 1 repealed.

4. No further action shall be taken by the Governor in Council with respect to export duties without the consent of Parliament having first been obtained. Export duties.

No. 60.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Acts respecting the Duties of Customs.

Received and read a first time, Wednesday, 22nd February, 1893.
Second reading, Thursday, 23rd February, 1893.

Mr. CHARLTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 61.] **BILL.** [1893.

An Act respecting the disposal of moneys paid in connection with proceedings before Parliament.

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

Disposal of moneys paid in connection with Bills, &c.

1. All moneys now held or hereafter received by any officer, clerk or employee of the Senate or House of Commons of Canada as fees or sums in any way payable in connection with any proceedings before Parliament, or any Bills presented to, or Acts passed by Parliament, or any copies of any such proceedings, Bills or Acts, shall forthwith be deposited by the accountant of either House to the credit of the account of the Minister of Finance and Receiver General, in such bank as he from time to time designates; and the moneys so deposited shall form part of the Consolidated Revenue Fund of Canada.

Refunds, &c.

2. Refunds, in whole or in part, of any moneys received and deposited as aforesaid, and payments in connection with the said proceedings, Bills or Acts, directed to be made by the Senate and the House of Commons, or made in accordance with the rules and standing orders of either House, shall be payable out of the Consolidated Revenue Fund of Canada.

No. 61.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the disposal of moneys paid in connection with proceedings before Parliament.

Received and read first time, Thursday, 23rd February, 1893.
Second reading, Friday, 24th February, 1893.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 62.] **BILL.** [1893.

An Act to revive and amend the Act to incorporate the Equity Insurance Company, and to change the name of the Company to the St. Lawrence Insurance Company.

Preamble.

Chapter 3 of 1887.

WHEREAS the provisional directors of the Equity Insurance Company have by their petition prayed that an Act be passed to revive and amend, as hereinafter set forth, the Act incorporating the company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act revived and time for securing license extended.

1. Subject to the provisions of this Act, the Act incorporating the Equity Insurance Company, being chapter one hundred and three of the statutes of 1887, is hereby revived and declared to be in force, and the time limited, under the provisions of section twenty-four of *The Insurance Act*, for obtaining a license to transact business, is hereby extended for two years from the passing of this Act; and if such license has not then been obtained, then the powers granted by the said Act and this Act shall cease and be null and void.

Name changed, but existing rights not to be affected.

2. The name of the Company is hereby changed from the "Equity Insurance Company" to the "St. Lawrence Insurance Company," but such change in name shall not in any way alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, either by or against the Company, or any judgment existing, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed or enforced as if this Act had not been passed.

No. 62.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to revive and amend the Act to incorporate the Equity Insurance Company, and to change the name of the Company to the St. Lawrence Insurance Company.

Received and read a first time, Friday, 24th February, 1893.

Second reading, Monday, 27th February, 1893.

(PRIVATE BILL.)

MR. WHITE,
(*Cardwell.*)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 63.) **BILL.** [1893.

An Act respecting the Canadian Power Company.

Preamble.

WHEREAS it has been represented by petition that it is desirable to extend, as hereinafter set forth, the powers of the Canadian Power 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:—

S. 1, c. 120, 1887, amended

1. Section one of the Act incorporating the Canadian Power Company, being chapter one hundred and twenty of the Statutes of 1887, is hereby amended by striking out the word "north", in the fifteenth line thereof, and substituting the word "south" in lieu thereof, and by adding after the word "whirlpool" at the end of the said line, the words "and from "a point or points in the Niagara River at or immediately "south of the head of the Rapids near the Welland River to "a point or points on the west bank of the Niagara River "about or south of Clark Hill."

Section 2 amended.

2. Section two of the said Act is hereby amended by inserting after the word "same", in the sixteenth line, the words "or any other wires or cables which the Company may lay "across the said River."

Section 23 amended.

3. Section twenty-three of the said Act is hereby amended by striking out the words "in all fifty per cent of", in the eighteenth and nineteenth lines thereof, and substituting in lieu thereof the word "double."

Section 24 amended.

4. Section twenty-four of the said Act is hereby amended by inserting after the word "Britain", in the ninth line, the words "or in the currency of the United States, and in gold if "desired."

Section 26 amended.

5. Section twenty-six of the said Act is hereby amended by inserting after the word "services" in the seventh line, the words "rendered, or expenses referred to in the fifth section "of this Act, and for the services."

Time for construction extended.

6. Notwithstanding anything contained in the Acts relating to the Company, the times limited for the commencement and completion of the works mentioned in the said Act of incorporation are hereby extended for the period of three and six years respectively from the tenth day of July, one thousand eight hundred and ninety-four; and unless the said works are commenced and completed within the times mentioned in this

section, the powers granted by the said Act of incorporation shall cease and be null and void, except as to such portion of the said works as have been commenced or completed and any rights which have been acquired by the Company before the expiration of the times aforesaid.

No. 63.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Canadian Power Company.

Received and read first time, Friday, 24th February, 1 93.

Second reading, Monday, 27th February, 1893.

(PRIVATE BILL.)

Mr. TISDALE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 64] **BILL.** [1893.

An Act to Incorporate the Maritime Manufacturing Company (Limited).

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that an Act be passed by the Parliament of Canada incorporating them as a company for the purpose and with the powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. George Stairs, W. Stairs Duffus, George Foot, Geoffrey Morrow and Robert E. Harris, all of the city of Halifax, in the Province of Nova Scotia, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic by the name of the "Maritime Manufacturing Company (Limited)," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be at such place in Canada as the directors from time to time determine by by-law.

Business and powers of company.

3. The Company may manufacture, buy, sell, dispose of and deal in, all such kinds of goods, chattels and merchandise as they see fit; and may engage in and carry on all such business as is usually engaged in by manufacturers and merchants; and may purchase, acquire and hold letters patent of invention and patent rights of all kinds, and either sell or dispose of the same or of any rights thereunder, or manufacture and sell the goods, commodities and articles covered by any such letters patent or patent rights as may from time to time be deemed conducive to the interests of the Company; and may do all such things as are incidental and conducive to the carrying on of all or any of the above business, and especially may acquire by purchase, lease or construction all necessary lands, factories, docks, shops, wharves, letters patent of invention and patent rights of all kinds in connection with or useful for any of the above business, with all the necessary machinery and plant for carrying on the same, and all other property whether real, personal or mixed, which may be deemed necessary or expedient to be owned, engaged, used or employed in carrying on the said business; but the Company shall not acquire any real estate merely for the purpose of dealing in the same, and nothing herein contained shall be construed as enabling the Company to acquire real estate beyond what is reasonably necessary for the purposes of the Company.

Real estate.

Purchase of business of other persons or companies.

4. The Company may purchase, take over or otherwise acquire from any other person or company all or any business which the Company is hereby empowered to carry on, together with the whole or any of the assets, franchises and property, real and personal, movable and immovable, to the seller or sellers thereof subject to the obligations, if any, affecting the same, and may pay the seller or sellers the price thereof wholly or partly in cash, or wholly or partly in either ordinary or preference shares of the Company or both, and such shares may be either fully paid or partly paid up, or in the bonds or debentures of the Company, or otherwise. And also undertake, assume, pay or guarantee all or any of the obligations or liabilities of the seller or sellers or the obligations affecting the assets and property purchased from time to time.

Mode of payment.

Shares in another company.

5 The Company may take or otherwise acquire and hold shares in the stock of any other company incorporated or chartered and may sell, hold or otherwise deal with the same.

Promissory notes, &c.

6. The Company may make, accept endorse or execute promissory notes and bills of exchange for sums of not less than one hundred dollars each, and warehouse receipts and other negotiable instruments. Provided, however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer or intended to be circulated as money, or as the note or bill of a bank.

Proviso.

Power to borrow money, by issue of debentures, &c.

7. The directors of the Company may from time to time at their discretion borrow money for the purposes of the Company and may secure the repayment of money so borrowed or any moneys owing by the Company in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of or on any of the property of the Company, or by the issue of bonds or debentures chargeable or otherwise on all or any of the assets and property of the Company. Provided, always, that the bonds and debentures issued and outstanding from time to time shall never exceed fifty per cent of the then total amount of the paid up capital of the Company; and, provided also, that no mortgage, pledgd, hypothecation or charge of or on any of the real estate, and no issue of bonds or debentures shall be made or given until previously sanctioned by a vote of the shareholders present in person or represented by proxy and representing two thirds in value of the shares of the Company at a special general meeting duly called for that purpose; and provided further, that no bond or debenture shall be for a less sum than one hundred dollars or its equivalent.

Proviso: amount limited.

And sanction of shareholders must be had.

Capital stock.

8. The capital stock of the Company shall be four million dollars divided into twenty thousand ordinary and twenty thousand preference shares of one hundred dollars each.

Preference shares and disposal of profits.

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

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

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

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

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

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

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

First general meeting of shareholders.

10. So soon as five hundred thousand dollars of the said capital stock have been subscribed and ten per cent thereof paid into one of the chartered banks of Canada, which amount shall not be withdrawn except for the purposes of the undertaking or upon the dissolution of the Company for any cause whatever, the provisional directors or a majority of them shall call a general meeting of the shareholders of the Company, to be held at such place and at such time as they determine, for the purpose of electing directors, of passing or ratifying the by-laws of the Company and of organizing the Company generally; and notice in writing signed by the provisional directors calling any such meeting of the date and place of holding the same, mailed at the post office in Halifax by registered letter to the address of each shareholder as registered in the books of the Company, not less than ten days previously, shall be deemed sufficient notice of such meeting.

Notice to shareholders.

Number, qualification and quorum of directors.

11. The directors shall not be more than twelve nor less than five in number, of whom a majority shall form a quorum, and no person shall be a director unless he is a shareholder owning twenty shares of stock absolutely in his own right and has paid all calls due thereon.

Equal rights of shareholders.

12. All shareholders in the Company, whether British subjects or aliens or residents of Canada or elsewhere, shall have equal right to hold stock in the Company and shall be eligible to office in the Company.

R.S.C., c. 118.

13. Sections seven, eighteen and forty-one of *The Companies Clauses Act* shall not apply to the Company.

No. 64.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Maritime Manufacturing Company (Limited).

Received and read first time, Friday, 24th February, 1893.

Second reading, Monday, 27th February, 1893.

(PRIVATE BILL.)

Mr. STAIRS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 64] **BILL.** [1893.

An Act to incorporate the Maritime Manufacturing Company (Limited).

(Reprinted as proposed to be amended by the Banking and Commerce Committee.)

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that an Act be passed by the Parliament of Canada incorporating them as a company for the purpose and with the powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. George Stairs, W. Stairs Duffus, George Foot, Geoffrey Morrow and Robert E. Harris, all of the city of Halifax, in the Province of Nova Scotia, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic by the name of the "Maritime Manufacturing Company (Limited)," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be at Halifax or such other place in Canada as the directors from time to time determine by by-law.

Business and powers of company.

3. The Company may buy, sell, dispose of and deal in raw or unrefined sugar, molasses, beet root, and all other substances capable of being manufactured into sugar, and also refined sugar and syrups, and all products of sugar, and all articles of merchandize or other commodities connected with the business of sugar refining, and may manufacture and refine sugar and syrups and all articles used in connection therewith, and may purchase, lease or construct and hold all necessary lands, factories, docks, shops, offices, wharves, ships, tugs, vessels, letters patent of invention and patent rights of all kinds in connection with or useful for its business, with all the necessary machinery and plant for carrying on the same, and all other property, whether real, personal or mixed, necessary for carrying on the said business, and may sell and dispose of the same from time to time, as is found desirable or necessary.

Purchase of business of other persons or companies.

4. The Company may purchase, take over or otherwise acquire from any other person all or any business which the Company is hereby empowered to carry on, together with the whole or any of the assets, franchises and property, real and personal, movable and immovable, belonging to the seller or sellers thereof on such terms as are mutually agreed upon

Shares in another company.

5 The Company may acquire and hold shares in the stock of any other company incorporated or chartered for any of the the purposes aforesaid, provided it is necessary for the prosecution of the Company's business.

Promissory notes, &c.

6. The Company may make, accept endorse or execute promissory notes and bills of exchange for sums of not less than one hundred dollars each, and warehouse receipts and other negotiable instruments. Provided, however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer or intended to be circulated as money, or as the note or bill of a bank.

Proviso.

Power to borrow money, by issue of debentures, &c.

7. The directors of the Company may from time to time at their discretion borrow money for the purposes of the Company and may secure the repayment of money so borrowed or any moneys owing by the Company in such manner and upon such terms and conditions as they see fit, either by the mortgage, pledge, hypothecation or charge of or on any of the property of the Company, or by the issue of bonds or debentures chargeable on all or any of the assets and property of the Company or otherwise : Provided, always, that the bonds and debentures issued and outstanding from time to time shall never exceed fifty per cent of the then total amount of the paid up capital of the Company; and, provided also, that no mortgage, pledge, hypothecation or charge of or on any of the real estate, and no issue of bonds or debentures shall be made or given until previously sanctioned by a vote of the shareholders present in person or represented by proxy and representing two thirds in value of the shares of the Company at a special general meeting duly called for that purpose; and provided further, that no bond or debenture shall be for a less sum than one hundred dollars or its equivalent.

Proviso: amount limited.

And sanction of shareholders must be had.

Capital stock.

8. The capital stock of the Company shall be four million dollars divided into twenty thousand ordinary and twenty thousand preference shares of one hundred dollars each.

Preference shares and disposal of profits.

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

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

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

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

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

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

First general meeting of shareholders.

10. So soon as five hundred thousand dollars of the said capital stock have been subscribed and ten per cent thereof paid into one of the chartered banks of Canada, which amount shall not be withdrawn except for the purposes of the undertaking or upon the dissolution of the Company for any cause whatever, the provisional directors or a majority of them shall call a general meeting of the shareholders of the Company, to be held at such place and at such time as they determine, for the purpose of electing directors, of passing or ratifying the by-laws of the Company and of organizing the Company generally; and notice in writing, fixing the date and place of holding such meeting, signed by the provisional directors calling any such meeting, mailed not less than ten days previously to the day of holding such meeting at the post office in Halifax by registered letter to the address of each shareholder as registered in the books of the Company, shall be deemed sufficient notice of such meeting.

Notice to shareholders.

Number, qualification and quorum of directors.

11. The directors shall not be more than twelve nor less than seven in number, of whom a majority shall form a quorum, and no person shall be a director unless he is a shareholder owning twenty shares of stock absolutely in his own right and has paid all calls due thereon.

R.S.C., c. 118.

12. Section eighteen of *The Companies Clauses Act* shall not apply to the Company.

No. 64.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Maritime Manufacturing Company (Limited).

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

(PRIVATE BILL.)

Mr. STAIRS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 65] **BILL.** [1893.

An Act to amend the law respecting the Electoral Franchise.

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

R.S.C., c. 5, s. 15 repealed.

1. Section fifteen of *The Electoral Franchise Act*, chapter five of the Revised Statutes, as enacted by section four of chapter eight of the Statutes of 1890, amended by section two of chapter eighteen of the Statutes of 1891, is hereby repealed and the following substituted therefor:—

Revision of lists.

"**15.** On or as soon as possible after the first day of June in each year, the revising officer shall cause the list of voters to be compared with the last assessment rolls, and with all the information he can obtain from that source, and from provincial, municipal, and other official lists, records and proceedings, and from any other source which he has reason to believe reliable, and by means of solemn declarations made as hereinafter provided according to the statute relating to extra-judicial oaths, shall proceed to revise each list of voters then in force under this Act for the electoral district for which he is appointed.

Removal of names.

"2. From such list of voters he shall strike, but not so as to render them illegible, the names of persons who are dead or who are not, according to the provisions of this Act, entitled to be registered as voters, stating on such list his reasons for doing so.

Names proposed to be added.

"3. He shall add at the end of such list, or on a paper attached thereto, and under the heading 'Names proposed to be added,' the names, in alphabetical order, of persons, not already on such list, whom he believes to be entitled according to the provisions of this Act to have their names entered on such list, or who it is claimed on solemn declaration, as hereinafter provided, are entitled to have their names so entered.

Declaration in case of names proposed to be added.

"4. The solemn declaration in this section referred to may be made by any person claiming the right to be registered in the electoral district, or claiming that some other person therein named, and therein declared to be absent from the electoral district and to have authorized such claim and declaration in his behalf, should be registered as a voter, and shall be to the effect that to his personal knowledge, or according to his information and belief (the grounds of which shall be stated), the person respecting whom such declaration is made, is entitled to registration; the qualification of the person claimed to be

entitled to be added to the list shall be stated distinctly in the body of the declaration, and such declaration, unless made by a person claiming that he himself is entitled to be added to the list, shall be made by an elector of the electoral district; the revising officer shall receive all such declarations up to the first day of August, when he shall proceed to the posting and publishing of such list after having closed and certified it as hereinafter provided; and he shall exhibit to any person requiring to examine them all such declarations deposited with him, and shall permit copies thereof to be taken.

Mistake in declaration.

"5. If the revising officer has reason to believe that a mistake has been made in a declaration, and that thereby a person not qualified has been entered on the list, he may, by reasonable notice, require the person making the declaration to give further proof at the final revision of the qualification of the person so entered; and if further proof is not then given, the revising officer may strike from the list the name of the person so entered.

Assessment rolls, evidence

"6. The assessment rolls in this section referred to shall be *prima facie* evidence of value and qualification."

Section 16 repealed.

2. The section substituted for section sixteen of the said Act by section three of chapter nine of the Statutes of 1889 is hereby repealed and the following substituted therefor:—

Erroneous entry to be corrected.

"**16.** The revising officer shall not strike from the list of voters the name of any person on the ground that the qualification of such person is incorrectly entered thereon, if it appears that such person is entitled to be registered on the list of voters as possessed of any of the qualifications set forth in this Act; but the revising officer shall make the necessary correction as to his qualification."

Section 17 repealed.

3. Section seventeen of the said Act, as enacted by section five of chapter eight of the Statutes of 1890, is hereby repealed and the following substituted therefor:—

Publication of list and of notice.

"**17.** Immediately after the revising officer has completed and certified the said list, showing, in the manner hereinbefore provided, the names struck out and the names proposed to be added, he shall have it posted up and exposed in a conspicuous place in his office, together with a notice, in the form C in the schedule to this Act, appointing a time and a place for its final revision as hereinafter provided."

Section 19 repealed.

4. Section nineteen of the said Act, as amended by section four of chapter nine of the Statutes of 1889, is hereby repealed and the following substituted therefor:—

Time and place for final revision.

"**19.** The time to be fixed for the final revision of lists of voters shall be not less than five weeks after the publication by posting up of the lists; and each sitting for such final revision shall include when practicable at least three and (except in cities and towns) not more than five polling districts; the place for the holding of the final revision shall be in one of the polling districts the list for which is to be so finally revised; and there shall be a sitting for such final revision in each city, town,

township, parish, incorporated village and other known territorial division, and in the Province of Prince Edward Island at least two sittings in each existing provincial electoral district except Charlottetown and Royalty and Georgetown and Royalty.

"2. Any person desiring to object or to add to, or in any way to amend or correct, a list of voters on the final revision shall have the right so to object or to apply for the said addition, amendment or correction to the revising officer, if he has, at least two weeks before the day fixed for such final revision, deposited with or mailed to the revising officer, by registered letter, at his office or place of address, a notice in the form D in the schedule to this Act; and in the event of any person desiring to object to any name on the said list or to any name proposed to be added thereto, the person so objecting shall also give notice in writing at least two weeks before the day fixed for such final revision to the person whose name is objected to, and in a like form as to the revising officer, by delivering such notice to such person, or by mailing it by registered letter to the post office address given in the list or to his last known post office address. Notice of objections and amendments. Notice to person objected to.

"3. The revising officer shall exhibit to any person requiring to examine them all notices of additions or objections or declarations in support thereof, deposited with or mailed to him under this section, and shall permit copies thereof to be taken." Objections, &c., may be examined.

5. Subsection one of section twenty of the said Act is hereby repealed and the following substituted therefor:— Section 20 amended.

"**20.** At the time and place named in the said notice he shall hold open court for the said final revision, and shall hear and dispose of any objection or complaint and any application to add to, amend or correct the said list of voters of which notice has been given as aforesaid, hearing the parties making the same, if they appear, and any evidence that is adduced before him in support of or in opposition thereto, and he shall either affirm or amend the list accordingly, as to him seems right and proper, attesting, with his initials, any changes, additions or erasures in the list: Provided, that in any electoral district in which no notice has been given as aforesaid of any objection or of any application to add to, amend or correct the said list, no court shall be so held." Holding of court for final revision of list. When court need not be held.

2. The subsection, numbered four, added to the said section twenty by section six of chapter eight of the Statutes of 1890, is hereby amended by striking ont the words "original or supplementary list" in the second line and substituting therefor the words "list of voters." Further amendment.

6. Subsection two of section twenty-one of the said Act, as enacted by section seven of chapter eight of the Statutes of 1890, is hereby repealed and the following substituted therefor:— Section 21 amended.

"2. After the lists for the several polling districts have been so finally revised, the revising officer shall prepare the final list of voters,—which list shall be as near as possible in Preparation of final lists.

the form B in the schedule to this Act; and in preparing such final list, he shall proceed to correct the original list by striking therefrom the names of persons who have ceased to be qualified electors, and by adding to the said final list, in alphabetical order, the names of all persons entitled, according to the provisions of this Act, to be registered as voters,—inserting in such final list correct information respecting the post office address, occupation, qualification and description of the property or residence of such voters; and he shall certify the original list as so corrected in the form E in the schedule to this Act."

Section added.

7. The said Act is hereby further amended by adding the following section thereto immediately after section thirty-seven :—

Appeal from decision of revising officer.

"**37A.** Every such appeal shall be heard and determined within three months from the time when notice thereof was given to the revising officer, otherwise such appeal shall be dismissed."

1889, c. 9, s. 5 amended.

8. Subsection one of section five of chapter nine of the Statutes of 1889 is hereby repealed.

Appointment of revising officer for district constituted by c. 11, 1892.

9. The Governor in Council may appoint a revising officer for any electoral district constituted by, or the boundaries of which are altered by, the *Act to readjust the Representation in the House of Commons*, chapter eleven of the Statutes of 1892, or by any Act in amendment thereof; and the appointment in such case shall take effect at such time as is designated by the Governor in Council, and shall be valid and effectual notwithstanding that the electoral district as constituted by the said chapter eleven of the Statutes of 1892, or by any Act in amendment thereof, includes the whole or any part of any electoral district as previously constituted.

Lists of voters not to be affected by c. 11, 1892.

10. When the said *Act to readjust the Representation in the House of Commons* takes effect, the list of voters then in force for each polling district shall remain good and valid until another is made in its stead in the manner provided by law, notwithstanding that such polling district was previously part of some other electoral district than that in which it is included under the said Act.

New Form E.

11. Form A in the schedule to *The Franchise Act* is hereby repealed and the following substituted therefor :

"A

Oath of Office of a Revising Officer or Deputy Revising Officer.

I, of the of , in the county of and Province of , the revising officer (*or* deputy revising officer) appointed under *The Electoral Franchise Act*, in and for the electoral district (*or* portion of the electoral district) of in the Province of do hereby solemnly swear (*or* affirm) that I will well and faith-

fully discharge the duties assigned to me by the said Act without favour or partiality; that I will place no name on the list of voters for the said electoral district (*or* portion of the said electoral district) or any of the polling districts thereof, and will strike no name off such list, unless I am satisfied that it should by law be placed on or struck off such list; and that I will in all respects conform to the said Act and the law to the best of my judgment and ability. So help me GOD.

Sworn before me, a judge of the court of , in and for the Province of , being a court of record, at the of in the county of and Province aforesaid, this day of A.D. 18 .

A.B.
Revising officer (*or deputy revising officer*) *for the electoral district* (or *portion of the electoral district*) *of*

C.D.
A Judge &c."

12. The form substituted for form C in the schedule to the said Act by section eleven of chapter nine of the Statutes of 1889, is hereby repealed and the following substituted therefor:— New Form C.

"C

Notice by Revising Officer of Final Revision of Lists of Voters for each Polling District.

The revising officer for the electoral district (*or* portion of the electoral district) of in the Province of , under *The Electoral Franchise Act*, hereby gives notice that he will hold a court (or sitting) on the day of , 18 , at o'clock in the noon at in the of , in the said electoral district for the final revision of the list of voters for polling district No. , of the said electoral district.

All notices of objections and claims for additions to or amendments or corrections of the said list, with the grounds therefor, and the name, addition and post office address of the person objecting to any name on the said list, or claiming to add to, amend or correct the said list in any other respect, must be delivered to the said revising officer at , or sent to him by registered letter addressed to him at , before the day of 18 , in the same form, as nearly as may be, as of notice of complaint, in the form D in the schedule to *The Electoral Franchise Act*.

If the objection is to the name of any person already on the list, or to the name of any person proposed to be added, the person so objecting must, at the same time, deliver or mail by registered letter to the person whose name is so objected to, at his last known address, a copy of the notice of objection.

Dated , 18 .

A. B.
Revising Officer for the electoral district (or *portion of the electoral district*) *of* ."

No. 65.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to amend the law respecting the Electoral Franchise.

Received and read first time, Monday, 27th February, 1893.
Second reading, Tuesday, 28th February, 1893.

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 66.] **BILL.** [1893.

An Act to incorporate the Grand Council of the Catholic Mutual Benefit Association of Canada.

Preamble.

WHEREAS the Grand Council of the Catholic Mutual Benefit Association of Canada have by their petition represented that they are incorporated in Ontario under the provisions of Chapter 172 of the Revised Statutes of Ontario, 1887, respecting benevolent, provident and other societies, and are desirous of carrying on business in all the provinces and territories of the Dominion under the control of one central body, and for such purpose have prayed to be incorporated by the Parliament of Canada, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The Most Reverend John Walsh, D.D., Toronto, Ontario; John A. MacCabe, LL.D., Ottawa, Ontario; O. K. Fraser, Brockville, Ontario; P. A. Landry, Dorchester, New Brunswick; M. F. Hackett, M.P.P., Stanstead, Quebec; Samuel R. Brown, London, Ontario; W. J. McKee, Windsor, Ontario; J. O. Martineau, Levis, Quebec; E. J. Reilly, Thorold, Ontario; Revd. P. M. Bardou, Cayuga, Ontario; Revd. M. J. Tiernan, London, Ontario; P. J. O'Keefe, St. John, New Brunswick; T. P. Tansy, Montreal, Quebec; Lasalle Gravelle, Ottawa, Ontario; T. P. Coffee, Guelph, Ontario; Charles E. Rouleau, Calgary, Alberta; John L. Carleton, St. John, New Brunswick; John Ronan, Hamilton, Ontario; D. J. O'Connor, Stratford, Ontario; J. E. Morrison, Quebec, Quebec; P. F. Boyle, London, Ontario; R. J. Dowdall, Almonte, Ontario; G. E. Rioux, Sherbrooke, Quebec; E. Ryan, M.D., Kingston, Ontario, all of them officers and members of the Grand Council of the Catholic Mutual Benefit Association of Canada, together with such persons as are or become members of the said Grand Council, are hereby constituted and declared to be a body corporate under the name of "The Grand Council of the Catholic Mutual Benefit Association of Canada" hereinafter called the Association, for the following purposes and objects:—

Corporate name.

Objects of the Association.

Fraternal union.

(*a.*) To unite fraternally all persons entitled to membership under the constitution and laws of the Association; and the word "laws" when hereinafter used shall include general laws and by-laws.

Improvement, education, &c.

(*b.*) To improve the social, intellectual and moral condition of the members of the Association and to educate them in integrity, sobriety and frugality.

Benefit fund.

(*c.*) To establish, manage and disburse a mutual benefit and a reserve fund from which, within sixty days after the receipt at the office of the secretary of the Association of satisfactory evidence of the death of a member of the Association who has complied with its lawful requirements, a sum not exceeding two thousand dollars shall be paid by the Association to the widow, orphans, dependants or other beneficiary whom the deceased member has designated, or to the legal representatives of such deceased member.

Other advantages.

(*d.*) To secure to its members such other advantages as are from time to time designated by the constitution and laws of the Association.

Head office.

2. The head office of the Association shall be in the city of London, in the province of Ontario, or in such other place in Canada as may from time to time be designated by the Association.

Subordinate councils.

3. Subject to the constitution and laws of the Association, Provincial and Territorial Councils and branches subordinate to the Association may be established in Canada under the title or number designated in the charter granted by the Association constituting such councils or branches, and subject to such provisions, conditions and with such powers as the Association may from time to time determine; provided, however, that such powers shall not be in excess of those conferred upon the Association by this Act.

Rules and by-laws.

4. The Association may make rules and by-laws for the guidance of its officers and members, the control and management of its funds and generally for regulating every matter and thing proper or necessary to be done for the good of the Association and the prosecution of its object and business, and may repeal, rescind, alter or amend the same.

Provincial agents to be appointed under power of attorney.

5. The Association shall appoint in each province in which it transacts business, other than the province in which its head office is situate, an agent under a power of attorney bearing the seal of the Association and signed by the president and secretary or other proper officers thereof in the presence of a witness who shall make oath or affirmation as to the due execution thereof; and the official positions in the Association held by the officers signing such power of attorney, shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf.

What such power of attorney must contain.

6. Each such power of attorney shall declare at what place in the province for which such agent is appointed the said agent has his office, and shall expressly authorize the agent thereby appointed to receive service of process in all suits and proceedings against the Association in respect of all liabilities incurred by the Association in the province in which such agent resides, and shall declare that service of process for or in respect of such liabilities at such office, or personally on such agent, shall be legal and binding on the Association to all intents and purposes whatsoever.

7. The Association shall file with the provincial secretary or registrar of each province in which it carries on business a duplicate duly verified of every power of attorney appointing an agent to receive service of process in such province. Duplicates for each province.

8. The surplus or reserve fund of the Association shall be invested in the name of the Association, in securities which are a first charge on land in fee simple in Canada, in municipal debentures or in securities of the Dominion of Canada or of any of the provinces thereof, or shall remain deposited at interest in the name of the Association in any chartered bank; but the Association shall sell such real estate and property as it acquires by the foreclosure of any mortgage, hypothec or lien within seven years after it has been so acquired, otherwise such real estate or property shall revert to the previous owner or his legal representatives or assigns. Investment of reserve fund.

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

10. The property of each council or branch only shall be liable for the debts and engagements of such council or branch respectively. Liability of branches.

11. Whenever under the constitution and laws of the Association any council or branch becomes dissolved, the Association shall have the option within three months after the dissolution of such council or branch of taking over the property of such council or branch, and upon exercising such option the Association shall become liable for all the debts and liabilities of such council or branch and shall liquidate and discharge the same. Provision in case of dissolution of branch.

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

13. Within three months from the coming into force of this Act a certified copy of the present constitution and laws of the Association and of its form of certificate of membership and of contract shall be deposited in the office of the Secretary of State of Canada and of the Superintendent of Insurance, and copies of any future change or amendment thereto shall be deposited within three months from their adoption by the Association; and in default of compliance with any provisions of this section, the Association shall incur a penalty of ten dollars for each day during which such default continues. Documents to be filed. Penalty for contravention.

No annuities.

14. The Association shall not assure to any member a certain annuity either immediate or deferred whether for life or for a term of years or any endowment whatever.

R. S. C., c. 118.

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

R. S. C., c. 124.

16. This Act and the Association hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions contained in *The Insurance Act*.

No. 66.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Grand Council of the Catholic Mutual Benefit Association of Canada.

Received and read a first time, Tuesday, 28th February, 1893.
Second reading, Wednesday, 1st March, 1893.

(PRIVATE BILL.)

MR. DEVLIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 67.] **BILL.** [1893.

An Act to revive and amend the Act to incorporate the North Canadian Atlantic Railway and Steamship Company.

Preamble.

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

Chapter 70, 1890, revived and amended.

Time for construction extended.

1. Subject to the provisions of this Act, the Act incorporating the North Canadian Atlantic Railway and Steamship Company, being chapter seventy of the Statutes of 1890, is hereby revived and declared to be in force, and if the undertaking of the Company is not commenced within two years and completed within five years from the first day of July next, then the powers granted by the Act of incorporation and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Name changed.

Existing rights not to be affected.

2. The name of the Company is hereby changed from "The North Canadian Atlantic Railway and Steamship Company" to "The Labrador Railway and Steamship Railway Company"; but such change in name shall not, in any way, impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued and completed and enforced as if this Act had not been passed.

No. 67.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to revive and amend the Act to incorporate the North Canadian Atlantic Railway and Steamship Company.

Received and read a first time, Tuesday, 28th February, 1893.
Second reading, Wednesday, 1st February, 1893.

(PRIVATE BILL.)

Mr. FRÉMONT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 68.] **BILL.** [1893.

An Act respecting the Columbia and Kootenay Railway and Navigation Company.

Preamble.

WHEREAS a petition has been presented stating that it will facilitate the development of important mining interests in the Kootenay District of British Columbia, and also be of advantage to the Columbia and Kootenay Railway and Navigation Company, hereinafter called "the Company", if it obtains authority to extend its Railway lines as hereinafter mentioned; and praying that such authority be conferred, 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 works hereinafter mentioned are hereby declared to be works for the general advantage of Canada.

Railway and branch lines to be constructed.

2. The Columbia and Kootenay Railway and Navigation Company may construct and operate a railway between some point on its present line between Nelson and Robson on the south and Revelstoke on the north, together with such branch or branches as may from time to time be authorized by the Governor in Council, not exceeding in any one case the length of thirty miles; and may construct and operate in connection therewith telegraph and telephone lines, and wharves, docks, elevators, warehouses, station houses, offices and other buildings.

Telegraph lines, docks, &c.

Section 4 of c. 87, 1890 to apply.

3. The provisions of section four of chapter eighty-seven of the Statutes of 1890 intituled *An Act respecting the Columbia and Kootenay Railway and Navigation Company*, shall apply to the works mentioned herein as well as to those mentioned in that Act.

N. 68.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Columbia and Kootenay Railway and Navigation Company.

Received and read a first time, Tuesday, 28th February, 1893.
Second reading, Wednesday, 1st February, 1893.

(PRIVATE BILL.)

Mr. MARA.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 69.] **BILL.** [1893.

An Act to incorporate the Canada Atlantic and Plant Steamship Company, Limited.

Preamble.

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated with the powers hereinafter mentioned ; and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Incorporation.

1. Henry B. Plant, Mortimer Freeman Plant, of New York ; George Heath Tilly, of Darien, in the State of Connecticut ; Edward Cyrenius Richardson, of Boston, in the State of Massachussetts, Edmund Goudge Smith, William James Butler, James A. Leaman, and Harry Lewis Chipman, of the city of Halifax, in the province of Nova Scotia, together with such persons as become shareholders in the Company hereby created, are hereby constituted and declared to be a body politic and corporate by the name of the "Canada Atlantic and Plant Steamship Company, Limited," hereinafter called the Company.

Corporate name.

Powers.

2. The Company may—

As to steamships, sailing vessels, &c.

(*a.*) Purchase, hire, charter, navigate and maintain steamships, sailing vessels, and all other kinds of craft, including tugs and barges for the carrying and conveyance of passengers, goods, chattels, wares and merchandize, between the ports of Canada and to and from any port or ports of Canada and the port or ports of any other country or countries ; and may carry on the business of common carriers of passengers, goods, forwarders and traders, and of wharfingers and wharehousemen ; and may sell and dispose of the said vessels or any of them or grant or consent to bottomry or other bonds on the same ; mortgage the property of the Company or any part thereof, when deemed expedient and make and enter into contracts and agreements with any persons or corporations whatsoever, for the purpose of carrying out any of the objects of the Company or any of the purposes aforesaid, or otherwise, for the benefit of the Company ;

Mortgaging property of company.

Wharves, docks, elevators, &c.

(*b.*) Purchase, rent, erect and hold in Nova Scotia and elsewhere for the purposes of the Company or in the name of a trustee for the benefit of the Company, such lands, wharves,

docks, warehouses, offices, elevators or other buildings, as is found necessary and convenient for the purposes of the Company, and sell, mortgage and dispose of the same ;

Express and delivery business.

(*c.*) Purchase, construct, operate and maintain or contribute to the purchase, construction, operation and maintenance of any hacks, express, omnibusses, cabs or transfers, wharves, bridges, piers or roads, calculated to afford any facility for the carriage of passengers, freight, baggage or passage to or from any steamer, vessel, station, or railway, with power to carry on any express, parcel, or delivery business in connection with the Company's business ;

Arrangements with other companies.

(*d.*) Acquire the good will of any business within the objects of the Company, and any lands, privileges, rights and contracts appertaining to the same, and in connection with any such purchase to undertake the liabilities of any company, association, partnership or person ;

Patent rights.

(*e.*) Acquire any exclusive rights in letters patent, franchises, patent rights or privileges in connection with the business of the Company ;

Sale of company's business.

(*f.*) Sell or otherwise dispose of the whole or any branch or part of the business or property of the Company, to any company carrying on, or formed for the purpose of carrying on any objects similar to those of the Company ;

Purchase of business and franchises of other companies.

(*g.*) Purchase, take over, or otherwise acquire from any other person or company, all or any of the businesses which the Company is hereby empowered to carry on, together with all or any of the assets, franchises and property, real and personal, movable and immovable, of the sellers thereof subject to the obligations, if any, affecting the same, and may pay the seller or the sellers the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares or in partly paid up shares of the Company, or otherwise, and also undertake, assume, pay or guarantee all or any of the obligations or liabilities of the sellers or the obligations affecting the assets and property purchased from time to time ;

Shares in stock of other like companies.

(*h.*) Take, or otherwise acquire and hold shares in the stock of any other company, incorporated or chartered for all or any of the purposes similar to those of the Company, and give them in payment in part or in whole of any purchase made by the Company under the next preceding paragraph, and may sell, hold or otherwise deal with the same, and may guarantee the principal or interest of any such shares.

Capital stock and increase thereof.

3. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, but after the whole amount of the capital stock has been subscribed for and fifty per cent paid thereon, the directors may increase the capital stock as the wants of the Company require, upon a vote of a majority of the stockholders at a special meeting duly called for the purpose or at any general annual meeting of the Company.

Provisional directors.

4. The persons named in the first section of this Act are hereby constituted provisional directors of the Company, and of such provisional directors four shall be a quorum, and they may forthwith open stock books, procure subscriptions of stock, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise, on account of the Company, and shall withdraw the same for the purposes of the Company only.

Head office.

5. The head office of the Company shall be at Halifax in the province of Nova Scotia, or such other place in Canada as is determined by the by-laws of the Company.

First election of directors.

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

Qualification.

Annual election of directors.

7. At the annual general meeting the subscribers of the capital stock who have paid all calls due on their shares shall choose five persons to be directors of the Company; but the Company may, by by-law, first approved of by the shareholders increase the number of directors to any number not exceeding fifteen, and a majority of such directors shall be a quorum.

Quorum.

Issue of paid up stock.

8. The directors of the Company may make and issue as paid up stock shares, common or preferred, in the Company whether subscribed for or not and may allot and hand over such stock in payment of any property, rights and franchises which it is authorized to hold, and also for the services of contractors, engineers and solicitors; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Issue of bonds, &c.

9. For any or all of the purposes of the Company, the Company may from time to time under the authority of a majority vote of those shares which are represented in person or by proxy at a meeting called for that purpose, or at any annual meeting of the Company, issue at one or more times, or in one or more series, bonds, debentures or preferred stock under its seal and signed by its president, or other authorized officer of the Company, and countersigned by its secretary; and such bonds or debentures may be made payable at such time, in such places in Canada, or elsewhere, and bear interest at such rate per annum as the Company may at such meeting decide.

Mortgage deed to secure bonds.

10. The Company may from time to time secure any of the bonds or debentures of the Company by a mortgage or

deed of trust of all or any of its property, whether real, personal or mixed, and including any ships, stocks, shares, or securities, powers, rights and franchises, whether owned or enjoyed by it at the date of such mortgage or deed of trust, or thereafter acquired. And the legal title to all property acquired subsequent to the date of the said mortgage or deed of trust, which purports to be covered by the said mortgage or deed of trust, shall vest in a trustee or trustees for the bondholders or debenture holders as soon as the same is acquired or owned by the Company, and either with or without power of sale or other special provisions as the directors deem expedient.

Property thereafter acquired to vest in trustees for bond holder.

Promissory notes.

Proviso.

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

Time for commencing business.

12. If the Company does not *bona fide* commence business under the provisions hereof, within two years from and after the passing of this Act, then this Act shall become and shall be utterly null and void, and of no effect.

Aliens.

13. Aliens, whether resident in Canada or elsewhere as well as British subjects may be shareholders, bondholders, directors, trustees or officers of the Company or its property.

R.S.C., c. 118 to apply.

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

No. 69.

3rd Session, 7th Parliament, 56 Victoria, 1

B I L L.

An Act to incorporate the Canada Atlan and Plant Steamship Company, Limit

Received and read a first time, Monday, 2 February, 1893.

Second reading, Tuesday, 21st February, 18

(PRIVATE BILL.)

Mr. FORBES

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 70.] **BILL.** [1893.

An Act respecting the Nakusp and Slocan Railway Company.

Preamble.

WHEREAS the Nakusp and Slocan Railway Company was incorporated by an Act of the Legislature of the province of British Columbia passed in the fifty-sixth year of Her Majesty's reign, intituled *An Act to incorporate the Nakusp and Slocan Railway*; and whereas the said Company is thereby authorized to build its railway from a point at or near the town of Nakusp to some point at or near the Forks of Carpenter Creek in the district of West Kootenay; and whereas a petition has been presented praying that the said railway be declared to be a work for the general advantage of 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, declares and enacts as follows:—

B.C., 1893.

Declaratory.

1. The railway of the Nakusp and Slocan Railway Company is hereby declared to be a work for the general advantage of Canada.

Provincial charter confirmed.

2. The Nakusp and Slocan Railway Company, hereinafter called the Company, is hereby declared to have all the franchises, rights, powers, privileges and authorities conferred upon it by the Act of the Legislature of the province of British Columbia cited in the preamble to this Act, but subject to all debts, obligations or liabilities of the Company, and to any rights in any suit or action now pending in any of the courts of British Columbia: Provided that *The Railway Act* of Canada shall apply instead of *The British Columbia Railway Act*, to all matters and things to which *The Railway Act* of Canada would apply if the Company had originally derived its authority to construct and operate its railway from the Parliament of Canada, and as though it were a railway constructed, or to be constructed, under the authority of an Act passed by the Parliament of Canada.

Proviso: Railway Act to apply.

Issue of bonds limited.

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

Agreement with C. P. Railway Company.

4. The Company may enter into an agreement with the Canadian Pacific Railway Company, for conveying or leasing

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

Proviso : sanction of shareholders and approval of Governor in Council.

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

Notice of application for approval.

No. 70.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Nakusp and Slocan Railway Company.

Received and read a first time, Thursday, 2nd March, 1893.
Second reading, Friday, 3rd March, 1893.

(PRIVATE BILL.)

Mr. MARA.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 70.] **BILL.** [1893.

An Act respecting the Nakusp and Slocan Railway Company.

(*Reprinted as proposed to be amended in the special Committee on Railways, Harbours and Telegraph Lines.*)

Preamble.

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

Incorporation.

1. Charles G. Major, of the city of New Westminster, Johann Wulffsohn, of the city of Vancouver, and Arthur William Jones, of the city of Victoria, together with such other persons and corporations as become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name of the "Nakusp and Slocan Railway Company," hereinafter called the Company.

Corporate name.

Head office.

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

Line of railway.

Declaratory.

3. The Company may lay out construct and operate a railway of the standard gauge of four feet, eight and one-half inches, or the narrow gauge of three feet, six inches, from a point at or near the town of Nakusp to some point at or near the Forks of Carpenter Creek, in the district of West Kootenay; and the undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Vessels on British Columbia waters.

4. The Company may, in connection with their railway construct, acquire, maintain and employ steam and other vessels to ply on the lakes and rivers of the province of British Columbia.

Provisional directors.

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

Capital stock.

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

Annual meeting.

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

Directors.

8. At such meeting the subscribers for the capital stock assembled who have paid all calls due on the shares shall choose not more than nine persons to be directors of the Company.

Issue of bonds.

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

Agreement with the C. P. R. Co.

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

Approval required.

Notice of application for approval.

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

No. 70.

3rd Session, 7th Parliament, 56 Victoria

BILL.

An Act respecting the Nakusp and S
Railway Company.

*(Reprinted as proposed to be amended
special Committe on Railways, Harbou
Telegraph Lines.)*

(PRIVATE BILL.)

Mr. MA

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majes
1893

No. 71.] **BILL.** [1893.

An Act respecting the Drummond County Railway Company.

Preamble.

WHEREAS a petition has been presented stating that the Drummond County Railway Company has undertaken the works hereinafter described and made a commencement of the same, and praying for additional powers and for the passing of an Act as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

Name of company.

1. In this Act the expression "The Company" means a body politic and corporate heretofore created by certain Acts of the Legislature of the province of Quebec, under the name of the "Drummond County Railway Company," each of which Acts is set out in the schedule to this Act.

Declaratory.

1886, P.Q., c. 81 and 1889, P.Q., c. 88.

Company's railway and branches.

2. The following works, being those which the Company by its Act of incorporation, being chapter eighty-one of the Statutes of 1886 of the province of Quebec and chapter eighty-eight of the Statutes of 1889 of the said province of Quebec amending the same, is empowered to undertake, construct, own and operate, are hereby declared to be works for the general advantage of Canada, that is to say:—a railway from the village of Drummondville in the county of Drummond, to a point or points near the Grand Trunk Railway, at, near or between the stations of that Company at Kingsey Siding in the county of Richmond and at the village of Victoriaville in the county of Arthabaska, crossing part of the last two mentioned counties or either of them as well as the county of Drummond, with power to run a branch line from the said railway in the township of Wendover or Simpson to the parish of Ste. Angèle in the county of Nicolet, crossing the county of Yamaska and that of Nicolet, also to extend the said railway from Drummondville to a point at or near the city of St. Hyacinthe in the county of St. Hyacinthe, crossing portions of the counties of Drummond, Bagot and St. Hyacinthe.

Rights under provincial charter confirmed.

3. The Company is hereby declared to have all the franchises, rights, powers, privileges and authorities conferred upon it by the said Acts of the Legislature of the province of Quebec set out in the schedule to this Act, but subject to all debts, obligations or liabilities of the Company, and to any rights in any suit or action now pending in any of the courts of law in the province of Quebec: Provided, that *The Railway Act* of Canada shall apply, instead of the law respecting Railways in force in

Proviso: Railway Act to apply.

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

St. Leonard extension authorized.

4. In addition to the powers conferred by the said two Acts of the Legislature of the province of Quebec, the Company may lay out, construct and operate an extension of its line of railway from the village of St. Leonard in the county of Nicolet to a point on the Intercolonial Railway in the county of Lévis, crossing the counties of Nicolet, Arthabaska, Lotbinière and Lévis, all in the province of Quebec.

Head office.

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

Annual meeting.

6. The annual General Meeting of the shareholders shall be held on the first Monday of May in each year.

Issue of bonds.

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

Agreement with C. P. Railway Co. or G. T. Railway Co.

8. The Company may enter into an agreement with the Canadian Pacific Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing its railway to either of such companies, in whole or in part, or any rights or powers acquired by it, as also the surveys, plans, works, plant, machinery and other property to it belonging or for an amalgamation with either of such companies on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy and that such agreement has also received the approval of the Governor in Council.

Proviso : sanction of shareholders.

Approval of Governor in Council.

Notice of application for approval.

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

Time for construction extended.

9. Notwithstanding anything contained in the Acts of the legislature of the province of Quebec recited in the schedule to this Act, the time for the completion of the line of railway authorized by the said Acts is hereby extended for ten years

from the passing of the this Act; and the line of railway authorized by section four of this Act shall be commenced within three years from the passing of this Act: and if the railway is not commenced and completed as herein provided, then the powers relative to such construction shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

SCHEDULE.

STATUTES OF THE PROVINCE OF QUEBEC.

Year and Chapter.	Title of Act.
49-50 Victoria, Chap. 81....	An Act to incorporate the Drummond County Railway Company.
52 Victoria, Chap. 88.....	An Act to amend the charter of the Drummond County Railway Company.

No. 71.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Drummond County Railway Company.

Received and read a first time, Thursday, 2nd March, 1893.

Second reading, Friday, 3rd March, 1893.

(PRIVATE BILL.)

Mr. CLEVELAND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 72] **BILL.** [1893.

An Act further to amend the Act respecting Certificates to Masters and Mates of Ships.

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

R.S.C., c. 73, s. 2 repealed.

1. Section two of the *Act respecting Certificates to Masters and Mates of Ships*, chapter seventy-three of the Revised Statutes, is hereby repealed, and the following substituted therefor :—

Examinations for masters and mates of sea-going vessels.

"**2.** Examinations may be instituted in Canada, for British subjects or for persons domiciled in Canada for at least three years who intend to become masters or mates or second mates of sea-going ships, or who wish to procure certificates of competency for sea-going ships hereinafter mentioned ; and foreign subjects serving in sea-going ships registered in Canada, shall be deemed to be domiciled in Canada while so serving."

Section 3 repealed.

2. The section substituted by section two of chapter forty-one of the Statutes of 1891, for section three of the said Act, is hereby repealed and the following substituted therefor :—

Examination for masters and mates on inland waters or of coasters.

"**3.** Examinations may be instituted in Canada, for British subjects or for persons domiciled in Canada for at least three years who intend to become masters or mates of ships trading on the inland waters of Canada, or on the minor waters of Canada, or on coasting voyages, or who wish to procure the certificates of competency hereinafter mentioned ; and foreign subjects serving in ships registered in Canada, and trading on the inland waters of Canada, or on the minor waters of Canada, or on coasting voyages, shall be deemed to be domiciled in Canada while so serving."

No. 72.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Act respecting Certificates to Masters and Mates of Ships.

Received and read a first time, Thursday, 2nd March, 1893.
Second reading, Friday, 3rd March, 1893.

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 73.] **BILL.** [1893.

An Act further to amend the North-West Territories Representation Act.

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

R.S.C., c. 7, s. 38 repealed.

1. Section thirty-eight of *The North-West Territories Representation Act*, chapter seven of the Revised Statutes, is hereby repealed and the following substituted therefor :—

Poll books and notices.

"**38.** The returning officer shall furnish each deputy returning officer with a poll book which shall be in the form R, in the first schedule to *The Dominion Elections Act*, and with at least five copies of the notice, in the form L in the schedule to this Act, for the information of electors."

Section 42 repealed.

2. Section forty-two of the said Act is hereby repealed and the following substituted therefor :—

Posting of notice.

"**42.** The deputy returning officer shall post up on the polling day before nine o'clock in the forenoon, in conspicuous places near the polling station, at least three copies of the notice, in the form L in the schedule to this Act, for the information of electors."

Section 64 repealed.

3. Section sixty-four of the said Act is hereby repealed and the following substituted therefor :—

Instructions for returning officer and deputies.

"**64.** One copy of this Act, and of such portion of *The Dominion Elections Act* as are hereinafter or by any other Act incorporated with this Act, and of such instructions, approved by the Governor in Council, as are necessary to carry out the elections according to the provisions of this Act (with a copious alphabetical index prefixed), for the returning officer, and one for each of his deputies, shall be transmitted, with the writ of election, to each returning officer."

Section 67 repealed.

4. Section sixty-seven of the said Act is hereby repealed and the following substituted therefor :—

Certain provisions of R.S.C c. 8, incorporated.

"**67.** Paragraphs (*a*), (*b*) and (*h*) of section two, subsection one of section twenty, paragraphs (*b*), (*c*) and (*d*) of section thirty, section thirty-one, sections thirty-three to forty, both inclusive, subsections one and three of section forty-five, sections forty-six to forty-nine, both inclusive, sections fifty-one to fifty-five, both inclusive, subsections one and two of section fifty-six, sections fifty-seven to one hundred and twenty, both inclusive, and sections one hundred and twenty-five to one

hundred and thirty-one, both inclusive, of *The Dominion Elections Act*, are hereby incorporated with this Act and shall be read as forming part thereof."

Form I amended.

5. Form I, in the schedule to the said Act, is hereby amended by striking out the words "poll books" in the fourth paragraph and substituting therefor the words "ballot boxes."

New Form L.

6. Form L, in the schedule to the said Act, is hereby repealed and the following substituted therefor:—

"L.

"*Information for electors.*

"The following is the qualification of electors as prescribed by the Parliament of Canada.

"(*Here insert section four of this Act.*)

"If any elector finds shat his name is not on the voters' list of the polling division to which he belongs, he may apply to the enumerator on any day before the polling day, and if the enumerator objects to add his name to the said list, he may require the deputy returning officer, on the polling day, while the poll is open, to cause his name to be placed on the list on taking before that officer the following oath:

"(*Here insert oath No.* 1. *See form P.*)

"Each elector may vote only at one polling station and for one candidate within the same electoral district.

"The elector will go into one of the compartments, and with a pencil there provided, place a cross in the division containing the name of the candidate for whom he votes, thus ×.

"The elector shall then fold the ballot paper so as to show a portion of the back only, with the initials of the deputy returning officer thereon and the number on the counterfoil, and also in such a manner as to permit the counterfoil to be detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall place it in the ballot box, after having detached the counterfoil. The elector shall then forthwith quietly leave the polling station.

"If an elector inadvertently spoils a ballot paper he may return it to the proper officer, who, on being satisfied of the fact, wlll give him another.

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

"If an elector takes a ballot paper out of the polling station or fraudulently puts into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he

will be subject to be punished by fine of five hundred dollars or by imprisonment for a term not exceeding six months, with or without hard labour.

"(*Signature*), A. B.,
Returning Officer.

"Dated 18 ."

7. Sections thirty-five, forty, forty-one, forty-seven, fifty-one, fifty-three to fifty-nine, both inclusive, sixty-one and sixty-five of the said Act are hereby repealed. Repeal.

2. Forms N and Q in the schedule to the said Act are hereby repealed.

No. 73.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the North-West Territories Representation Act.

Received and read a first time, Thursday, 2nd March, 1893.

Second reading, Friday, 3rd March, 1893.

Sir JOHN THOMPSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

An Act to make further provision respecting Grants of Land to members of the Militia Force on active service in the North-west.

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

Grants of land authorized.

1. Nowithstanding any limits of time prescribed in chapter seventy-three of the Statutes of 1885, or in chapter twenty-nine of the Statutes of 1886, or in chapter thirteen of the Statutes of 1891, or in chapter six of the Statutes of 1892, the Governor in Council may grant a free homestead or scrip, as therein provided, to any person who is entitled thereto under the said Acts, or any of them, but has not already been granted such homestead or scrip; Provided that such person complies within one year after the first day of January, one thousand eight hundred and ninety-three, with the conditions required, by the said Acts or any of them, to be complied with on or before the first day of August, one thousand eight hundred and eighty-six: Provided also, that the provisions of the said Acts shall, so far as applicable, apply to grants of land or scrip under the authority of this Act.

48-49 V., c. 73, 49 V., c. 29, 54-55 V., c. 13.

55-56 V., c. 6.

Proviso: as to limit of time for compliance with conditions.

Proviso: previous Acts to apply.

An act to amend the law relating to Holidays.

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

1. The Annunciation, Corpus Christi and the Festival of St. Peter and St. Paul shall not henceforth be holidays; and paragraph (26) of section seven of *The Interpretation Act*, and paragraph (*b*) of section fourteen of *The Bills of Exchange Act*, 1890, are hereby amended by striking out thereof the names of the said holidays. Certain holidays abolished. R.S.C., c. 1, and 53 V., c. 33 amended.

An Act to correct a clerical error in the Bank Act.

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

1. In correction of a clerical error in the French version of section four of *The Bank Act*, chapter thirty-one of the Statutes of 1890, the words "*mil neuf cent un*" are hereby substituted for the words "*mil huit cent quatre-vingt-onze*" in the seventh and eighth lines and in the twelfth line of the said section. 53 V., c. 31, s. 4. French version corrected.

No. 77.] **BILL.** [1893.

An Act to further amend the Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

WHEREAS the city of Winnipeg has by its petition prayed for the passing of an Act to further amend, as hereinafter set forth, chapter eighty-nine of the Statutes of 1889, 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:— Preamble. C. 89, 1889.

1. It is hereby declared that, for the purposes of this Act, the Assiniboine River is not a navigable stream. Declaratory.

2. The site of the works necessary to utilize or render available the water of the Assiniboine River may be approved, as provided in section two of chapter eighty-nine of the Statutes of 1889, without provision being made for the construction of a lock or other works for the purposes of navigation. Construction of lock, &c., dispensed with.

3. The times limited for commencing and completing the works authorized by the said Act are hereby extended for two and four years respectively from the passing of this Act; and failing such commencement and completion within the said times, the powers granted for such construction shall cease and determine. Time for completion of works extended.

No. 77.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to further amend the Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

Received and read a first time, Friday, 3rd March, 1893.
Second reading, Monday, 6th March, 1893.

(PRIVATE BILL.)

Mr. MACDONALD,
(*Winnipeg.*)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

[No. 78.] **BILL.** [1893.

An Act respecting the British America Assurance Company.

Preamble.

WHEREAS the British America Assurance Company have petitioned for certain amendments, as hereinafter set forth, to chapter ninety-nine of the Statutes of 1882, 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:—

Annual meeting.

1. The annual meeting of the Stockholders of the British America Assurance Company for the election of Directors of the Company, shall take place and be held on such day in each year in the month of January or February, as is fixed from time to time by resolution of the Board of Directors, instead of on the third Wednesday of the month of February as provided in tne sixth section of the Act cited in the preamble to this Act.

President and vice-president.

2. The title of the two chief officers of the said Company shall be changed from Governor and Deputy-Governor to President and Vice President respectively; and wherever the names Governor and Deputy Governor are used for any purpose in the said Act, the name President and Vice President respectively, shall hereafter be substituted and used.

Executive committee.

3. The Directors shall appoint from among themselves for each year an Executive Committee, whose duties shall be defined by by-law of the Company, or resolutions of the Board of Directors for each year; and also an Assistant Secretary, who shall act under the Secretary and assist him in all matters appertaining to his office, and act for him in his absence under the direction of the Board, and sign all such papers and documents as require the signature of the Secretary, either under the provisions of the said Act or under any by-law of the said Company, or resolution of the Board of Directors.

Capital stock may be increased.

4. The shareholders of the said Company may, under the provisions of section eighteen of the Act mentioned in the preamble to this Act, increase the capital stock of the Company to an amount not exceeding in the whole two millions of dollars, and deal with the same in all particulars as by the said section is provided.

When capital stock may be reduced.

5. Should the capital stock of the said Company at any time hereafter be impaired,—and the capital stock shall for this purpose be deemed to be impaired, when according to the

method of calculation adopted by the Superintendent of Insurance, the assets of the Company exclusive of the paid up capital of the Company are insufficient to meet its liabilities, including the possible claims under existing policies issued by the Company,—the directors may, at any time and from time to time, after being duly authorized by a resolution approved of by the vote of the shareholders representing at least two thirds of all the subscribed stock of the Company, at a special general meeting of the Company duly called for considering the same, pass a by-law for reducing or writing off the paid up capital stock of the Company to any amount to which they have been so authorized by the shareholders as aforesaid to reduce or write off such paid up capital stock.

Restoration of capital stock.

6. The Directors may from time to time, out of the profits of the Company, by declaring a stock dividend or bonus, or otherwise, increase the paid up stock of the Company to an amount not exceeding the amount or amounts by which it has been reduced under the provisions hereof; and thereafter the paid up capital stock and the capital stock and each share thereof, shall represent the aggregate of the amount to which it has been so reduced, and the amount of such increase so declared as aforesaid.

No. 78.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the British America Assurance Company.

Received and read a first time, Friday, 3rd March, 1893.

Second reading, Monday, 6th March, 1893.

(PRIVATE BILL.)

Mr. COCKBURN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 79.] **BILL.** [1893.

An Act to incorporate the North American Canal Company.

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

Interpretation. "Canal."

1. The word "canal" wherever used in this Act shall mean "canal or navigation" and "any branch canal," and shall, unless the context otherwise requires, include every kind of work necessary or done in respect of the canals for the purpose of carrying out the objects of this Act.

"Land."

2. The word "land" wherever used in *The Railway Act* or in this Act shall include land covered or partly covered with water.

"Vessel."

3. The word "vessel" shall mean and include any ships, barges, boats, rafts, or vessels navigating or passing through any of the canals hereby authorized.

"Goods."

4. The word "goods" shall mean and include any goods, wares, merchandise and commodities of whatsoever description navigating or passing through any of the canals hereby authorized.

Declaratory.

2. The works hereinafter authorized to be constructed are hereby declared to be works for the general advantage of Canada.

Incorporation.

3. John W. McRae, Thomas Beament, Robert W. Shannon, Warren Y. Soper, all of the City of Ottawa, in the Province of Ontario, Arthur Prieur of the City of Montreal, in the Province of Quebec, and Chauncey H. Dutton of Pittsburg, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The North American Canal Company," hereinafter called the Company.

Corporate name.

Head office.

4. The head office of the Company shall be at the City of Ottawa, in the Province of Ontario, or at such other place in Canada as the Company may from time to time by by-law determine.

Capital stock.

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

Provisional directors.

6. The persons named in the third section of this Act shall be the provisional directors of the Company.

First meeting of shareholders.

7. So soon as ten per cent of the amount of the capital stock has been subscribed, and ten per cent on such subscribed stock paid into one of the chartered banks in Canada, the provisional directors or a majority of them shall call a general meeting of the shareholders to be held at the City of Ottawa, or at such other place in Canada as the provisional directors calling such meeting determine, for the purpose of electing the first directors of the Company and of transacting any other business that may be done at a shareholders' meeting; and notice in writing signed by or on behalf of the provisional directors or a majority of them calling such meeting, of the date and place of holding the same, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previously to the calling of such meeting shall be deemed sufficient notice of such meeting.

Powers.

8. The Company may—

(*a.*) Lay out, construct, maintain and operate a canal from some point on Lake Erie at or near Port Colborn to some point on Lake Ontario at or near Port Dalhousie, or to some point on the Niagara River at or near Queenston; also another canal from some point at or near Dickinson's Landing to some point at or near Cornwall; also another canal from some point at the eastern end of Lake St. Francis to some point on the northern end of Lake Champlain, with a branch or arm therefrom to Lake St. Louis; also another canal from some point at or near Lachine to Montreal Harbour; of such dimensions as to make and construct a navigable channel of at least twenty feet in depth between the said above mentioned terminal points, and so that the said channels so constructed shall be of sufficient dimensions to admit of two of the largest vessels drawing twenty feet each passing one another in the said channels at full speed;

(*b.*) Construct, erect, maintain and operate by any kind of motive power all such locks, dams, tow-paths, branches, basins, feeders to supply water from any lakes or rivers, reservoirs, cuttings, apparatus, appliances and machinery as may be desirable or necessary for the construction and operation of the said canals, and such locks shall be at least each sixty feet wide, four hundred and fifty feet long, and twenty feet on the sills; and the number of locks so to be erected, constructed and operated for the purposes of such canals shall not exceed seven in number between Lake Erie and Montreal Harbour; and the lock or locks in the last above mentioned proposed canal connecting with Montreal Harbour, shall be of a sufficient depth of water to admit and lock a vessel drawing twenty-seven feet of water;

(*c.*) Enter upon and take such lands as are necessary and proper for the making, preserving, and maintaining, and operating and using the canals and other works of the Company hereby authorized; and 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 canals and other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary, for making or repairing the said intended canals or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using, or completing, extending or maintaining the same, respectively, according to the intent and purpose of this Act ;

(*d.*) Make, maintain and alter any places or passages over, under, or through the said canals or any of their branches or connections ;

(*e.*) Obtain, take and use, during the construction and operation of the said canals, from the rivers, lakes, brooks, streams, water-courses, reservoirs and other sources of water supply, adjacent or near to any such canals, water sufficient for the purposes of constructing, maintaining, operating and using the said canals and works hereby authorized, and sufficient to establish and maintain a current at the rate on the average of three miles per hour throughout the navigable channels of the Company ;

(*f.*) Construct, maintain and operate, use or lease, or otherwise dispose of, terminals, harbours, wharves, docks, piers, elevators and warehouses, upon the said canals or upon lands adjoining or near the same ;

(*g.*) Lay out and lease or otherwise dispose of water lots and use, sell, lease or otherwise dispose of water brought by or for the said canals or works but not requisite for the same, and produce, lease and supply, or otherwise dispose of hydraulic, electric and other kinds of power in connection with the works hereby authorised ;

(*h.*) Build or acquire and use or dispose of steamers, tugs, boats, barges and other vessels for the purposes of the said canals ; and propel vessels of all kinds in and through the said canals by any kind of power or force ; and for such last mentioned purpose construct, erect, maintain and operate such structures, machinery and appliances as are necessary to produce or operate the said force or power ;

(*i.*) Acquire by license, purchase or otherwise, the right to use any patented invention for the purposes of the works hereby authorised and to again dispose of the same ;

(*j.*) Construct, make and do all such matters and things whatsoever necessary or proper for the making, completing and properly maintaining and operating the said canals, and carrying out in other respects the objects in this section mentioned.

Urgent repairs to works.

9. In case of any accident requiring immediate repair on the said canals or any part thereof, the Company their agents or workmen may enter upon the adjoining land (not being 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 provided in *The Railway Act:* Provided however, that if any action or suit shall be brought against the Company for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months after the act committed, and not afterwards.

Limitation of actions.

Basins, docks, &c.

10. The Company may open, cut and erect such ponds and basins for the laying up and turning of vessels, boats or rafts using the said canals and at such portions thereof as they deem expedient, and may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing such vessels as they think proper, and may lease or hire the same on such terms as they deem expedient, or may operate the same by their servants or agents as the Company shall decide from time to time.

Beaches and water lots.

11. The 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 canals may cross, start from, or terminate at, as may be required for the wharves and other works of the Company for making easy entrances to their said canals and other works hereby authorised, and they may also construct such dams and works as they deem requisite to stop the waste of water from the lakes and rivers and to economise the same for the use of the said canals, subject always to the right of compensation to any persons sustaining damage by the exercise by the Company of the powers in this section mentioned.

St. Lawrence canals.

12. The Company may in connection with the works hereby authorised improve, widen, deepen, and straighten the summit levels of the Welland Canal, the Cornwall Canal and the Lachine Canal, or any of them, but shall carry out the said works of improvement in such a way as not to impair or impede navigation therein or to impair the efficiency of the existing locks in the said canals; and the Company may also dredge and open a suitable navigable channel in the Niagara River and the St. Lawrence River and the waters connecting the same wherever it may be advisable so to do to carry out the objects authorised by this Act.

Crossing highways.

13. The Company shall at each and every place where any of the said canals shall cross any highway or public road construct and maintain to the satisfaction of the Governor in Council such bridges, tunnels, ferries, or other means of passage over or under said canals, so that the public thoroughfare may be as little impeded as reasonably necessary, and the Company shall not in making said canals cut through or interrupt the passage on any highway or public road until they shall have made a convenient road past their works for the use of the public; and for every day on which they shall neglect to comply with the requirements of this section the Company shall incur a penalty of ten dollars.

Penalty.

Breadth of land on each side of works.

14. The land, ground or property to be taken or used without the consent of the proprietors for the said canals and works, and the ditches, drains and fences to separate the same from the adjoining lands shall not exceed twelve hundred feet in breadth, except in places where basins and other works are required to be cut or made as necessary parts of the canals as shown on the plan to be approved as hereinafter provided by the Governor in Council.

Taking over of Government works.

15. If any lock, canal, dam, slide, boom, bridge, or other work the property of the Government of Canada, and whether now in their possession or leased to any corporation or person, is required by the Company for the purposes of its undertaking, the Company may, with the consent of the Governor in Council, and upon such terms as may be agreed upon between the Company and the Government, take such lock, canal, dam, slide, boom, bridge or other work for the purposes of its undertaking.

Plans of works to be approved by Governor in Council.

16. Before the Company shall break ground or commence the construction of any of the canals or works hereby authorised, the plans, locations, dimensions, and all necessary particulars of such canals and other works hereby authorised shall have been submitted to and have received the approval of the Governor in Council ; and all maps, plans, surveys, levels, reports, and documents relating to the lines of navigation hereby authorised to be opened or improved or copies thereof in the possession of the Government shall be open to inspection by the Company.

Annual meeting.

17. The annual general meeting of the shareholders shall be hold on the first Tuesday in February in each year.

Directors.

18. At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock assembled who have paid all calls due on their shares shall choose nine persons, each of whom shall hold at least twenty shares of the capital stock of the Company, to be directors of the Company, the majority of whom shall form a quorum, and one or more of whom may be paid directors of the Company.

2. The directors elected at the first meeting of shareholders shall hold office only until the first annual meeting of the Company.

Notice of meetings.

19. Notice of the time and place of holding any annual general meeting, or special general meeting, of the shareholders of the Company, shall be given at least ten days previously thereto by publication in some newspaper at the place at which the head office of the Company is situate, or in such other manner as the directors of the Company determine, but in any case stating in such notice the object of such meeting.

By-laws.

20. In addition to the general powers to make by-laws under *The Railway Act* the Company may make by-laws, rules or regulations for the following purposes, that is to say :

(*a.*) For regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled;

(*b.*) For regulating the hours of the arrival and departure of such vessels;

(*c.*) For regulating the loading or unloading of such vessels and the draught thereof;

(*d.*) For preventing the smoking of tobacco upon the works, the bringing into or upon the property of the Company of dangerous or deleterious substances, and for the proper care and preservation of the Company's property;

(*e.*) For regulating the travelling and transportation upon and the using and the working of the canals;

(*f.*) For regulating the conduct of the officers, servants and employees of the Company;

(*g.*) For the maintaining, preserving and using the canals and all other works hereby authorised to be constructed or connected therewith, and for the governing of all persons and vessels passing through the said canals; and

(*h.*) For providing for the due management of the affairs of the Company in all respects whatever.

Issue of bonds.

21. The Company may issue and pledge or dispose of bonds, debentures or other securities, as provided in *The Railway Act*, to the extent of two hundred million dollars, and, said bonds, debentures or other securities may, as determined by the directors under the authority of the shareholders, be secured upon the whole or upon only a portion or portions of the works hereby authorized.

Issue of debenture stock.

22. The Company being first authorized so to do, by at least two-thirds of the votes of the shareholders, present or represented at a special general meeting duly called for the purpose, may from time to time issue and dispose of debenture stock, to the extent of forty million dollars, bearing interest at such rate as the shareholders may determine, which debenture stock shall, subject to the securities authorized to be issued under section twenty-one of this Act and to the payment of working expenses, become and be a first charge upon and over the canals, undertaking, works, plant, property, and effects of the Company, or such of them or such portion thereof as shall be so determined upon by the shareholders as aforesaid, and the proceeds of the said stock shall be used for the purposes of the Company.

2. The holders of such debenture stock shall have such rights as regards voting at meetings of shareholders of the Company, as shall be determined upon by the Company at the time of the issue of the stock.

Tolls may be charged.

23. The Company may from time to time ask, demand, take and recover to and for their own proper use, for all passengers, goods, wares, merchandise, and commodities of whatever description transported upon the said canals or vessels

using the same, such tolls as the Company or its directors may from time to time by by-law determine ; but no such tolls shall be levied or taken until the same are approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of such by-law and of the Order in Council approving thereof.

2. Such tolls shall always under the same circumstances be charged equally to all persons and upon all vessels and goods ; and no reduction or advance on any such tolls shall be made either directly or indirectly against any particular person or company using the said canals.

Tolls, how fixed.

24. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time after approval thereof ; and after an Order in Council altering the tolls fixed and regulated by any by-law has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked.

Tariff to be posted up.

25. The Company shall from time to time cause to be printed and posted up in its offices and in every place where the tolls are to be collected, in some conspicuous position, a printed board or paper exhibiting all the rates of tolls payable and particularising the price or sum of money to be charged or taken.

Tolls, how levied.

26. Such tolls shall be paid to such persons and at such places near to the canals, in such manner, and under such regulations as the by-laws direct.

Special rates.

27. The Company shall not make or give any secret special toll, rate, rebate, drawback, or concession to any person, and the Company shall on the demand of any person make known to him any special rate, rebate, drawback or concession given to any one.

Recovery of tolls.

28. In case of denial or neglect of payment on demand of any such tolls or any part thereof, the same shall be recoverable in any Court of competent jurisdiction ; or the agents or servants of the Company may seize the vessel or goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said vessel or goods shall be at the risk of the owners thereof.

Sale of vessel and cargo.

29. If the tolls are not paid within six weeks from the time of such detainer the Company may sell the vessel or the whole or any part of such goods, and out of the moneys arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale, and shall deliver the surplus, if any, or the vessel or such of the goods as remain unsold, to the person entitled thereto.

Sale of unclaimed vessel and goo ls.

30. If any vessel or goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the pro-

vince in which such vessel or goods are, and in such other newspaper as it deems necessary, sell such vessel or goods by public auction at a time and place which shall be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for keeping, storing, advertising and selling such vessel or goods, and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months to be paid over to any person entitled thereto.

Disposal of proceeds.

Disposal of unclaimed balance.

31. In default of such balance being claimed before the expiration of the time last aforesaid, the same shall be paid over to the Minister of Finance and Receiver-General for the public uses of Canada until claimed by the person entitled thereto.

Calculation of distance and of weight.

32. In all cases where there shall be a fraction of a mile in the distance which vessels, rafts, goods, wares, merchandise or other commodities or passengers shall be conveyed or transported on the said canals, such fraction shall in ascertaining the said rates be deemed and considered as a whole mile; and in all cases where there shall be a fraction of a ton in the weight of any such goods, wares, merchandise and other commodities, a proportion of the said rates shall be demanded and taken by the Company calculated upon the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Draught to be marked on vessels.

Penalty for incorrect marks.

33. Every vessel of whatsoever kind using the said canals shall have her draught of water legibly marked, in figures of not less than six inches long, from one foot to her greatest draught, upon the stem and stern posts; and any wilful misstatement of such figures so as to mislead the officers of the Company as to any vessel's true draught shall be punishable as a misdemeanour on the part of the owner and master of such vessel, and the Company may detain any such vessel upon which incorrect figures of draught shall be found until the some are corrected, at the expense of her owner.

Measurement of vessels.

Powers of officers of company.

34. Every owner or master of every vessel navigating the said canals or any of them shall permit the same to be guaged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the said canals or any of them, and his decision shall be final in respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel using the said canals or any of them, and such measure so marked by him shall always be evidence respecting the tonnage in all questions respecting the tolls or dues to be paid to the Company by virtue thereof.

Reduction of tolls if receipts exceed a certain amount

35. In case in any one season of navigation the amount received by the Company in tolls from vessels using its works shall exceed an amount sufficient to defray the working expenditure of the canals hereby authorized, interest on the

bonds, interest on the debenture stock, and five per cent on the common stock, then the tolls which shall be charged vessels using the canals during the ensuing year shall be reduced to a rate which would, if charged on the tonnage of the said season, have earned during such season the amount as aforesaid, namely working expenditure, interest and five per cent on the common stock.

Conveyance of H. M's. mails, forces and servants.

36. The Company shall at all times when thereunto required by the Postmaster-General of the Dominion of Canada, the Commander of the Forces, or any person having the superintendence or command of any police force, carry Her Majesty's mails, Her Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's service on the said canals, on such terms and conditions and under such regulations as the Governor in Council appoints and declares.

Power reserved to Parliament.

37. Any enactments which the Parliament of Canada shall hereafter deem it expedient to make, or any order which the Governor in Council may hereafter deem it expedient to pass, with regard to the exclusive use of the canals 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 in any way respecting the use of any electric telegraph 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.

Lands to be fenced.

38. The Company shall within six calendar months after any lands shall be taken for the of the said canals or any of them, divide and separate, and shall keep constantly divided and separated the lands so taken from the lands or grounds adjoining thereto with a sufficient post and rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep, and cattle, to be set and made on the lands or grounds which shall be purchased by conveyed to or vested in the Company as aforesaid, and shall at their own costs and charges from time to time maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Milestones along canals.

39. So soon as conveniently may be after the said canals shall be completed, the Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distances, to be erected and maintained at distances convenient from each other.

Obstructions in canals, &c.

40. Every person who obstructs, interrupts or impedes the navigation of any of the said canals, or interferes with any of the works belonging thereto, by the introduction of any timber or vessels or any other substance, or by any other means contrary to the provisions of this Act or of the by-laws of the Company, shall for every such offence incur a penalty not to

exceed four hundred dollars, one half of which penalty shall go the Company and the other half to Her Majesty.

2. If any vessel is sunk or grounded in any part of any of the said canals or in any approach thereto, and if the owner or master thereof neglects or refuses to remove the same forthwith, the Company may forthwith proceed to have the same raised or removed, and may retain possession of the same until the charges and expenses necessarily incurred by the Company in so raising and removing the same are paid and satisfied, or the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel.

Damage to canals, &c.

41. If any person or person wilfully or maliciously and to the prejudice of the said canals or other work authorized to be made by this Act break, damage or destroy the same or any part thereof or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, vessels, engines, machines or other works or devices incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief to, or wilfully or maliciously obstruct the free use of the said canals or works, or obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended canals or works, such person or persons shall be adjudged guilty of felony, and shall be punished in like manner as felons are directed to be punished by law, in such manner as the law directs in cases of simple larceny, in the discretion of the court.

A felony.

Limitotion of actions.

42. If any action or suit be brought or commenced against any person or persons for anything done in pursuance of this Act, or in the execution of the powers and authorities, or of the orders and directions hereinbefore given or granted, such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not otherwise.

Works may be taken over by Government.

43. Her Majesty, her heirs and successors, may at any time assume the possession and property of the said canals 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 Company one week's notice thereof and on paying to the Company the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company and a third arbitrator by the two arbitrators—the arbitrators in such valuation taking into account the expenditure of the Company, its property, the business of the canals and other works hereby authorized, and its past, present and prospective business, with interest from the time of the investment thereof at eight per cent, deducting however all dividends declared and paid to the shareholders.

Arbitration.

44. If the construction of the canals hereby authorized to be constructed, or some of them, is not commenced, and ten per cent of the capital stock is not expended thereon, within four years after the passing of this Act, or if the said canals are not finished and put in operation within ten years after the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the said canals and works hereby authorized as then remain uncompleted. Time for construction limited.

45. *The Railway Act* shall, so far as applicable, and when not inconsistent with the provisions of this Act, and except sections three to twenty-five inclusive, thirty-six, thirty-seven, thirty-eight, forty-one, eighty-nine, one hundred and three, one hundred and four, one hundred and five, one hundred and twelve, one hundred and sixteen, one hundred and nineteen, one hundred and twenty, one hundred and twenty-one, one hundred and seventy-three to one hundred and ninety-nine inclusive, two hundred and nine, two hundred and ten, two hundred and fourteen, two hundred and twenty-three to two hundred and sixty-four inclusive, and two hundred and sixty-seven to three hundred and nine inclusive, apply to the Company hereby incorporated, and to the undertaking of the Company; and the Company shall have and may exercise all the powers conferred by *The Railway Act*, in so far as the said Act is applicable to the Company hereby incorporated. 1888, c. 29.

2. Wherever in *The Railway Act* the expression "railway" occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act or to the Company hereby incorporated, mean the "canals or any one or more of the canals" hereby authorized to be constructed.

46. *The Companies Clauses Act* shall not apply to this Act, or to the Company hereby incorporated. R.S.C., c. 118.

No. 79.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the North American Canal Company.

Received and read a first time, Monday, 6th March, 1893.

Second reading, Wednesday, 7th March, 1893.

(PRIVATE BILL.)

Mr. MASSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 80.] **BILL.** [1893.

An Act respecting the Temiscouata Railway Company.

Preamble

WHEREAS the Temiscouata Railway Company has by its petition prayed for an Act to confer upon it certain additional powers, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Extension from Edmondston to St. Leonards.

1. The Temiscouata Railway Company, hereinafter called the Company, may lay out, construct and operate an extension of its line of railway from Edmundston to St. Leonards, and all the provisions of *The Railway Act* and of chapter seventy-one of the Statutes of 1887 intituled *An Act to confirm and amend the charter of incorporation of the Temiscouata Railway Company*, shall apply to the extension and the bridge authorized by this Act to be constructed.

Railway Act and c. 71 of 1887 to apply.

Time for construction.

2. The extension hereby authorized shall be completed within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void as respects so much of the extension as then remains uncompleted.

Railway bridge over St. John river.

2. The Company may lay out, construct, complete, maintain, work, manage and use a railway bridge, with the necessary approaches, over the St. John River, from some convenient point on the Canadian side at or near the village of St. Leonards, to a point on the American side, and may connect the same with any railway or railways on either side of the said river ; but the Company shall not commence the actual erection of the said bridge until an Act of the Congress of the United States, or an Act of the Legislature of the State of Maine, has been passed authorizing or approving the bridging of the said river as aforesaid, nor until the Executive of the United States has consented to and approved such bridging ; but the Company may, in the meantime, acquire the lands, submit their plans to the Governor in Council, and do all other things authorized by this Act, except the commencement of the actual construction or erection of the bridge.

Approval of United States authorities.

When lands may be acquired, &c.

Plans of bridge to be approved by Governor.

3. The Company shall not commence the bridge or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until the plans and site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works have been

complied with; nor shall any such plans be altered, or any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes.

Arrangements with other companies.

4. The Company may, after obtaining the sanction of the Governor in Council in the manner provided in section two hundred and thirty-nine of "*The Railway Act*," and subject to the provisions contained in sections five and six of this Act—

(*a.*) Unite with any other company incorporated in and under the laws of the State of Maine or of the United States, in building the bridge and its approaches, and in working, managing, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its appurtenances;

(*b.*) Unite with any other company incorporated under the laws of Canada or of the province of New Brunswick, or with any body corporate, in building the said bridge and approaches and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation respecting the construction, maintenance, management and use thereof.

No discrimination in rates of toll.

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

In case of disagreement, section 11 of Railway Act to apply.

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

Joint Comsion to regulate working of bridge.

7. In case the State of Maine or the United States at any time provide for the appointment of a commission for regulating the working of the bridge, the use thereof and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he thinks proper, and appoint one or more persons as members of the said commission; and the decisions of the said commission shall first be submitted to the Governor in Council, and if approved of shall thereafter be final and conclusive to the extent to which the same are final and conclusive by virtue of the provisions made by the State of Maine or the United States.

Issue of bonds secured by mortgage deed.

8. The Company may issue bonds, debentures or other securities to an amount not exceeding one million dollars in aid of the construction of the bridge ; and such bonds may be secured by a deed of mortgage ; and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Bridge may be constructed for general traffic.

9. The Company may construct and use the said bridge for general traffic as well as for railway purposes, in which event the construction and operation thereof shall be subject to the aforesaid conditions and restrictions, and the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time, by the Governor in Council, but the Company may at anytime reduce the same ; and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said bridge.

Tolls for foot passengers, &c.

Time for construction.

10. The bridge hereby authorized to be constructed shall be completed within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void.

No. 80.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Temiscouata Railway Company.

Received and read a first time, Monday, 6th March, 1893.

Second reading, Wednesday, 7th March, 1893.

(PRIVATE BILL.)

Mr. ADAMS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 81.] **BILL.** [1893.

An Act to amend the Criminal Code, 1892, with respect to Judges of the Sessions of the Peace.

IN amendment of The Criminal Code, 1892, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Interpretation.

1. It is hereby declared that the judge of the Sessions of the Peace for the city of Montreal and the judge of the Sessions of the Peace for the city of Quebec have been and are sufficiently described, in any criminal proceeding or in any Act giving him jurisdiction in any criminal matter, by the expression "judge of the Sessions of the Peace."

Powers of judge of sessions of the peace.

2. In addition to having in criminal matters the same powers as a recorder, a police magistrate, a district magistrate, a stipendiary magistrate appointed for any territorial division, a justice of the peace and a magistrate authorized by the law of the province in which he acts to perform acts usually required to be done by two or more justices of the peace, every judge of the Sessions of the Peace in the province of Quebec shall also have the powers of a judge of a county court in the province of Ontario.

Powers as to bail.

3. In the case of an offence other than treason or an offence punishable with death, any judge of the Sessions of the Peace may himself admit to bail any person committed to gaol for trial.

No. 81.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to amend the Criminal Code, 1892, with respect to judges of the Sessions of the Peace.

Received and read a first time, Monday, 6th March, 1893.

Second reading, Tuesday, 7th March, 1893.

Mr. BEAUSOLEIL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

82

An Act for the relief of Martha Ballantyne.

Preamble.

WHEREAS Martha Ballantyne, of the township of Scarboro', in the county of York, in the province of Ontario, wife of William Ballantyne, of the city of Hamilton, in the county of Wentworth, in the said province, labourer, has by her petition set forth that on the twentieth day of November, one thousand eight hundred and sixty-two, she was lawfully married, in the said township of Scarboro', to the said William Ballantyne; that they cohabited together as husband and wife until the year one thousand eight hundred and sixty-six, when he deserted her; that he has ever since continued to live apart from her and has committed adultery; and whereas she has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her said petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Martha Ballantyne and William Ballantyne, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Martha Ballantyne may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Ballantyne had not been solemnized.

No. 83] **BILL.** [1893.

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

Preamble.

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

Certain by-laws of Brantford and Hamilton confirmed.

1. The By-law of the corporation of the city of Brantford comprised in Schedule "A" to this Act, and also the By-law of the corporation of the city of Hamilton, comprised in Schedule "B" to this Act, are hereby ratified and confirmed so far as such confirmation is within the powers of the Parliament of Canada.

Limit of time for construction under s. 4. c. 83, 1889, Ont., extended.

2. The time limited by section four of the Act of the Legislature of the province of Ontario, passed in the fifty-second year of Her Majesty's reign, chaptered eighty-three, intituled *An Act respecting the Toronto, Hamilton and Buffalo Railway Company*," for the completion of the said railway is hereby continued and extended so that the railway shall be completed within three years from the passing of this Act; and if the said railway is not completed as herein specified then the powers granted for such construction by the said Act and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Extension of line to Lake Erie authorized.

3. The Company may extend its line of railway from a point at or near the village of Waterford, in the county of Norfolk to a convenient point on or near the shores of Lake Erie.

Time for construction of extension.

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

Hamilton by-law to be binding on the company.

5. It is hereby declared that By-law No. 638, passed by the municipal corporation of the said city of Hamilton on the twentieth day of September, eighteen hundred and nine-two,

and all the conditions contained therein are and shall be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them, and in the event of the lines proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland, and from the city of Hamilton to the city of Toronto or the connecting line from Hamilton through Brantford to Waterford mentioned in the said By-law or any part of the said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interests of either of those companies, or being operated as part of or in alliance with any of the said systems or ceasing to be operated in connection with the Canada Southern Railway, or in the event of the Toronto, Hamilton and Buffalo Railway Company either directly as a company, or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Branford or any point between Brantford and Hamilton to the city of Toronto, or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company their successors or assigns under or by virtue of the grant made by said By-law No. 638 to the Toronto, Hamilton and Buffalo Railway Company, shall be repaid to the Corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton and Buffalo Railway and upon all the franchises and property of the said company.

SCHEDULE "A."

By-Law No. 468

To authorize the amalgamation of the Brantford, Waterloo and Lake Erie Railway Company with the Toronto, Hamilton and Buffalo Railway Company, and to aid and assist the Toronto, Hamilton and Buffalo Railway Company by giving $70,000.00 by way of bonus to the Company, and to issue debentures therefor, and to authorize the levying of a special rate for payment of the debentures and interest thereon.

Whereas by an Act of the Legislature of the province of Ontario, passed in the forty-seventh year of Her Majesty's reign, chapter seventy-five, and intituled *An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company* and a certain other Act of the said Legislature of Ontario, passed in the fifty-third year of Her Majesty's reign, chapter one hundred and twenty-six, the powers conferred on the said railway company, by their said original act, were extended, among other things, conferring authority upon the said Company to extend its line from or near the city of Hamilton to a point in the county of

Brant at or near the city of Brantford, there to connect with the line of the Brantford, Waterloo and Lake Erie Railway Company, and

Whereas by an Act of the Parliament of the Dominion of Canada, passed in the fifty-fifth year of Her Majesty's reign, chapter eighty-six and entitled *An Act respecting the Toronto, Hamilton and Buffalo Railway Company*, it is in said Act, among other things, provided that the proprietors of the Brantford, Waterloo and Lake Erie Railway Company may sell to or amalgamate with the Toronto, Hamilton and Buffalo Railway Company, or the said last mentioned Company may purchase or otherwise acquire the railway works, capital stock and assets, rights, privileges, property and franchises of the Brantford, Waterloo and Lake Erie Railway Company upon such terms and conditions as may be agreed upon by the directors of the said respective companies, and

Whereas negotiations are now in progress for the proposed amalgamation or purchase of the said Brantford, Waterloo and Lake Erie Railway Company with or by the said Toronto, Hamilton and Buffalo Railway Company and proceedings have been taken by the said railway companies towards the completion and ratification of such amalgamation or purchase as in the manner in the said last mentioned Act of the Parliament of Canada is provided, and

Whereas the said Company is authorized to receive from any Municipal or Corporate bodies having power to grant the same aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan in money or debentures or securities for money, and

Whereas the Corporation of the City of Brantford has determined to aid and assist the said Railway Company in the construction of the said railway by giving to the said Company debentures as hereinafter mentioned, to the amount of $70,000.00 under the authority of the consolidated Municipal Act of 1892, and

Whereas in order to carry out the last recited object it will be necessary for the said Municipal Corporation to issue debenture to the amount of $70,000.00 as hereinafter mentioned payable at twenty years at the farthest from the day when this by-law shall take effect, and

Whereas it will be necessary for the said Municipal Corporation to raise an annual sum of $2,800.00 for the payment of the interest on the said debentures, and an annual sum of $2,475.27 to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate annually on the whole rateable property of the said city in the year 1893 and in each of the next nineteen succeeding years, and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued and the interest thereon at four per cent per annum is the sum of $5,275.27, and

Whereas the amount of the whole rateable property of the city of Brantford according to the last revised assessment roll of the said city is the sum of $6,439,530.00, and the amount of the existing debenture debt of the said city is the sum of $724,638.88, no part of which or its interest being in arrears, and

Whereas for paying the interest on the said debentures which is the sum of $2,800.00 every year, and for creating a sinking fund to pay the said debentures, which is the sum of $2,475.27 every year, and which together form the said sum of $5,275.27, it will require the said sum of $5,275.27 to be raised annually by special rate on all the rateable property of the said municipality in addition to all other rates and assessments to be levied in each year on the whole of the said rateable property during the said period.

Be it Therefore Enacted by the Municipal Corporation of the City of Brantford in Council assembled as follows:

1. That it shall be lawful for the said Corporation of the city of Brantford to aid and assist the Toronto, Hamilton and Buffalo Railway Company by giving the said Company the debentures hereinafter mentioned, by way of a bonus, subject nevertheless to the provisions and conditions hereinafter severally expressed, the due performance of all of which said provisions and conditions are hereby expressly declared to be conditions precedent to the delivery of the said debentures to the said Railway Company, and upon the further condition that the amalgamation or purchase of the said Brantford, Waterloo and Lake Erie Railway Company with or by the Toronto, Hamilton and Buffalo Railway Company, is first duly and legally completed by the said railway companies. And to such amalgamation with or purchase and acquisition by the Toronto, Hamilton and Buffalo Railway Company, the consent of the ratepayers of the city of Brantford, entitled to vote on this by-law, is hereby given and expressed.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation to cause the requisite number of debentures to be issued for such sums of money as shall be required for such purposes of not less than one hundred dollars and not exceeding the sum of one thousand dollars each and not exceeding in the whole the said sum of $70,000.00, which debentures shall be sealed with the seal of the said corporation, and signed by the mayor, and countersigned by the treasurer of the said municipal corporation.

3. The said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the first day of September, 1892, and shall be made payable at the office of the treasurer of the said corporation of the city of Brantford and shall bear interest at the rate of four per centum per annum, payable annually on the first day of September in each year, at the office of the said treasurer, and shall have attached to them coupons for the payment of the said interest as aforesaid.

4. That for the purpose of paying said debentures and interest the sum of $5,275.27 shall, in addition to all other rates be assessed, raised, levied and collected upon all the rateable property in the municipality of the said city of Brantford in each year during the currency of the said debentures by a special rate sufficient to raise the said sum annually.

5. That none of the said debentures to be signed and issued as aforesaid shall be delivered to the said Company until the said Railway Company shall have fully and completely bridged and graded the whole of the said line of railway from the city of Brantford to the city of Toronto, and the ties and rails have been laid thereon.

6. That the said Railway Company will erect and equip at a point within a radius of six hundred feet, from the corner of Erie avenue and Market street, in the city of Brantford, a suitable passenger station, and a freight warehouse within a radius of twelve hundred feet from the corner of said streets, and will also maintain a station with waiting room and platform and sufficient side track on the west side of the river, in the city of Brantford, suitable to transact all business tributary to such station, and will cross the Grand river at the said city of Brantford, and in crossing will erect and maintain a first class steel railway bridge, said bridge to have a footpath for passengers, on the north side thereof, at least four feet wide, to be maintained by the railway company in a satisfactory and safe condition for travel by foot passengers, and the approaches to the said foot bridge outside of the right of way of railway to be maintained by the said city of Brantford, and the approaches to the said foot bridge within the right of way of the said railway to be maintained and kept in proper condition for travel by the said Railway Company.

7. That as soon as the said Railway Company shall have fully bridged and graded and laid the ties and rails on the whole of their line of railway from the city of Brantford by way of the city of Hamilton to the city of Toronto, and otherwise have done and performed the other requisites of this by-law and shall have produced to the said corporation the certificate of the chief engineer and president of the said Railway Company countersigned by such engineer as may be appointed by the said corporation of the city of Brantford, then the said corporation shall deliver over to the treasurer of the said Railway Company for the use of the said Company, the said debentures with the relative unaccrued coupons issued under and by virtue of this by-law or any principal money which has been paid thereunder.

8. All the coupons accrued due on the said debentures prior to the delivery of the same to the said Railway Company shall be the property of the said corporation and shall not be delivered to the said Railway Company.

9. It is a further condition of this by-law that the said Railway Company shall commence the work of grading and bridging the said railway line on or before the first day of October, 1892, and the said road shall be graded, bridged and the ties and rails laid thereon from Brantford to the city of Toronto, on or before the thirty-first day of December, 1893, and the said corporation of the city of Brantford shall be entitled to the same representation rights and privileges on the board of directors of the said Railway Company as they formerly had in connection with the Brantford, Waterloo and Lake Erie Railway Company, notwithstanding any amalgamation of the said Brantford, Waterloo and Lake Erie Railway Company with the Toronto, Hamilton and Buffalo Railway Company.

10. The said Railway Company shall be and continue to be controlled and operated independent of the Grand Trunk Railway Company, and the line of the said railway shall extend from the Michigan Central Railway or the Canada Southern Railway at Waterford to Hamilton and Toronto as aforesaid, and that in case the said line of railway shall at any time

become the property of the Grand Trunk Railway Company, or shall in any manner be controlled or operated by the said Grand Trunk Railway Company by lease or otherwise, then the grant of the bonus shall, if the same has not been paid, be and become void, and if the same has been paid to the said Company or its assigns by the said debentures or otherwise, the amount of debentures delivered shall be repaid to the said city of Brantford, and the amount thereof shall form a first lien and charge upon the line of railway hereinbefore described and this by-law may be registered in such counties on the line of the said railway as the said corporation may elect.

11. That should the said Railway Company at any time after the completion of the said road fail to regularly operate the same as in the ordinary course of business the said road would be operated, or should the said Railway Company commit violations of section No. 10 of this by-law after the delivery to them of the said debentures herein provided for, then the said Railway Company shall and will repay to the said city of Brantford the said sum of $70,000, and the said corporation shall not be compelled to prove damages in order to the recovery thereof, but it may be sued for and recovered as for money had and received by the said Company for the use of the said corporation or money loaned or otherwise.

12. The said Railway Company and the said corporation shall jointly petition the House of Commons of the Dominion of Canada and the Legislature of the province of Ontario to ratify the provisions of this by-law, or such parts thereof as may be required, at their next ensuing sessions and the said Company shall bear the expense of such legislation.

13. Unless the ratification of the last mentioned clause is obtained, the council of the said corporation may declare this by-law void, and of no effect.

14. This by-law shall take effect from and after the first day of September, A.D. 1892.

15. That a poll be held and the votes of the electors of the said city entitled to vote thereon shall be taken on Thursday, the 21st day of July, A.D. 1892, on the said proposed by-law, at the hour of nine o'clock in the forenoon and continue until the hour of five o'clock in the afternoon at the following places, by the following persons hereby appointed Deputy Returning Officers, namely :

In Ward No. 1, for Polling Sub-divisions 1 and 2, at the shop of Peter Casey, on West Mill street; Cornelius F. Cox, deputy returning officer.

In Ward No. 1, for Polling Sub-divisions 3 and 4, at the shop of John Callis, on Colborne street; John Callis, deputy returning officer.

In Ward No. 2, for Polling Sub-divisons 5 and 6, at the house of Jerry Buckley, No. 15 Bond street; R. Walter Brooks, deputy returning officer.

In Ward No. 2, for Polling Sub-divisions 7 and 8, at the house of Robert Mackenzie, No. 66 William street; William Harvie, deputy returning officer.

In Ward No. 3, for Polling Sub-divisions 9, 10, 11 and 12, at the City Hall, on Market square; F. J. Grenny, deputy returning officer.

In Ward No. 3, for Polling Sub-divisions 13, 14 and 15, at the shop of L. B. Carey, on Market street; L. B. Carey, deputy returning officer.

In Ward No. 4, for Polling Sub-divisions 16 and 17, at the house of John Fisher, No. 288 Dalhousie street; James W. Tutt, deputy returning officer.

In Ward No. 4, for Polling Sub-divisions 18 and 19, at the house of William Draper, No. 210 Chatham street; Joseph Thomas, deputy returning officer.

In Ward No. 5, for Polling Sub-divisions 20 and 21, at the house of Catherine A. Kerr, No. 55 Canning street; John A. Leach, deputy returning officer.

In Ward No. 5, for Polling Sub-divisions 22 and 23, at the Baptist mission school on Eagle avenue; Joseph Hartley, deputy returning officer.

16. That the clerk of the said Municipal Corporation shall sum up the number of votes given for and against this by-law at the hour of ten in the forenoon on the Twenty-second day of July, A.D. 1892, at the City Hall, in the said city of Brantford, and the Mayor of the said city shall attend at the office of the said Clerk, in the said city, on the 19th day of July, A.D. 1892, at ten o'clock in the forenoon, which time and place are hereby fixed for the appointment of persons to attend at the polling places and at the final summing up of the votes by the Clerk respectively on behalf of persons interested in promoting and opposing the above by-law.

Passed on the first day of August, 1892.

(Sgd.) JAMES WOODYATT,
City Clerk.

(Sgd.) L. SECORD,
Mayor.

SCHEDULE "B."

By-law No. 638.

For granting a Bonus of $275,000 in aid of the Toronto, Hamilton and Buffalo Railway Company.

Whereas the Toronto, Hamilton and Buffalo Railway Company have, by failure on their part to fulfil the terms and conditions contained in By-law No. 504 of the city of Hamilton, forfeited the bonus granted to them by that by-law, and they have now applied again to this council for a bonus in aid of their railway, and it has been deemed to be in the interest of the citizens, in order to secure a competing railway line through the city, that a bonus of two hundred and seventy-five thousand dollars should be granted to the said Railway Company upon the terms and conditions agreed upon between this corporation and the said Railway Company, which terms and conditions are hereinafter set forth.

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

fulfilled, or for the sum of two hundred and twenty-five thousand dollars if the first only of such conditions shall have been fulfilled.

And whereas, if the said debentures for $275,000 be issued, it will be requisite to raise by special rate, during the term of twenty years from the first day of January, 1894, for paying the said debt and interest, the sum of $20,235 during each year of the said term, or if the said debentures for $225,000 only be issued, the sum of $16,556 in each of such years as hereinafter provided.

And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll, is $24,269,420.

And whereas the existing debenture debt of this municipality amounts to $2,970,541, and no principal or interest is in arrear.

Therefore the municipal council of the city of Hamilton enacts as follows :—

1. It shall be lawful for the corporation of the said city, for the purpose aforesaid, to issue debentures of the said municipality to the amount of two and seventy-five thousand dollars, or for the sum of two hundred and twenty-five thousand dollars only, as hereinafter provided, in sums of not less than one hundred dollars each, payable at the end of twenty years from the first day of January, 1894 : such debentures to bear interest at four per cent per annum from the first day of January, 1894, the interest on all said debentures to be payable half-yearly, on the first days of July and January in each year.

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

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

4. There shall be raised and levied by special rate on all the ratable property in the said municipality, during the term of twenty years from the first day of January, 1894, for payment of the interest on the said debentures, the sum of $11,000 during each year of the said term, and for payment of the principal of said debentures, the sum of $9,235, during each year of said term of twenty years, or if by reason of any condition hereinafter contained $225,000 only of said debentures shall be issued the sum of $9,000 during each year of said term for the interest thereon, and for payment of the principal of said debentures the sum of $7,556 during each year of said term of twenty years.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers

hereinafter named, on Friday, the second day of September, 1892, commencing at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward.	Division.	Place.	Returning Officer.
1	1	166 King street east	Alex. Turnbull.
1	2	204 King street east	W. P. Smith.
1	3	61 Ferguson avenue south	Rich. Ellicott.
2	1	146 King street east	J. M. Ellicott.
2	2	28 Main street east	F. R. Hutton.
2	3	209 John street south	A. C. Beasley.
2	4	24 Jackson street	Wm. Herman.
3	1	219 King street west	M. A Pennington.
3	2	307 Main street west	Chas. Reid.
3	3	137 Hannah street west	E. A. Smith.
3	4	495 King street west	Wm. Holton.
3	5	299 Herkimer street	Jos. Kent.
4	1	58 Caroline street north	Robt. Bryce.
4	2	136 Cannon street west	Chas. Blackman.
4	3	440 King street west	M. Richardson.
4	4	Corner York and Queen	T. Tribute.
4	5	378 York street	J. Hinchcliffe.
4	6	S. S. King's shop, Dundurn	L. McDonald.
5	1	13 MacNab street north	Adam Hunter.
5	2	City Hall, James street	L. Hills.
5	3	21 Hughson street north	Robt. Leask.
5	4	149 MacNab street north	Jas. Clark.
5	5	363 James street north	J. B. Nelligan.
5	6	503 James street north	Wm. Buckingham.
6	1	14 John street north	H. A. Martin.
6	2	70 Cannon street east	Jas. Byrnes.
6	3	113 Rebecca street	Wm. Turnbull.
6	4	225 King William street	Wm. Allen.
6	5	Corner John and Barton streets, Houlden's shop	Jas. Houlden.
6	6	364 Mary street	Thos. Smith.
6	7	83 Picton street east	Alex. McPherson.
7	1	47 West avenue north	Sam. Robins.
7	2	28 Tisdale street	Hedley Mason.
7	3	Corner Barton and East avenue	Sam. Scott.
7	4	361 Cannon street east	Ed. Hawke.
7	5	Corner Victoria avenue and Albert Road	W. H. Martin.
7	6	Town Hall, Barton	A. W. Swazie.

6. On Monday, the 29th day of August, 1892, the mayor shall attend at the Council Chamber at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the city clerk, on behalf of the persons interested in opposing or promoting the passing of this by-law.

7. The clerk of the council of the said municipality shall attend at his office in the City Hall, in the city of Hamilton, at 11 o'clock in the forenoon of Monday, the 5th day of September, 1892, and sum up the number of votes given for and against the by-law.

TERMS AND CONDITIONS.

The following are the terms and conditions agreed on between this corporation and the said Toronto, Hamilton and Buffalo Railway Company, and the grant made by this by-law is hereby declared to be subject thereto and to be payable to the said Railway Company in the manner and at the time set

forth therein, and not otherwise, and no part thereof shall be paid over to the said Company except in accordance with and upon fulfilment of such terms and conditions :

1. The sum of $225,000 of the grant made by this by-law shall be paid to the Company by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent per annum from the first day of January, 1894, but none of such debentures shall be so delivered to the Company, until the completion of their railway as a first-class road from Hamilton to a point on the Canada Southern Railway, at or near the town of Welland or east of said town of Welland, passing through the city of Hamilton from a point in the north-westerly part of the city west of the line of Inchbury street to Bay street, and thence in a tunnel from the west side of Bay street to James street, and thence to the easterly limits of the city by a northerly route, substantially according to the description and specification thereof, hereinafter contained, or passing through said city by a southerly route, substantially according to the description and specification thereof, hereinafter contained, such southerly route to be adopted by the Company, and the adoption thereof notified by them in writing to the city clerk of Hamilton within two months after the final passing of this by-law or within such further time as the council of the city of Hamilton may by resolution grant for such adoption, otherwise the Company to be restricted to the northerly route ; nor until the Company have completed a direct connection, by a first-class line of railway, from the line of the Canada Southern Railway at Waterford, through Brantford to Hamilton, independent of the Grand Trunk Railway and of the Canadian Pacific and South Ontario Pacific Railway Companies, and connecting at Hamilton with the Toronto, Hamilton & Buffalo Railway Company's line to a point on the Canada Southern Railway at or near to or east of the town of Welland, such connecting line from Waterford to be not more than 650 feet west of Garth street at its intersection with Main street in the city of Hamilton, or if the main line be beyond that distance from Garth street at such intersection, a spur track from the main line to be built, passing not more than 650 feet west of Garth street at its intersection with Main street ; nor until the said Railway has been actually opened for traffic and is being so operated as to give adequate and regular daily train service, both for passengers and freight between Hamilton and a point on the Canada Southern Railway at or near to or east of the town of Welland and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern and Michigan Central systems, at or near to or east of Welland and at Waterford respectively, nor until this by-law and all the conditions contained therein have been made and declared by competent legislative authority to be binding on the Toronto, Hamilton & Buffalo Railway Company and all who may claim under them ; and it has been provided in the Company's charter that in the event of the lines now proposed to be built by the Toronto, Hamilton & Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland and from Hamilton to Toronto, or the connecting line from Hamilton through Brantford to

Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated in connection with the Canada Southern Railway, or in the event of the Toronto, Hamilton & Buffalo Railway Company, either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the Company, their successors or assigns under or by virtue of the grant made by this by-law to the Toronto, Hamilton & Buffalo Railway Company shall be repaid to the Corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton & Buffalo Railway, and upon all the franchises and property of the Company.

2. The sum of $50,000, being the balance of the grant made by this by-law shall be paid over to the Company by the delivery to them of debentures to that amount, issued under this by-law and bearing interest at four per cent per annum from the first day of January, 1894, but none of such debentures shall be so delivered to the Company until after the fulfilment of the foregoing conditions, nor until the completion of the Company's line as a first-class road passing through the city of Hamilton, by one of the routes hereinbefore mentioned, and continuing on from the northwesterly part of the city of Hamilton into the city of Toronto, nor until such line between Hamilton and Toronto has been actually opened for traffic and is being operated in connection with the Canada Southern Railway and independently of the Grand Trunk Railway Company, the Canadian Pacific Railway Company and the South Ontario Pacific Railway Company, or of any control by or alliance with any of said companies, and is being so operated as to give adequate and regular daily train service both for passengers and freight between Hamilton and Toronto, and such balance of said grant shall be subject also to the further terms and conditions which are contained in next preceding paragraph hereof, as to the repayment in certain events of the grant made by this by-law, and as to the amount of such grant forming a first lien upon the railway and upon all the franchises and property of the Company.

3. The Company shall build and shall always maintain a principal passenger station in a central part of the city of Hamilton, and all regular passenger trains on the Toronto, Hamilton and Buffalo Railway running from or through Brantford to Toronto or from Toronto to or through Brantford shall stop at such principal passenger station of the Company in Hamilton and all regular passenger trains running through Hamilton shall stop at such station.

If the Company's line from Brantford shall enter the city of Hamilton at a point south of King street, and shall pass through

the city by the northerly route hereinafter described, the Company shall build and always maintain a second passenger station within the limits of the city of Hamilton at some point on their line west of Queen street and south of King street, and if said line shall pass through the city by the southerly route hereinafter described the Company shall build and always maintain such second passenger station at some point between Queen and Garth streets south of Main street.

4. The debentures issued under this by-law shall bear interest at four per cent per annum, from the first day of January, 1894, but no debentures shall be issued under this by-law or be handed over to the Company, nor shall the Company become entitled to them or any part thereof, or to any interest thereon, unless and until the conditions contained in this by-law, with regard to the delivery of such debentures to the Company have been fulfilled on their part, nor until the Company shall have entered into an agreement with the city corporation to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall have been approved by the city solicitors or one of them.

5. If the construction of the Toronto, Hamilton and Buffalo Railway line from the city of Brantford to Hamilton, or within the city of Hamilton, be not actively proceeded with before the first day of November next, or if the work of construction of the line from the city or Brantford to Hamilton, or within the city of Hamilton, is not being actively proceeded with at that date, or if the building of the railway from Brantford through Hamilton to a point on the Canada Southern Railway, at or near to or east of the town of Welland, is thereafter abandoned or discontinued, then in any of such events this by-law shall become void and shall not take effect; and it is hereby declared that time shall be of the essence of this by-law, both as to such active prosecution of the work and the continuance of the construction of the railway.

6. If, notwithstanding that the construction of the railway may have been proceeded with, as in the last preceding condition required, the said railway of the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland, through the city of Hamilton, and the railway from Waterford through Brantford to Hamilton, connecting at Hamilton with the said line to a point on the Canada Southern at or near to or east of the town of Welland, be not completed, opened and operated in the manner set forth in the first condition of this by-law before the thirty-first day of December, 1893, the grant made by this by-law shall be forfeited, and upon such forfeiture the debentures, if any, which may have been signed or sealed under this by-law, shall be cancelled, and time is hereby declared to be of the essence of this condition.

7. If, notwithstanding that the portion of the said railway mentioned in the next preceding paragraph shall have been duly completed within the time in said paragraph mentioned, the line of said railway from Hamilton to Toronto shall not have been fully and completely bridged and graded to the city of Toronto and the ties and rails laid thereon before the thirty-first day of December, 1893, or the said railway from Hamilton into the city of Toronto shall not be completed, opened and

operated in the manner set forth in the second condition of this by-law before the thirty-first day of December, 1894, then in either of such events that portion of the grant hereby made which might otherwise become payable under said second condition, consisting of debentures to the amount of $50,000, bearing interest at four per cent per annum from the first day of January, 1894, shall be forfeited by the Company, and upon such forfeiture, the debentures, if any, which may have been signed or sealed under this by-law, and which the Company may not have become entitled to under the first condition hereinbefore contained, shall be cancelled, and the interest, if any, levied for such debentures shall be paid over to the city treasurer for the general purposes of the municipality, and the proportion applicable to such debentures of the amounts, if any, levied for principal under this by-law, shall be appropriated by the city corporation for general purposes, and the amounts to be thereafter levied under this by-law shall be reduced by the proportion which would be applicable for interest and principal to such sum of $50,000, it being hereby declared that if the railway from Hamilton to Toronto shall have been so completely bridged and graded and the ties and rails laid thereon before the thirty-first day of December, 1893, such debentures for $50,000 may be signed and sealed and placed in the hands of the city treasurer of Hamilton, but that such debentures shall be cancelled as hereinbefore provided, if such railway from Hamilton into the city of Toronto be not completed, opened and operated in the manner set forth in the second condition of this by-law before the thirty-first day of December, 1894, and time is hereby declared to be of the essence of this condition.

8. If, before the delivery over to the Company of the whole of the debentures authorized by this by-law, notice shall be given to the City Corporation of Hamilton of any claim or claims for right of way purchased or acquired by the Toronto, Hamilton & Buffalo Railway Company within the limits of the city of Hamilton, or for compensation for damage to real property taken or injuriously affected by the exercise within the city of Hamiton of any of the powers granted for the railway, the said City Corporation shall retain out of any of said debentures to which the Company may have become entitled under the conditions of this by-law, an amount sufficient to pay such claims, and shall have the right to pay any of such claims when agreed upon or legally ascertained, and to use so much of such debentures as may be necessary to enable them to make such payment or payments.

9. If the Niagara Central Railway Company shall build their line of railway to the easterly limits of the city of Hamilton, and shall, when their line has been so built, apply to the Toronto, Hamilton & Buffalo Railway Company, or their assigns, for the right to run trains for passengers and freight through the city of Hamilton over the main tracks, and passing sidings of the line to be built, as hereinbefore designated, by the Toronto, Hamilton & Buffalo Railway Company, such right to run trains shall be granted to the Niagara Central Railway Company, upon such terms as may be mutually agreed on, or as may, in case of failure to agree, be determined by three arbitrators, one of whom shall be appointed by each of said com-

panies, and the third by the arbitrators so chosen, and in case of the failure of such two arbitrators to chose a third within two weeks after the last of such two arbitrators has been appointed, such third arbitrator may be appointed by one of the Judges of the High Court of Justice for Ontario, or by the Judge or Junior Judge of the County of Wentworth, upon application of either of said companies, one week's notice of such application being given to the other said companies of the motion for such appointment, and the award of the said arbitrators, or any two of them, shall be binding on said railway companies, and if either of said companies shall after two weeks' notice in writing from the other, of the appointment of an arbitrator fail to appoint another arbitrator herein, the other company may, upon one week's notice, apply to a Judge of the High Court of Justice for Ontario, or the Judge or Junior Judge of the County of Wentworth, for the appointment of a sole arbitrator, and the award of any sole arbitrator to be so appointed shall be binding on said railway companies.

10. In settling the terms upon which such right to run trains shall be granted, and the compensation to be paid by the Niagara Central Railway Company, no value shall be put upon the land within the city of Hamiton, between Sherman Avenue and the norhwesterly limits of the city of Hamilton, over which the main tracks and passing sidings of the Toronto, Hamilton and Buffalo Railway shall be built, but such compensation shall be based on the cost of construction and maintenance of such main tracks and passing sidings within the limits of the city of Hamilton and the relative use to be made thereof by the Niagara Central Railway Company and the Toronto, Hamilton & Buffalo Railway Company or thir assigns.

11. The Toronto, Hamilton and Buffalo Railway Company or their assigns shall not be bound to grant any such right to run trains to the Niagara Central Railway Company unless that Company's road is operated as an independent line or to grant any such right except for such period as it shall continue to be an independent line and shall not be under the control of the Grand Trunk Railway Company or the Canadian Pacific or South Ontario Pacific Railway Company, or any company, person or persons acting for or in the interest of any of those railway companies, or shall be operated as a part of or in alliance with any of those systems, either directly or indirectly.

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

way Company they shall be at liberty to do so without paying compensation to the Company, provided that the work is so done as not to injure or materially interfere with the working of the railway.

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

DESCRIPTION AND SPECIFICATION.

The following is the description and specification of the northerly route hereinbefore referred to:

The line will extend from a point in the north-westerly part of the city, west of the line of Inchbury street, thence running in an easterly direction near the foot of the bluffs and south of the tracks of the Grand Trunk Railway to Barton street, thence across Barton street at or near the intersection of Queen street, thence continuing in an easterly direction and curving slightly to the north and crossing Hess and Caroline streets immediately south of Barton street, and continuing to a point on the west side of Bay street not less than 100 nor more than 200 feet north of Sheaffe street, and connecting there with a tunnel for a double track railway which is to be constructed from the west side of Bay street to the west side of James street; the the said tunnel is to be commenced at a point in the west limit of Bay street, from 100 to 200 feet north of Sheaffe street, and is to be built thence in an easterly direction to and across Park street to a point south of St. Joseph's Convent and not less than 120 feet north of St. Mary's Roman Catholic Cathedral, passing on the north side of the Separate (Model) School to MacNab street; thence in a direct line to the western limit of James street, where the tunnel will end not less than 100 feet north of Robert street. A steel bridge is to be constructed over the railway the full width of James street, and at an elevation of not more than two feet above the present travelled way. This bridge will be calculated to carry a load equal to 100 pounds per superficial foot of the floor thereof and James street at each approach to the bridge is to be paved as at present. Thence the railway is to continue easterly in an open cutting, curving slightly towards the south, passing 60 to 100 feet south of the English Church known as Christ Church Cathedral; crossing Hughson street at Robert street, or at a point not more than 100 feet north thereof and at such crossing a bridge similar to that described for James street, is to be erected the full width of Hughson street, at an elevation above the present roadway of not more than 9 feet. the Railway Company is to ramp or embank and macadamize Hughson street, at an easy grade on the northerly and southerly approaches to the bridge and render the roadway and sidewalks easy for passage of teams and pedestrians. The Company is to erect a bridge over Robert street, should the cutting across Robert street exceed ten feet in depth, and such bridge shall be similar to that described for James street, and the Company shall ramp or embank, and macadamize the approaches to such bridge in the same manner as required for

the Hughson street bridge. The railway is to cross Robert street at an acute angle to John street, entering upon John street north of the present residence of Bishop Hamilton, thence to the east side of John street in a cutting not to exceed six feet deep, at a point not more than 200 feet south of Robert street; the John street roadway and sidewalks to be sloped down to the tracks at an easy grade, and to be paved as at present; thence to Catharine street 50 to 150 feet north of Cannon street, in a cutting about three and a-half feet deep, and over Cannon street between Catharine and Mary streets, thence crossing Mary street, where the cutting will be about three feet deep. and not more than 100 feet south of Cannon street; thence to Elgin street at or near its interception with Kelly street, and not more than 100 feet north thereof, thence to and over Ferguson avenue on the level of the Grand Trunk Railway tracks, to a point about midway between Wilson and Kelly streets; thence continuing easterly through the blocks immediately north of Wilson street; thence about parallel to Wilson street across Cathcart street, Wellington street, West avenue, Victoria avenue, East avenue, Emerald, Tisdale and Stevens streets at grade or nearly so; thence over Ashley street immediately north of Nightingale street; thence to and across Wentworth street south of Wilson street, thence eastwardly to a point south of Mountain avenue on Sherman avenue, the present eastern city limits, crossing all intervening streets between Wentworth street and Sherman avenue at grade or nearly so, or on an alternate route from Wentworth street at or near the intersection of Wilson street eastwardly to a point north of King street on Sherman avenue crossing all intervening streets between Wentworth street and Sherman avenue at grade or nearly so. All the grade crossings of streets and avenues and all the railway tracks along the surface of the streets are to be made good up to the railway, and planked between and alongside of the tracks in a substantial and workmanlike manner. The Railway Company shall lay down double tracks from some point west of Bay street to Wentworth street, exclusive of necessary sidings and switches.

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

The line will extend from a point in the present located and partly graded line of the Toronto, Hamilton and Buffalo Railway on the eastern edge of the marsh (known as Coote's Paradise) and west of the city cemetery and between the Desjardins canal and said city cemetery, thence southwardly along said marsh and Beasley's hollow, crossing King and Main streets, overhead by an iron or steel bridge, thence curving to the eastward by an open cutting and crossing Garth street immediately north of Hunter street at a depth of not less than 12 feet below present grade of Garth street, thence continuing eastwardly parallel with Hunter street, and immediately north of it, crossing Poulette street 27 feet below present grade, Locke street 19 feet below, Pearl street 21 feet below, Ray street 21 feet below, and Queen street 20 feet below present grade of Queen street; the grade of Queen street not to be raised more than three feet, the railway thence continuing by a double track tunnel from the west side of said Queen street through

the centre of Hunter street, passing under Hess, Caroline, Bay and Park streets to the east side of Park street, where the tunnels ends. The railway will thence continue from the centre line of Hunter street at Park street, along Hunter street, but keeping to the north thereof as much as practicable, leaving as much of the street on the south side of railway as practicable for the use of teams and pedestrians.

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

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

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

All the grade crossings of streets and avenues and all railway tracks along the surface of the streets on either route are to be made good up to the railway, and planked between and alongside of the tracks in a substantial and workmanlike manner.

The highway above the tunnel on Hunter street shall, immediately upon the completion of the tunnel, as it progresses, be filled in and the roadway, ditches, sidewalks and street crossings thereon be made good by and at the expense of the Company and to the satisfaction of the city engineer. And no part of the tunnel shall be kept open any longer than is absolutely necessary for its completion.

The Company shall, at their own expense, sufficiently protect by watchmen and gates, MacNab, James, Hughson and John streets where they are crossed by railway.

The pipe sewer on Queen street shall at the crossing of that street by the railway be turned westerly through the railway cut and laid in that cut, the city corporation to be at liberty to lay the sewer there at the expense of the Company, and all sewers and water pipes on the southerly route which may be

interfered with by the Railway Company in the construction of their line may be made good, or substitutes may be made therefor by the city corporation at the expense of the Company, and the supply of water and the flow of the sewers may be so maintained in the cut during the construction of the work, and all such expenses of changing or relaying sewers or water pipes and of maintaining the supply of water and the flow of the sewers, shall be paid by the Company to the city corporation on demand, and if at the time the Company may become entitled to any debentures under the terms of this By-law, any such expenses shall remain unpaid by the Company to the city, the amount thereof with interest from the time of demand of payment, may be deducted from such debentures.

Passed this 20th day of September, A.D., 1892.

P. C. BLAICHER,
Mayor.

T. BEASLEY,
City Clerk.

No. 83.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

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

Received and read a first time, Tuesday, 7th March, 1893.
Second reading, Wednesday, 8th March, 1893.

(PRIVATE BILL)

Mr. COATSWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 84] **BILL.** [1893.

An Act respecting the Canadian Pacific Railway Company.

Preamble.

WHEREAS the Canadian Pacific Railway Company, hereinafter called the Company, has, by its petition, prayed that certain powers, as hereinafter set forth, be conferred upon 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, hereby enacts as folows:—

Short title.

1. This Act may be cited as *The Canadian Pacific Railway Act*, 1893.

Issue of preferred stock.

Amount limited.

2. The powers conferred upon the Company by clause thirty-seven of its charter in respect of preferred stock, are hereby restored; provided that the aggregate amount of such stock shall not at any time exceed one-half the aggregate amount of the ordinary stock then outstanding.

Sterling stock.

Voting.

3. Any ordinary or preferred stock issued by the Company after the passing of this Act may be in registered sterling stock, transferable in amounts of one pound and multiples thereof; and any outstanding shares of ordinary stock of one hundred dollars each may at any time, at the holder's option, be converted into registered ordinary sterling stock at the rate of four shillings and one penny half-penny per dollar, transferable in amounts of one pound and multiples thereof; every twenty pounds sterling of ordinary stock entitling the holder to the same voting rights as a share of one hundred dollars, and every twenty pounds sterling of preferred stock carrying one vote.

Dividend on preferred stock.

4. The said preferred stock shall rank for dividend not exceeding four per cent per annum and non-cumulative.

No. 84.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Canadian Pacific Railway Company.

Received and read a first time, Tuesday, 7th March, 1893.
Second reading, Wednesday, 8th March, 1893.

(PRIVATE BILL.)

Mr. BAKER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 85.] **BILL.** [1893.

An Act to incorporate The Canadian Gas Association.

Preamble.

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

Incorporation.

1. Lewis Edward Morin, of Longueuil, William Henry Jeffery, of Richmond, Edward Hunter Copland, of Montreal, Arthur Barnet Phillips, of Montreal, all in the province of Quebec, the honourable Francis Clemow, of the city of Ottawa in the province of Ontario, and George James Gray and Cuthbert Ridley Lee, of London, England, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Canadian Gas Association," hereinafter called the Company."

Corporate name.

Head office

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

Provisional directors.

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

Votes of non-resident directors.

2. The provisional directors resident out of Canada may vote and act as such directors by proxy or power of attorney, and the holders of such proxies need not be provisional directors of the Company.

Capital stock.

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

First meeting of shareholders.

5. So soon as twenty-five per cent of the amount of the capital stock has been subscribed, and ten per cent on such subscribed stock paid into one of the chartered banks in Canada, the provisional directors or a majority of them shall call a general meeting of the shareholders to be held at the city of Ottawa, or at such other place in Canada as the provi-

sional directors calling such meeting shall determine, for the purpose of electing the first directors of the Company and of transacting any other business that may be done at a shareholders' meeting; and notice in writing signed by or on behalf of the provisional directors calling such meeting of the date and place of holding the same, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previously to the calling of such meeting, shall be deemed sufficient notice of such meeeting.

Notice.

Annual meeting.

6. The annual general meeting of the shareholders shall be held on the last Tuesday in February in each year, or upon such other day in each year as the directors of the Company from time to time by by-law determine.

Directors.

7. At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock present in person or represented by proxy, who have paid all calls due on their shares, shall choose five persons, each of whom shall hold at least ten shares of the capital stock of the Company, to be directors of the Company, three of whom shall, subject to change by by-law of the directors, form a quorum, and one or more of whom may be paid directors of the Company.

2. The directors elected at the first meeting of shareholders shall hold office only until the first annual meeting of the Company.

3. The directors may vote and act by proxy, but such proxies shall be held by directors only, no director shall hold more than two proxies, and no meeting of directors shall be competent to transact business unless at least two directors are present thereat in person

General powers.

8. The Company may—

(*a.*) Produce, manufacture, supply, sell, and dispose of in Canada, illuminating gas and electricty, and electric current for heat, light, power, and for any other purposes for which the same may be used, and sell or otherwise dispose of coke, coal-tar and other products arising or to be obtained from the materials used in the manufacture of gas;

(*b.*) Acquire, manufacture, construct, lay, erect, maintain and operate all such works, structures, apparatus, moters, pipes wires, appliances, supplies and machinery as may be necessary or advisable in connection with the said business, and lease, hire or otherwise deal with the said buiness, and lease, hire, or otherwise deal with or dispose again thereof or any portions thereof in any manner that the directors deem advisable;

(*c.*) Acquire by purchase, license or otherwise, and use, license or otherwise dispose of, any inventions or letters patent or right to use any inventions in connection with the production, manufacture or supply of heating and illuminating gas or electricity;

(*d.*) Acquire by purchase, lease or otherwise and operate the works, stock, property, franchises, assets and business of any

other person or corporation, municipal or politic, authorized to carry on any business comprised in the objects in this Act mentioned, and pay therefor in capital stock or debentures of the Company or in money, or enter into any arrangement with any such other person or corporation for the working or carrying on by the Company of the business of such other person or corporation, and in connection therewith for assuming the liabilities of such other person or corporation;

(*e.*) Sell, lease or otherwise dispose of the business, works, property, franchises, and assets of the Company or any portion thereof to any other person or corporation, municipal or politic, carrying on or authorized to carry on any business comprised in the objects of the Company, and receive payment of the price therefor in money or in capital stock or debentures of such other corporation, or may amalgamate with any other corporation authorized to carry on any business comprised in the objects of the Company;

(*f.*) Subscribe for, purchase or otherwise acquire and hold or dispose of the whole or any part of the shares, debentures and securities of any corporation carrying on or authorized to carry on any business comprised in the objects of the Company.

Erection of lines.

9. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town or municipality in Canada, and subject to such regulations and terms as are agreed upon between the council of any such municipality and the Company, the Company may lay down pipes for the conveyance of gas under all or any of the roads, streets and public places of any such city, town or municipality, and supply gas through the same, and may construct, erect, maintain and operate wires along the sides of and across or under any public highways, streets, public bridges, water-courses, or such other places in Canada and supply electric current thereby, and may, by it servants, agents and workmen enter upon any street, public road, public bridge, water-course or highway, in any city, incorporated town, village, county or municipality, for the purpose of laying and maintaining such pipes and erecting and maintaining its wires along the sides of or across or under the same; and may construct, erect, and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working, and maintaining its pipes and systems, and may stretch wires on such poles; and from time to time as, often as the Company its agents, officers, or workmen think proper, break up and open any part whatsoever of the said roads, streets, highways or water-courses.

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

Underground wires.

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

Entering private property.

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

Borrowing powers.

12. The directors may from time to time for the purposes of the Company, when authorized by a by-law for that purpose passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company present in person or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money, not exceeding in amount the then paid up capital stock of the Company as the shareholders deem necessary, and issue bonds or debentures therefor in sums of not less than one hundred dollars each at such rates of interest and payable at such times and places and secured in such manner by mortgage or otherwise, upon the whole or any portion or portions of the property of the Company, as are prescribed in such by-law or decided upon by the directors under the authority thereof.

Increase of capital stock.

13. After the whole of the capital stock hereby authorized has been subscribed, and fifty per cent thereon paid up, the capital stock of the Company may be increased from time to time by a resolution of the shareholders passed and approved of by two-thirds of the votes at a special general meeting of the shareholders duly called for considering the same, and such increased capital stock may be issued and shall be dealt with in the same manner as the original capital stock of the Company.

Preference stock.

14. The directors may from time to time, for the purposes of the Company, when authorized by a by-law for that purpose passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company present in person or represented by proxy at a special general meeting called for considering such by-law, issue and dispose of, for the purposes of the Company, one-third of the then authorized capital stock of the Company as first preference stock; and the holders of such first preference stock shall be entitled out of the annual profits of the Company to receive such annual preferential dividend as is fixed by such by-law (but not in any case exceeding six per cent) before the holders of the ordinary stock of the Company are entitled to any dividend on their stock; and in the event of the dissolution of the Company, or in the event of the distribution of the assets of the Company by any process of law, the holders of such first preference stock shall have priority of rank over the holders of ordinary shares and shall be paid in full the amount of such first preference stock before any payment shall be made to the holders of ordinary stock.

2. The holders of such first preference stock shall have such rights as regards voting at meetings of the shareholders of the Company as are mentioned in such by-law authorizing the issue of such first preference stock.

15. The Company may receive from any Government or from any person or body corporate, municipal or politic, having power to make or grant the same, in aid of the construction, equipment and maintenance of the said works, grants of land, exemption from taxation, loans, gifts of money, guarantees, and other securities for money, and may hold and dispose of the same. Grants in aid may be received.

16. The Company may enter into working and other arrangements with any other company or companies, Government or Governments, person, or body corporate, municipal or politic. Agreements with other companies, &c.

17. Sections eighteen, thirty-nine and forty-one of *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

No. 85.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the Canadian Gas Association.

Received and read first time, Tuesday, 7th March, 1893.
Second reading, Wednesday, 8th March, 1893.

Mr. MACDONALD,
Winnipeg.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 86.] **BILL.** [1893.

An Act respecting the Chilliwhack Railway Company.

WHEREAS a petition has been presented stating that the Chilliwhack Railway Company has undertaken the works hereinafter described and made a commencement of the same, and praying for the passing of an Act as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

1. In this Act the expression "the Company" means a body politic and corporate heretofore created by chapter fifty-five of the Statutes of 1891 of the Legislature of the province of British Columbia, under the name of the "The Chilliwhack Railway Company." Interpretation. 1891, B.C., c 55. Name of Company.

2. The following works, being those which the Company by its said Act of incorporation is empowered to undertake, own and operate, are hereby declared to be works for the general advantage of Canada, that is to say:—a railway from a point on the Mission Branch of the Canadian Pacific Railway on the south side of the Fraser River to a point in the municipality of Chilliwhack in the District of New Westminster, in the province of British Columbia;—all which works are hereinafter referred to in the aggregate as "the said works." Declaratory. Line of railway described.

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

4. The annual general meetings of the shareholders shall be held on the day of , in each year. Annual meeting.

5. The Company may issue bonds, debentures and other securities to an amount not exceeding thousand dollars a mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed and in accordance with the provisions of *The Railway Act.* Issue of bonds limited.

6. The Company may sell or lease, or grant running powers over, or grant the right to operate, the said works and railway or any part or parts thereof to, or enter into a working arrangement in respect thereof with the Canadian Pacific Railway Arrangements with C. P. Railway Company.

Company on such such terms and conditions and for such period or periods as are agreed upon between the boards of directors of the two companies: Provided that such sale, lease, grant or arrangement has been first sanctioned by the consent in writing of every shareholder of the Company, and by the Governor in Council; or failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at a general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette*, and in a newspaper published at Vancouver, in British Columbia, for at least four weeks previous to the hearing of such application.

Proviso: sanction of shareholders and of Governor in Council.

Notice of application for approval of Governor in Council.

7. Nothing herein contained shall be construed in any way to affect or render inoperative any of the provisions of the said Act of incorporation which authorized the Company to undertake hold and operate the said works as aforesaid nor, except as herein expressly provided, any of the rights, powers or privileges conferred on the Company by the said last mentioned Act; but hereafter the same and the Company shall be subject to the legislative authority of the Parliament of Canada and the provisions of *The Railway Act.*

Company's rights under Provincial charter saved.

Declaratory.

8. The said works shall be completed within five years after the passing of this Act, failing which the powers granted for such construction shall cease and be null and void as respects so much of the said works as then remains uncompleted.

Time for completion of works.

No. 86.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Chilliwhack Railway Company.

Received and read first time, Tuesday, 7th March, 1893.
Second reading, Wednesday, 8th March, 1893.

(PRIVATE BILL.)

MR. CORBOULD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 87.] **BILL.** [1893.

An Act to incorporate the British Columbia Dock Company.

Preamble.

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

Incorporation

1. Francis Carter Cotton, H. T. Ceperley and J. W. Prescott, all of the city of Vancouver, in the province of British Columbia, together with such persons as become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name of *The British Columbia Dock Company*, hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Vancouver, or such place in Canada as the Company from time to time determine by by-law.

Company's works.

Declaratory.

3. The Company may lay out, construct and operate a dry dock or floating dock, wharves, breakwaters, ship-building and repairing yards, and iron works in connection therewith, at some point on Burrard Inlet in the province of British Columbia, either within or without the limits of the city of Vancouver, with power to construct and operate a railway or tramway to connect the said dock and works with the Canadian Pacific Railway; and the undertaking hereby authorized is declared to be a work for the general advantage of Canada.

Provisional directors.

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

Capital stock and shares.

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

Preference stock may be issued.

6. The directors may, by by-law, issue one-third of the capital stock as preference stock, giving the same such prefer-

ence and priority over ordinary stock, as respects dividends and repayment of capital stock in the event of the winding up of the Company, as is declared by the by-law.

Sanction of shareholders.

2. Such by-law shall not have any force or effect whatever until after it has been sanctioned by a vote of shareholders, representing at least two-thirds of the issued capital stock of the Company, present in person or represented by proxy at a general meeting of the Company duly called for considering the same.

Rights of preference shareholders.

3. Holders of such preference stock shall be shareholders within the meaning of this Act, and shall, in all respects, possess the rights and be subject to the liabilities of shareholders within the meaning of this Act: Provided however that, as respects dividends and repayment of capital stock, in the event of the winding up of the Company, they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid:

Proviso.

Annual general meeting.

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

Election of directors.

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

Borrowing powers.

9. The directors may, when authorized by a by-law for that purpose passed and approved by the votes of at least two-thirds of the holders in value of the subscribed stock of the Company, present in person or represented by proxy at a special general meeting duly called for considering such by-law, borrow such sum of money, not exceeding the amount of the paid-up capital of the Company, as the shareholders deem necessary, and issue bonds or debentures therefor, in sums of not less than one hundred dollars each, at such rates of interest, and payable at such times and places, as is determined, for the purpose of carrying out any of the objects of the Company.

Time for construction of works.

10. The dry dock and yards shall be commenced within three years and completed within five years from the passing of this Act, otherwise the powers granted by this Act shall cease and be null and void.

Gifts in aid may be received by company.

11. The Company may receive from any government or from any person, or body corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said dock and yards, grants of land, premises, loans, gifts of money, guarantees and other securities for money and hold and alienate the same.

Arrangements with other companies.

12. The Company may enter into working and other agreements and arrangements with any other company or companies, government or governments, person or body corporate, municipal or politic.

R. S. C., c. 118.

13. Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

No. 87.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to incorporate the British Columbia Dock Company.

Received and read a first time, Tuesday, 7th March, 1893.
Second reading, Wednesday, 8th March, 1893.

(PRIVATE BILL.)

MR. CORBOULD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 88.] **BILL.** [1893.

An Act respecting the Nicola Valley Railway Company.

Preamble.

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

Arrangements with C.P.R. Co.

1. The Nicola Valley Railway Company, hereinafter called the Company, may sell or lease, or grant running powers over, or grant the right to operate its railway and works authorized to be constructed by the said Acts, or any part or parts thereof to, or enter into a working arrangement in respect thereof with, the Canadian Pacific Railway Company, on such terms and conditions and for such period or periods as are agreed upon between the boards of directors of the two companies; Provided that such sale, lease, grant or arrangement has been first sanctioned by the consent in writing of every shareholder of the Company, and by the Governor in Council; or failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at a special general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette*, and in a newspaper published at Vancouver, in British Columbia, for at least four weeks previous to the hearing of such application.

Proviso: sanction of shareholders and of Governor in Council.

Time for completion of works.

2. The said works shall be completed within five years from the passing of this Act, failing which the powers granted in that behalf shall cease and be null and void as respects so much of the said works as then remains uncompleted.

No. 88.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Nicola Valley Railway Company.

Received and read first time, Tuesday, 7th March, 1893.

Second reading, Wednesday, 8th March, 1893.

(PRIVATE BILL.)

Mr. MARA.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 89.] **BILL.** [1893.

An Act respecting the Nelson and Fort Sheppard Railway Company.

WHEREAS the Nelson and Fort Sheppard Railway Company was incorporated by an Act of the Legislature of the province of British Columbia passed in the fifty-fourth year of Her Majesty's Reign, chapter fifty-eight, intituled "An Act to Incorporate the Nelson and Fort Sheppard Railway Company"; and whereas the said Company is authorized to build its railway from a point on the outlet of Kootenay Lake, at or near the town of Nelson, in the province of British Columbia, thence by way of the valley of the Cottonwood-Smith Creek and the Salmon River to a point at or near Fort Sheppard, in the said province of British Columbia; and whereas the said Company has by its petition prayed that its railway be declared to be a work for the general advantage of Canada, and the said Company a body corporate within the jurisdiction of the Parliament of Canada, and that certain additional powers, as hereinafter set forth, be conferred upon the said Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1891 (B.C.) c. 58.

1. The railway of the Nelson and Fort Sheppard Railway Company is hereby declared to be a work for the general advantage of Canada. Declaratory.

2. The Nelson and Fort Sheppard Railway Company, hereinafter called the Company, is hereby declared to be a body corporate and politic within the Legislative Authority of the Parliament of Canada, and to have all the franchises, rights, powers, privileges and authorities conferred upon it by virtue of the said recited Act of the Legislature of the province of British Columbia, but subject to all debts, obligations or liabilities of the Company, and to any rights in any suit or action now pending in any of the Courts of British Columbia: Provided that *The Railway Act* of Canada, shall apply instead of *The British Columbia Railway Act* to all matters and things to which *The Railway Act* would apply if the Company had originally derived its authority to construct and operate its railway from the Parliament of Canada, and as though it were a railway constructed or to be constructed under the authority of an Act passed by the Parliament of Canada; and all notices, which by the said recited Act are required to be given in the *Government Gazette* of the said province, shall hereafter be published in the *Canada Gazette* instead. Incorporation and powers. Proviso: Railway Act to apply. Notices.

Extension of line to international boundary.

3. In addition to the powers conferred upon the Company by its Act of incorporation, the Company may construct and operate its line of railway to the International boundary line between Canada and the United States and connect its railway with the railway system of the State of Washington and the United States.

Time for completion extended.

4. Notwithstanding anything contained in the Act incorporating the Company, the time limited for the completion of its railway is hereby extended for a period of two years from the passing of this Act; and if not so completed, then the powers granted in that behalf shall cease and be null and void as respects so much of the railway as then remains uncompleted

Steam and other vessels.

5. The Company may also acquire, build, own, mortgage, dispose of, charter, work and run steam and other vessels for cargo and passengers upon any navigable waters which the railway of the Company reaches or with which it connects;

Land for warehouses, elevators, &c.

and may accept, acquire, purchase, own, hold, mortgage, sell and dispose of such land as is required for the purpose of constructing elevators, warehouses, docks, wharves and other such erections for the uses of the Company, and may construct and operate the same.

Arrangements with any other company.

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

Proviso: sanction of shareholders.

Approval of Governor in Council.

that such agreement has also received the approval of the Governor in Council;

Notice of application for approval.

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

No. 89.

3rd Session, 7th Parliament, 56 Victoria

BILL.

An Act respecting the Nelson and Sheppard Railway Company.

Received and read first time, Tuesday, February, 1893.
Second reading, Wednesday, 8th February, 1893.

(PRIVATE BILL.)

MR. MA

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majes
1893

No. 90.] **BILL.** [1893.

An Act in further amendment of the Dominion Elections Act.

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

1. The paragraph lettered (*f*), added to section eighty-four of *The Dominion Elections Act*, chapter eight of the Revised Statutes, by section fourteen of chapter nineteen of the Statutes of 1891, and also the last paragraph of the said section eighty-four, are hereby repealed and the following paragraphs substituted therefor:— R.S.C., c. 8, section 84 amended.

"(*f.*) Every voter or other person who, directly or indirectly, by himself, or by any other person on his behalf, asks for or receives any gift or loan of money, or any other valuable consideration, in order to induce any voter to vote or refrain from voting;" Money, &c., to influence voter.

"(*g.*) Every voter who corruptly votes or corruptly refrains from voting;" Corruptly voting or not voting.

"And every person so offending is guilty of an indictable offence, and shall also forfeit the sum of two hundred dollars to any person who sues for the same, with costs: Provided always, that the actual personal expenses of any candidate, and his expenses for actual professional services performed, and *bonâ fide* payments for the fair cost of printing and advertising, and for the rent of committee rooms and halls, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a violation of this Act." Punishment. Proviso: as to lawful expenses.

2. Every one is guilty of an indictable offence, and liable to three months' imprisonment and to a fine not exceeding five hundred dollars, who, directly or indirectly, enters into a bet or wager with a voter in any polling district, upon the result of an election in the electoral district which comprises such polling district, or upon the vote polled in such polling district in an election. Betting with voter on result of election.

No. 90.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act in further amendment of the Dominion Elections Act.

Received and read first time, Tuesday, 7th March, 1893.
Second reading, Wednesday, 8th March, 1893.

Mr. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

91

An Act to amend "An Act respecting The Nova Scotia Permanent Benefit Building Society and Savings Fund."

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

1. Section eleven of chapter one hundred and fourteen of the Statutes of 1887, intituled "An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund," is hereby amended by adding the following sub-section thereto: 50-51 V., c. 114, s. 11 amended.

"2 The duty to sell within seven years real estate acquired in satisfaction of any debt shall not apply to real estate acquired or owned by the Society on or before the twenty-third of June, A.D. 1887." Exception from preceeding section.

No. 92.] **BILL.** [1893.

An Act to amend the Merchant Shipping Act, with respect to load-lines.

Preamble.

WHEREAS by section five hundred and forty-seven of the Act of the Parliament of the United Kingdom known as *The Merchant Shipping Act*, 1854, it is enacted that the legislative authority of any British possession shall have power by any Act or ordinance confirmed by Her Majesty in Council to repeal, wholly or in part, any provisions of the said Act relating to ships registered in such possession; and whereas by the Act of the said Parliament known as *The Merchant Shipping Act*, 1876,—which, as is provided by section two thereof, is to be construed as one with *The Merchant Shipping Act*, 1854, and the Acts amending the same,—certain provisions are made in sections twenty-six, twenty-seven and twenty-eight thereof, with respect to the marking of load lines upon British ships; and whereas by sections one and two of the Act of the said Parliament known as *The Merchant Shipping Act*, 1890, the provisions of the said sections twenty-six and twenty-seven are amended in certain particulars; and whereas it is not desirable that the said sections twenty-six and twenty-seven, as so amended, or the regulations which have been or may be made by the Board of Trade thereunder, or the provisions of the said section twenty-eight, should apply to ships registered in Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Merchant Shipping Act, 1854.

Merchant Shipping Act, 1876.

Merchant Shipping Act, 1890.

Exemption of ships registered in Canada.

1. Sections twenty-six, twenty-seven and twenty-eight of *The Merchant Shipping Act*, 1876, and sections one and two of *The Merchant Shipping Act*, 1890, of the United Kingdom, are hereby declared not to apply to ships registered in Canada.

Commencement of Act.

2. This Act shall not come into force until Her Majesty's pleasure thereon has been signified by proclamation in the *Canada Gazette*, nor until a proclamation of the Governor in Council bringing it into effect has also been published in the said Gazette.

No. 92.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to amend the Merchant Shipping Act, with respect to load lines.

Received and read a first time, Wednesday, 8th March, 1893.
Second reading, Thursday, 9th March, 1893.

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

93

An Act for the relief of James Balfour.

Preamble.

WHEREAS James Balfour, of the city of Hamilton, in the county of Wentworth, in the province of Ontario, architect, has by his petition set forth that on the twenty-sixth day of June, one thousand eight hundred and seventy-eight, he was lawfully married to Georgina Catharine Munro, at the said city of Hamilton; that they cohabited together as husband and wife until the third day of March, one thousand eight hundred and ninety-two, when he discovered that she had committed adultery in the year one thousand eight hundred and ninety-one with one Frank Mervin; that she committed adultery during the year one thousand eight hundred and ninety-one with the said Frank Mervin; and whereas he has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said James Balfour and Georginia Catharine Munro, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said James Balfour may at any time hereafter marry any other woman whom he might lawfully marry if the said marriage with the said Georgina Catharine Munro had not been solemnized.

94

An Act for the relief of Robert Young Hebden.

Preamble.

WHEREAS Robert Young Hebden, heretofore of the city of Montreal, in the province of Quebec, but presently residing at the city of New York, in the state of New York, one of the United States of America, one of the agents of the Bank of Montreal, has by his petition set forth that on the twenty-seventh day of November, one thousand eight hundred and seventy-nine, he was lawfully married to Edith Montagu Patterson, in the parish of Kensington, in the county of Middlesex, England; that at the time of the said marriage he was domiciled in Canada, and shortly afterwards returned to Canada with his said wife, and thereafter he and his said wife were and have ever since continued to be domiciled in Canada; that on or about the twenty-first day of May, one thousand eight hundred and ninety-two, she deserted him and fled from Canada with one John Smith Allan, and that prior to and since her said flight she committed adultery with the said John Smith Allan; and whereas the said Robert Young Hebden has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further and other relief may be granted him as is deemed meet; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Robert Young Hebden and Edith Montagu Patterson, his wife, is hereby dissolved and shall he henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Young Hebden may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Edith Montagu Patterson had not been solemnized.

BILL.

An Act for the relief of Edmund Holyoake Heward.

Preamble.

WHEREAS Edmund Holyoake Heward, of the town of St. John's, in the district of Iberville, in the province of Quebec, manager of the branch of the Merchants Bank of Canada at the said town, has by his petition set forth that, on the twenty-fourth day of February, one thousand eight hundred and seventy-six, he was lawfully married to Marie Louise Elwes; that after the said marriage they lived and cohabited together at the city of Montreal, in the Province of Quebec, and at the said town of St. John's until the fifth day of November one thousand eight hundred and ninety-one, when she left the said town of St. John's and took up her temporary abode in the city of Chicago, in the state of Illinois, one of the United States of America; that there are now living four children issue of the said marriage, as follows, Helen Libbie, Stephen Augustus, Charles Vivian, and Ralph Burton, all of whom are minors; that she committed adultery with one Charles J. Q. Coursol, at the said town of St. John's, and elsewhere, on many and divers occasions between the thirtieth day of September, one thousand eight hundred and ninety, and the fifth day of November, one thousand eight hundred and ninety-one, and especially on her said journey from the said town of St. John's to the said city of Chicago; and whereas he has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again and that such further relief may by afforded him as is deemed meet, and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Edmund Holyoake Heward and Marie Louise Elwes, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edmund Holyoake Heward may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Louise Elwes had not been solemnized.

Custody of children.

3. The said Edmund Holyoake Heward shall have the permanent custody and sole and absolute control of the persons of his said children Helen Libbie, Stephen Augustus, Charles Vivian, and Ralph Burton, without any right of interference whatever on the part of the said Marie Louise Elwes.

3rd Session, 7th Parliament, 56 Victoria, 1893

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BILL.

An Act for the relief of Edmund Holyoake Heward.

Received and read a first time, Monday, 6th February, 1893.

Second reading, Tuesday, 21st February, 1893.

Hon. Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

An Act to consolidate and amend certain Acts relating to the Manitoba and North-Western Railway Company of Canada.

Preamble.

WHEREAS the Manitoba and North-Western Railway Company of Canada have by their petition set forth that, as more fully appears by the Acts mentioned in schedule one to this Act, they were incorporated in the year 1880, by the Legislature of the province of Manitoba, under the name of "The Westbourne and North-Western Railway Company"; that, in the year 1881, the said Act was amended by the said Legislature and the Company's name was changed to "The Portage, Westbourne and North-Western Railway Company"; that, in the year 1882, by an Act of the Parliament of Canada, the Company's railway was declared to be a work for the general advantage of Canada and an extension thereof into the North-West Territories was authorized; that, by such declaration and extension the Company and their undertaking became subject to the exclusive legislative authority of the Parliament of Canada; that by the said Act of 1882, the aforesaid change of name was again enacted and *The Consolidated Railway Act*, 1879 and all amendments thereto, were applied to the Company and their undertaking instead of *The Railway Act of Manitoba*; that, in the year 1883, by an Act of the Parliament of Canada, the Company's name was further changed to "The Manitoba and North-Western Railway Company of Canada"; that numerous other amendments of the Company's Act of incorporation have been made by the said and by other Acts of the Parliament of Canada, so that provisions as to the powers, rights and obligations of the Company are contained in a number of Acts; that it is expedient to consolidate and amend these Acts so as to embody the said provisions in one Act; and whereas the company have prayed for such consolidation and also for an extension of the time within which a certain portion of their railway is by law to be built; 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:—

Short title.

1. This Act may be cited as *The Manitoba and North-Western Railway Company's Act*, 1893.

Repeal.

2. The Acts mentioned in schedule one to this Act, but as respects the Acts of the province of Manitoba therein mentioned only so far as any provisions of such Acts are within the legislative authority of the Parliament of Canada, are hereby repealed to the extent in the said schedule mentioned; and in lieu of the said Acts and provisions, this Act,

Application of this Act.

and, in matters not provided for by this Act, *The Railway Act* and its amendments, shall apply to The Manitoba and North-Western Railway Company of Canada, hereinafter called "the Company," and to the undertaking of the Company.

Effect of repeal.

3. The said repeal shall not in any way affect—

Continuance of the corporation.

(*a.*) The corporate existence of the Company, which, together with all such persons as hereafter become shareholders in the Company, shall continue to be the same body corporate; or

Savings clauses.

(*b.*) Any obligation, debt or liability of the Company now existing; or

(*c.*) Any right now existing, accruing, accrued or established; or

(*d.*) Any suit, action or proceeding at law or in equity now pending.

Head office.

4. The head office of the Company shall be at the town of Portage La Prairie, and may be changed to such other place in Canada as is fixed by by-law passed at any annual general meeting or at any special meeting of shareholders duly called for that purpose; and the Company may from time to time by by-law appoint and fix other places within or beyond the limits of Canada, at which the business of the Company may be transacted and at which the directors or shareholders may meet when called, as determined by the by-laws.

Other offices.

General meetings.

5. General meetings of the Company, whether annual or special, may be held at the City of Winnipeg, or elsewhere as may be appointed by by-law.

Annual meeting.

2. The annual general meeting of the Company shall be held on such day, once in every year, as the directors from time to time by by-law determine, and notice of the day so determined shall be given in the manner provided by *The Railway Act* with respect to meetings of shareholders. 47 V., c. 69, s. 6.

Adjournments.

3. If the majority of the shareholders present in person or by proxy at any annual or special general meeting so determine by vote, such meeting may be adjourned to be held in either the City of Montreal, the City of Toronto or the City of Ottawa, whichever, and at such time as, the said majority determine. 53 V., c. 78, s. 3.

Capital stock.

6. The capital stock of the Company shall be twelve millions of dollars divided into two hundred and forty thousand shares of fifty dollars each.

Paid-up stock may be issued.

2. The directors may make and issue as paid-up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of

stock shall be binding on the Company, and such stock shall not be assessable for calls ; and all paid-up stock heretofore made and issued in accordance with the provisions of section three of chapter eighty-six of the statutes of 1888, is legalized and confirmed. 51 V. c. 86, s. 3.

Previous issues confirmed.

3. The capital stock of the Company may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy of at least two-thirds in amount of all the shareholders, at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder served on him personally, or properly directed to him and deposited in the post-office, at least twenty days previous to such meeting, stating the time and place and object of the meeting and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount sanctioned by such a vote. 43 V. (Man.) c. 35, s. 21 (10.)

Increase of capital.

4. No call upon shareholders in respect of capital stock shall exceed ten per cent on the amount subscribed. 43 V., (Man) c. 35, s. 10.

Calls.

7. The present board of directors of the Company shall continue to be the directors of the Company until replaced by others elected under the provisions of *The Railway Act* and of this Act.

Directors.

2. The number of directors of the Company shall be, from time to time, determined by by-law, but shall not exceed eleven nor be less than seven, of whom a majority shall form a quorum. 46 V., c. 68, s. 2 ; 47 V., c. 69, s. 8 *part.*

Number and quorum.

3. No person shall be a director unless he is a shareholder, owning ten shares of stock absolutely in his own right, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen. 43 V., (Man.) c. 35, s. 8.

Qualification.

4. The directors may annually appoint from among themselves, an executive committee at Winnipeg, or elsewhere, for such purposes and with such powers and duties as the directors by by-law determine; and the president shall be *ex-officio* a member of such executive committee. 46 V., c. 68, s. 6.

Executive committee.

5. The directors may employ one or more of their number as a paid director. 43 V., (Man.) c. 35, s. 8 *part.*

Paid director.

6. Meetings of the directors may be held, either in Canada or in Great Britain, at such place or places in either country or in both, as the Company by by-law determine; but in the event of a meeting of directors being called to be held in Great Britain, one month's previous notice of such meeting shall be given to each of the directors by registered letter posted in the city where the head office of the Company is situated. 46 V., c. 68, s. 3.

Meetings of directors.

Notice.

Directors' power to act by proxy.

7. If not otherwise provided by by-law of the Company, the directors may act and vote by proxy, such proxy to be held by a director only; but no director shall hold more than two such proxies, and no meeting of directors shall be competent to transact business unless at least three directors are present thereat in person, the remaining number of directors required to form a quorum being represented by proxies. 47 V., c. 69, s. 8, *part*.

Operation of lines now built.

8. The Company may maintain and operate :—

Main line.

(*a*.) The portion of its main line now constructed, running north-westerly from the town of Portage la Prairie in the province of Manitoba to Yorkton Station in the district of Assiniboia in the North-west Territories, about two hundred and twenty-three miles in all. 43 V., (Man.) c. 35, s. 2 *part;* 45 V., c. 80, s. 3 *part*.

Shell River branch.

(*b*.) The portion of the branch line now constructed, from the main line at Binscarth Station north to Russell Station, about eleven and one-third miles, hereinafter called "the Shell River Branch." 50-51 V., c. 79, s. 1 *part*.

Saskatchewan and Western Railway.

(*c*.) The line of the Saskatchewan and Western Railway Company connecting with the main line of the Company at the town of Minnedosa in Manitoba, leased by the Company under a certain deed of agreement with the above mentioned company, dated the twenty-eighth of May, A.D. 1887. 43 V. (Man.) c. 35, s. 15; 49 V. (Man.) c. 59, s. 20.

Gauge.

2. The gauge of the said portions now constructed shall be maintained at four feet eight and one-half inches.

Powers to build and operate.

9. The Company may lay out, construct and operate the following lines of railway of the gauge of four feet eight and one-half inches :—

Main line.

(*a*) An extension of the main line from the present terminus thereof at Yorkton, in a north-westerly direction to a point at or near Prince Albert, on the north branch of the Saskatchewan River. 45 V., c. 80, s. 3, *part*.

Shell River branch.

(*b*) An extension of the Shell River Branch from the present terminus thereof at Russell to the northern or western boundary of the province of Manitoba, at a point north of the main line. 50-51 V., c. 79, s. 1, *part*.

Branch to northern or western boundary of Manitoba.

(*c*) A branch line from some point on the main line between Portage La Prairie and Arden, thence running northerly, eastward of the Riding Mountains to the northern or western boundary of Manitoba. 43 V. (Man.), c. 35, s. 1, *part;* 44 V. (Man.), c. 41, s. 1, *part*.

Branch to Lake Dauphin, &c.

(*d*) A branch line from the main line at some point between Westbourne and Beautiful Plains, north-westerly in the direction of Lake Dauphin or Duck Mountains. 44 V. (Man.), c. 41, s. 1, *part*.

2. Nothing in this section shall be held to limit the right of the Company to lay out, construct and operate branch lines under the provisions of *The Railway Act.* Proviso.

3. The Company shall construct and complete to the satisfaction of the Governor in Council, not less than twenty miles of railway on or before the thirty-first day of December in each calendar year after the year eighteen hundred and ninety three, otherwise their powers under this section shall cease as regards so much of the said lines of railway as is not completed by the said date in each calendar year. 53 V., c. 78, s. 1, *part;* 55 V., c. 45, s. 1. Limitation of time of for construction.

10. The Company may lay out, construct, maintain, work, manage and use a railway bridge over any navigable stream on the line of the railway. 45 V., c. 80, s. 4, *part.* Bridges.

11. The Company may construct and operate such lines of telegraph and telephone in connection with and along the line of their railway and branches, as are necessary or useful for the purposes of their undertaking. 45 V., c. 80, s. 6. Telegraphs

12. The Company may build, purchase, acquire, charter, lease, possess, work and operate steam and other vessels on any lakes, rivers or navigable waters, for such purposes in connection with their undertaking, as they deem proper and expedient, and may enter into arrangements and agreements with owners of steam and other vessels for such purposes. 45 V., c. 80, s. 7. Steamers and other vessels.

13. The Company, for the purpose of aiding the construction, equipment or maintenance of their undertaking, may purchase lands from the Government of Canada, or from the Government of any province of Canada, or from any corporation, company or person, and may hold, dispose of, sell, pledge or mortgage such lands. 45 V., c. 80, s. 8. Power to acquire and deal in lands.

14. Conveyances of land to the Company for the purposes of and exercise of the powers given by this Act, made in the form in Schedule three to this Act or to the like effect, shall be sufficient conveyance to the Company, their successors and assigns, of the estate and interest, and sufficient bar of dower (where the same exists), respectively of all persons executing the same; and such conveyance shall be registered in such manner and upon such proof of execution as is required by the registry laws of the Province or territory where the land is situate. 45 V.,c. 80, s. 19. Conveyances. Form. Registration.

15. All lands sold and conveyed by the Company or trustees for the Company and paid for in cash shall be forever released and discharged from all mortgages, liens and charges of any kind or nature by any Act relating to the Company or by the Company created; and the purchase money arising from Mortgages discharged by sale of lands.

Application of price.

the sale of such lands by the Company shall be applied in the first place in the satisfaction of any mortgage, lien or charge thereon created by the Company, and after payment of any such mortgage, lien or charge created by the Company thereon, shall be applied for the general purposes of the Company. 45 V., c. 80, s. 15 ; 47 V., c. 69, s. 3.

Land grants from Government, powers to deal with.

16. Notwithstanding anything contained in any Acts relating to the Company, any lands acquired by the Company from the Government of Canada, under the provisions of any Order in Council heretofore passed or hereafter to be passed, which are not required for the right of way or actual working of the railway of the Company, may be sold, mortgaged or disposed of in such manner as the directors, under the authority of the shareholders, think necessary or advantageous for the purposes of the Company and the carrying out of its undertaking; and the said lands shall not be subject to any mortgage lien or charge for the bonds issued by the Company, unless so made by a deed executed by the Company. 47 V., c. 69, s. 4.

Such lands not subject to charge by bonds, &c.

Existing issues of bonds, &c., described.

17. The bonds, debentures or other securities, debenture stock and preference stock, which have been issued by the Company before the passing of this Act, and are set out in schedule two to this Act, which schedule is hereby for the avoidance of doubts declared to be part of this Act, are hereinafter respectively called "scheduled bonds," "scheduled debenture stock" and "scheduled preference stock," or, collectively, "scheduled securities."

"Scheduled securities."

Existing securities to continue unimpaired.

18. The "scheduled securities" shall remain, until cancellation or redemption thereof, or until payment or discharge in full of the principal and interest thereby secured, the first preferential claims and charges upon the respective portions of the Company's undertaking or property affected or charged as security for such payment in each case, and according to the tenor and effect of any by-law or of any deed of mortgage, conveyance or assurance in each case; and nothing in this Act shall impair any power, right, remedy, privilege or priority now existing in respect of such "scheduled securities."

Powers to issue bonds, &c., debenture stock and preference stock.

19. The Company may issue, from time to time, bonds, debentures or other securities, according to the provisions of *The Railway Act* and of this Act; and may also, as in this Act provided, issue, from time to time, debenture stock and preference stock. 46 V., c. 68, s. 5, *part.*

Limit of issues.

2. The total amount of all such issues, together with the amount of any "scheduled securities" unpaid or unredeemed, shall not exceed at any time the sum of twenty thousand dollars per mile of the Company's railways constructed or under contract to be constructed. 49 V., c. 75, s. 1, *part.*

3. The Company may, from time to time, issue debenture stock in lieu of such "scheduled bonds," bonds, debentures, or other securities as are paid off or redeemed, to such amount as has been so paid off or redeemed, which debenture stock shall be issued as hereinafter provided and shall rank in priority next after any "scheduled bonds," bonds, debentures or other securities, of the issue in lieu of which such debenture stock is issued. 49 V., c. 75, s. 1, *part*.

Issue of debenture stock to replace bonds, &c.

Priority.

20. Bonds, debentures or other securities issued by the Company may bear such rate of interest as the Company thinks fit. 46 V., c. 68, s. 5, *part*.

Interest on bonds.

2. Such bonds, debentures or other securities, shall not create any mortgage, privilege, lien, claim or charge upon any property of the Company heretofore or hereafter acquired by way of bonus from any municipality, or upon any lands acquired by the Company for sale in aid of its undertaking and sold and conveyed by the Company or by trustees for the Company, and paid for in cash, or upon any lands acquired by the Company from the Government of Canada, and not required for the right of way or actual working of the Company's railways, unless such mortgage, privilege, lien, claim or charge is constituted by deed executed by the Company. 45 V., c. 80, s. 15, *part*; 46 V., c. 68, s. 5, *part*; 47 V., c. 69, s. 4, *part*.

Certain lands not charged by bonds, unless expressly so by deed.

3. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage, or privilege purporting to appertain to or to be created by any bond issued or security deed executed under the authority of any Act relating to the Company, that such bond or deed should be registered in any manner or in any place whatsoever. 45 V., c. 80, s. 10 *part*; 46 V., c. 68, s. 5, *part*; 47 V., c. 69, s. 9, *part*.

Registration of bonds not necessary to preserve priority.

21. If the Company make default in paying the principal of or interest on any of the bonds hereby authorized, at the time when the same, by the terms of the bonds, becomes due and payable, then at the next ensuing annual general meeting of the Company, and at all subsequent meetings, all holders of such bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights, privileges and qualifications for being directors and for voting at general meetings as if they were shareholders holding fully paid-up shares of the Company to a corresponding amount; Provided nevertheless, that the rights given by this section shall not be exercised by any bondholder, unless the bonds in respect of which he claims to exercise such rights have been first registered in his name, in the same manner as is provided by law for the registration of shares of the Company; and for that purpose the Company shall be bound on demand to register any of the said bonds, in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares; Provided also, that the exercise of the rights given by

Provision for enforcing bond-holders rights in case of default.

Proviso.

Proviso.

this section shall not take away, limit or restrain any of the rights or remedies to which the holders of the said bonds are entitled. 45 V., c. 80, s. 12 ; 47 V., c. 69 ; s. 1.

Transfer of bonds.

22. All bonds, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery, unless and until registration thereof in manner provided in the next preceding section ; and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares ; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being. 45 V., c. 80, s. 13.

Issue of debenture stock.

23. The directors, under the authority of the shareholders to them given at the annual general meeting or at any general meeting specially called for the purpose, at which meeting shareholders representing at least two thirds in value of the capital stock of the Company are present in person or represented by proxy, may from time to time make and issue debenture stock. 53 V., c. 78, s. 2, *part.*

Form, &c.

2. Such debenture stock may be made either perpetual or terminable, and may be executed in such form and under such provisions as to issue, transfer and registration, and with such rights and privileges, as are determined by the by-laws of the Company ; and may be issued in sterling money of Great Britain, and without being under the seal of the Company ; but no share of such debenture stock shall be for a less sum than one hundred dollars, if in currency of Canada, or than twenty pounds sterling, if in sterling money of Great Britain. 49 V., c. 75, s. 3, *part.*

Charges created thereby.

3. Such debenture stock shall, except as otherwise provided by this Act, constitute the first lien and charge upon the undertaking of the Company, and upon any extension thereof, and upon the property, franchises, plant and rolling stock thereof, acquired or to be hereafter acquired by the Company, and upon the tolls and revenues thereof, subject, however, in the first instance to the payment of any penalty imposed for non-compliance with the provisions of *The Railway Act* respecting returns to be made to the Minister, and after deduction of the working expenses of the railway, but always subsequent to and subject to the rights of any bonds upon the whole or any division of the said railway which are then outstanding and unpaid and have been created a first charge on the railway by any deed executed by the Company. 49 V., c. 75, s. 3, *part.*

Holders rights may be defined by deed.

4. The Company may execute a deed or instrument securing such debenture stock and declaring and defining the rights, privileges, ranking and remedies of the holders of such debenture stock, and may thereby fix the rate of interest on such

debenture stock and the place and plan of payment of such interest; and among other things shall incorporate therein all by-laws declaring and regulating the rights and privileges to be enjoyed by the holders of such debenture stock. 49 V., c. 75, s. 3, *part*.

By-laws to be in deed.

5. Any such by-laws whether incorporated in any such deed or not, which are in force and applicable to such debenture stock at the time of the issue thereof, or of any part thereof, shall remain in force and shall not be altered or amended so long as any of such debenture stock remains unredeemed. 49 V., c. 75, s. 3, *part*.

And to remain unaltered.

6. Every such deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given in the *Canada Gazette*. 49 V., c. 75, s. 3, *part*.

Deposit of deed.

24. The directors, under the authority of the shareholders to them given at the annual general meeting or at any general meeting specially called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present in person or represented by proxy, may issue preference stock to an amount not exceeding in all, together with the "scheduled preference stock," five thousand four hundred dollars per mile of the Company's railway constructed or under contract to be constructed, entitling the holders thereof, in priority to all other shareholders, to a non-cumulative dividend, payable thereon at such rate not exceeding five per cent per annum as the directors think fit, out of the net earnings of the Company, after the interest on the first mortgage bonds and on the debenture stock is paid. 49 V., c. 75, s. 1, *part*.

Issue of preference stock.

Limit.

Dividend.

2. The holders of such preference stock shall not have the rights, privileges and qualifications of holders of capital stock, for voting at meetings of the Company or for being directors. 49 V., c. 75, s. 1, *part*.

Rights of holders.

25. The Company may enter into any agreement with any other railway company within the Province of Manitoba for purchasing or leasing the railway of the Company, or any part thereof, or the use thereof at any time or times, or for any period, to such other company, or for purchasing or leasing or for hiring from such other company any railway, or part thereof, or the use thereof, or for purchasing or leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway, or moveable property, of one or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law ac-

Agreements with other companies.

cording to the terms and tenor thereof. 43 V. (Man.) c. 35, s. 15 ; 44 V. (Man.) c. 41, s. 4.

Amalgamation with other companies.

26. The Company may amalgamate with any other railway company and may accept and receive such company as forming part of the Company ; and such amalgamation may be by deed, which however shall not have any force or effect uutil it has been submitted to the shareholders of both companies at meetings of such shareholders respectively, duly called for the purpose thereof, and approved by them. 43 V. (Man.) c. 35, s. 31.

Conditions of amalgamation

27. By such deed of amalgamation it may be agreed that the amalgamating companies shall thereafter form one company under the name of " The Manitoba and North Western Railway Company of Canada " of which change of name notice shall be given by advertisement, published for one month in the *Canada Gazette* ; and after such amalgamation, all debts due and owing by the companies parties to such amalgamation shall become due and owing by the amalgamated company in the same manner as if they had been originally contracted by it ; and upon being approved of by the Governor in Council, all the assets and property of the companies parties to such amalgamation shall become vested in the amalgamated company, in the same manner and to the same extent as if they had been originally acquired by it, but subject to all liens, privileges and charges thereon ; and by such deed the proportion of stock which shall be represented by each company shall be settled, and provision shall be made for giving the voting power to such stockholders of each of the companies as shall be entitled thereto, either by the retention of the stock originally issued to them, or by the conversion thereof, on terms which shall be agreed upon by the said deed, into stock of the amalgamated company ; and by such deed also the number of directors to constitute the board of directors of the amalgamated company shall be fixed, and the mode of appointing the first board of such directors shall be established, leaving subsequent boards of directors to be elected at the annual meetings of the amalgamated company, in the manner provided by law for the election of the directors of the Manitoba and North-Western Railway Company of Canada. 45 V., (Man.) c. 35, s. 32.

Approval by Governor in Council.

Effect of amalgation.

Capital stock.

Directors.

SCHEDULE ONE.

Acts of the Parliament of Canada and of the Legislature o Manitoba repealed by this Act.

Year.	Title.	Extent of Repeal.
	Acts of Manitoba.	
43 Vict., c. 35.	An Act to incorporate the Westbourne and North-Western Railway Company	The whole.
44 Vict., c. 41.	An Act to amend 43 Vic., cap. 35, intituled: "An Act to incorporate the Westbourne and North-Western Railway Company," and to legalize the by-laws of the Corporation of the Municipality of the Town of Portage La Prairie granting aid to the said company by the issue of debentures	The whole except section nine
	Acts of Canada.	
45 Vict., c. 80.	An Act respecting the Portage, Westbourne and North-Western Railway Company	The whole.
46 Vict., c. 68.	An Act to amend the several Acts incorporating the Portage, Westbourne and North-Western Railway Company, and to change the name thereof to the "Manitoba and North-Western Railway Company of Canada."	The whole.
47 Vict., c. 69.	An Act to amend the Acts relating to the Manitoba and North-Western Railway Company of Canada	The whole.
48-49 Vict., c. 86.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.
49 Vict., c. 75.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.
50-51 Vict., c. 79.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.
51 Vict., c. 86.	An Act to amend the Acts relating to the Manitoba and North-Western Railway Company of Canada	The whole.
53 Vic., c. 78.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.
55-56 Vict., c. 45.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.

SCHEDULE TWO.

Bonds, debenture stock and preference stock now existing and charged upon the railway, all prior issues having been cancelled and surrendered.

1. Bonds to the amount of £540,000 sterling, being the first lien and charge upon the first division of the Company's railway, being 180 miles thereof, commencing at Portage la Prairie, which bonds are secured by a mortgage on such first division, dated the 16th day of April, 1886.

2. Bonds to the amount of £34,500 sterling, being the first lien and charge upon the branch of the Company's railway, commencing at Binscarth, in the Province of Manitoba, and running to the northern or western boundary of Manitoba, at a point north of the main line, which bonds are secured by a mortgage on such branch line, dated the 17th day of February, 1887.

3. Debenture stock issued to the extent of £3,000 sterling per mile, in respect of 42 miles of the Company's railway, west of Langenburg, and constituting a first lien and charge upon the Company's railway and upon any extension thereof, and

upon any plant and rolling stock acquired and to be acquired by the Company, and upon the tolls and revenues thereof, after deduction of the working expenses thereof, subsequent to and subject to the right of the said £540,000 sterling first mortgage bonds upon the first division of the railway mentioned in this schedule and which may be outstanding and unpaid, which said first mortgage bonds are a first charge upon the said first division as above set forth, and subsequent to and subject to the right of the said £34,500 sterling first mortgage bonds upon the Shell River branch, and which may be outstanding and unpaid, which said first mortgage bonds are a first charge upon the Shell River branch, as above set forth.

4. Preference stock issued to the extent of $415,000 in lieu of and upon the cancellation of all the second mortgage bonds issued under section two of chapter 86 of the Statutes of 1885.

SCHEDULE THREE.

FORM OF CONVEYANCE.

KNOW all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Manitoba and North-Western Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) (*insert the name or names of any party or parties*) in consideration of dollars paid to me (*or* us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land situated (*describe the land*), the same having been selected and laid out by the said Company for the purposes of the said railway, to hold the same with the appurtenances unto the said The Manitoba and North-Western Railway Company of Canada, their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals), this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of }
C. D. } A. B. (L.S.)

45 V., c. 80, s. 19 and schedule.

No. 97] **BILL.** [1893.

An Act to amend the Act respecting the Harbour and River Police of the Province of Quebec.

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

1. Chapter eighty-nine of the Revised Statutes, intituled *An Act respecting the Harbour and River Police of the Province of Quebec*, is hereby amended by adding the following section thereto:— R.S.C., c. 8 amended.

"**11.** The tonnage duty payable under this Act shall no longer be levied when the harbour and river police force mentioned in section two ceases to be maintained under the authority of this Act." No tonnage duty when river police is abolished.

No. 97.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to amend the Act respecting the Harbour and River Police of the Province of Quebec.

Received and read first time, Tuesday, 14th March, 1893.
Second reading, Wednesday, 15th March, 1893.

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 98.] **BILL.** [1893.

An Act to amend An Act to incorporate The Eastern Canada Savings and Loan Company (Limited.)

Preamble.

WHEREAS The Eastern Canada Savings and Loan Company (Limited) have by their petition prayed that the Act incorporating the said Company may be amended in the manner hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1887, c. 113, s. 8 repealed.

1. Section eight of chapter one hundred and thirteen of the Statutes of 1887 intituled *An Act to incorporate The Eastern Canada Savings and Loan Company (Limited)*, is hereby repealed and the following substituted therefor:—

Company may receive money on deposit and issue debentures therefrom.

"**8.** So soon as one hundred thousand dollars on account of the subscribed capital have been actually paid up the Company may receive money on deposit and the board of directors of the Company may issue debentures of the Company for such sums, not being less than one hundred dollars, and in such currencys as they deem advisable, and payable in Canada or elsewhere, not less than one year from the issue thereof: Provided always, that the aggregate amount of money deposits in the hands of the Company, together with the amount of their debentures issued and remaining unpaid, may be equal to, but shall not at any time exceed, double the aggregate amount paid up in respect of the capital or stock of the Company, together with a further sum which may be equal to but shall not exceed the amount remaining unpaid upon the subscribed capital or shares upon which not less than twenty per cent has been paid: Provided also, that in no case shall the total liabilities of the Company to the public at any time exceed three times the amount actually paid up in respect of the capital or shares of the Company, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the Company: Provided also, that in estimating the paid up capital or shares of the Company, the amount of all loans or advances made by them to their shareholders upon the securing of their shares shall be deducted therefrom: Provided further, that the amount held by the Company on deposit shall not at any time exceed the amount paid up in respect of the capital of the Company."

Amount limited.

Limit of total liabilities.

How estimated.

Amount of deposits limited.

Section 10 repealed.

2. Section ten of the said Act is hereby repealed.

Declaratory as to debentures heretofore issued.

3. The bonds or debentures of the said Company heretofore issued are hereby declared to have been legally issued, and are hereby made legal, valid and binding on the said Company, to the same extent as if this Act had been passed before the issue thereof.

No. 98.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to amend the Act to incorporate the Eastern Canada Savings and Loan Company (Limited.)

Received and read a first time, Wednesday, 15th March, 1893.
Second reading, Thursday, 16th March, 1893.

(PRIVATE BILL.)

Mr. STAIRS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 99.] **BILL.** [1893.

An Act respecting the Harbour Commissioners of Montreal.

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

Declaratory as to borrowing powers.

1. For the removal of doubts as to the borrowing powers of the Harbour Commissioners of Montreal, it is hereby declared and enacted that it was and is lawful for the said Harbour Commissioners to borrow, subject to the provisions of the Acts relating to the said Harbour Commissioners with respect to moneys thereby authorized to be borrowed by them, such sums of money as are necessary for the purpose of redeeming debentures issued by them for moneys borrowed under the said Acts: Provided, that the sums so borrowed shall not in any case exceed the amount of the debentures to be redeemed, and shall not be applied to any other purpose.

No. 99.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Harbour Commissioners of Montreal.

Received and read a first time, Thursday, 16th March, 1893.
Second reading, Friday, 17th March, 1893.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 100] **BILL.** [1893.

An Act further to amend the Insurance Act.

IN amendment of *The Insurance Act*, chapter one hundred and twenty-four of the Revised Statutes, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble

1. The voting at any meeting of the shareholders of any insurance company which has a share capital, and which derives its corporate powers or any of them from an Act of the Parliament of Canada, or is within the legislative authority of the Parliament of Canada, shall be regulated by its Act of incorporation or by by-laws made under the authority thereof : Provided, that at any such meeting no person shall, directly or indirectly, by himself or by any other person, be entitled, on all the shares held or controlled by him in any capacity, to more than one-fifth of the total number of the votes vested in the shareholders of the Company, nor to more than one-third of the total number of votes vested in the shareholders who are present or represented by proxy at such meeting. Voting of shareholders. Proviso.

No. 100.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Insurance Act.

Received and read first time, Thursday, 16th March, 1893.
Second reading, Friday, 17th March, 1893.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

101

An Act to amend the Seamen's Act.

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

1. Section fifty-nine of *The Seamen's Act*, chapter seventy-four of the Revised Statutes, is hereby repealed and the following substituted therefor:—

"**59.** Every master of a ship registered in any of the said provinces shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages, and for the recovery of disbursements properly made by him on account of the ship and for liabilities properly incurred by him on account of the ship, as by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if, in any proceeding in any court possessing admiralty jurisdiction in any of the said provinces touching the claim of a master to wages, any right of set-off or counter claim is set up, such court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance which is found to be due."

Master to have same remedies for wages as seamen.

102

An Act to amend the Inland Waters Seamen's Act.

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

1. *The Inland Waters Seamen's Act*, chapter seventy-five of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section thirty-five:—

Master to have same remedies for wages as seamen.

"**35A.** The master of any ship subject to the provisions of this Act shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages, and for the recovery of disbursements properly made by him on account of the ship, and for liabilities properly incurred by him on account of the ship, as by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if, in any proceeding in any court possessing admiralty jurisdiction in any of the said provinces touching the claim of a master to wages, any right of set-off or counter claim is set up, such court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance which is found to be due."

No. 103.] **BILL.** [1893.

An Act further to amend the Act respecting Public Officers.

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

1. Section one of the *Act respecting Public Officers*, chapter nineteen of the Revised Statutes, is hereby repealed and the following substituted therefor :— R.S.C., c. 19, s. 1 repealed.

"**1.** The Governor in Council may make regulations declaring and determining what persons, dignitaries, officers or classes of officers in the Public Service of the Dominion of Canada, now or hereafter to be appointed under Orders in Council, shall receive commissions under the Great Seal or under the Privy Seal respectively, and what fee shall be paid thereon ; and such commissions may be issued to the persons, dignitaries, and officers who have not received and are declared entitled to receive them ; but nothing done under the provisions of this section shall affect any commission issued before the commencement of this Act." Issue of commissions. Saving.

No. 103.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Act respecting Public Officers.

Received and read a first time, Monday, 20th March, 1893.
Second reading, Tuesday, 21st March, 1893.

Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 104.] **BILL.** [1893.

An Act relating to the custody of juvenile offenders in the Province of New Brunswick.

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

Application.

1. This Act shall apply only to the Province of New Brunswick.

Commencement of Act.

2. As soon as a proclamation has been issued by the Lieutenant Governor of New Brunswick, declaring that an industrial home for boys has been established in the said province and made ready for the confinement of prisoners, the provisions of this Act shall go into force and apply to the said province.

What boys may be sentenced to industrial home.

Term of confinement limited.

3. If any boy, who, at the time of his trial, appears to the court to be under the age of sixteen years, is convicted of any offence for which a sentence of imprisonment for a period of three months or longer may be imposed upon an adult convicted of the like offence, and the court before whom such boy is convicted is satisfied that a due regard for the material and moral welfare of the boy manifestly requires that he should be committed to the said industrial home, then such court may sentence the boy to be imprisoned in such home for such term as the court thinks fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence; and may further sentence such boy to be kept in such industrial home for an indefinite time after the expiration of such fixed term: Provided, that the whole period of confinement in such industrial home shall not exceed five years from the commencement of his imprisonment.

In certain cases boys summarily convicted may be sent to industrial home.

4. If any boy, apparently under the age of sixteen years, is convicted of an offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of fourteen days at least, any judge of the supreme court or of a county court, in any case occurring within the county or counties for which he is such judge, may examine and inquire into the circumstances of such case and conviction, and when he considers that the material and moral welfare of the boy requires such sentence, he may, as an additional sentence for such offence, sentence such boy to be sent, either forthwith, or at the expiration of his imprisonment in such gaol, to such industrial home, to be there detained for the purpose of his industrial and moral education

for an indefinite period, not exceeding in the whole five years from the commencement of his imprisonment in the common gaol.

Detention for purposes of reform.

5. Every boy so sentenced shall be detained in such industrial home until the expiration of the fixed term, if any, of his sentence, unless sooner discharged by lawful authority, and thereafter shall, subject to the provisions hereof and to any regulations made, as hereinafter provided, be detained in such industrial home for a period not to exceed five years from the commencement of his imprisonment, for the purpose of his industrial and moral education.

Commitment of boy to gaol until conveyed to industrial home.

6. A copy of the sentence of the court, duly certified by the proper officer, or the warrant or order of the judge or magistrate by whom any boy is sentenced to confinement in such industrial home, shall be a sufficient authority to the sheriff, constable or other officer who is directed verbally or otherwise so to do, to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive such boy and to detain him until there is presented to such gaoler a warrant from the chairman of the governing board of the said industrial home, (which warrant such chairman is hereby authorized to issue under his official seal,) requiring the sheriff or a constable, or other officer, to deliver such boy to the superintendent of the said industrial home.

Conveyance of boy to industrial home; power of constable.

7. The sheriff, constable or other officer, on the receipt by him of the warrant provided for in the last preceding section, may secure and convey such boy through any county or counties in the said province through which he has to pass in order to deliver such boy to the said superintendent; and until he has delivered such boy to the said superintendent, such sheriff, constable or other officer shall, in all counties of the said province through which it may be necessary to convey such boy, have the same authority and power over and with regard to such boy, and to command the assistance of any person in preventing his escape, or in recapturing him in case of an escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part of that county to another.

If boy is in bad health.

8. If any boy sentenced to confinement in such industrial home is in such a weak state of health that he cannot safely or conveniently be removed to the said industrial home, he may be detained in the common gaol or other place of confinement in which he is, until he is sufficiently recovered to be safely and conveniently removed to the industrial home.

Sick boy not to be discharged.

9. No boy shall be discharged from such industrial home at the termination of his term of confinement, if then labouring under any contagious or infectious illness; but he shall be permitted to remain in such industrial home until he recovers from such disease or illness; provided that any boy remaining in such industrial home for any such cause shall be under the same discipline and control as if his term was still unexpired.

Proviso.

If term expires on Sunday.

10. Whenever the time of any offender's sentence in such industrial home, under any law within the legislative authority of the Parliament of Canada, expires on a Sunday, such offender shall be discharged on the previous Saturday, unless such offender desires to remain until the Monday following.

Apprenticeship of boy.

11. If any respectable or trustworthy person is willing to undertake the charge of any boy committed to the said industrial home, when such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, and such boy is confined to the said industrial home by virtue of a sentence or order pronounced under the authority of any Act of the Parliament of Canada, the superintendent of the said industrial home may, with the consent and in the name of the governing board of the said industrial home, bind the said boy to such person for any term not to extend, without his consent, beyond a term of five years from the commencement of his imprisonment; and the said governing board shall thereupon order that such boy shall be discharged from the said industrial home on probation, to remain so discharged, provided his conduct during the residue of the term of five years, from the commencement of his imprisonment, continues good, and such boy shall be discharged accordingly; Provided, that any wages reserved in any indenture of apprenticeship made under this section shall be payable to such boy, or to some other person for his benefit.

Discharge on probation in such case.

As to wages.

Sanction of Governor General.

12. No boy shall be discharged under the next preceding section until after the fixed term of his sentence has elapsed, unless by the authority of the Governor-General.

Regulations as to discharge.

13. The Governor in Council may make such regulations as he considers advisable for the discharge, after the expiration of the fixed time of sentence, of prisoners confined in such industrial home under any Act of the Parliament of Canada, and such discharge may be either absolute or upon probation, subject to such conditions as are imposed under the authority of the said regulations.

Re-commitment for violation of conditions of discharge.

14. The judge of any county court or police magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of any Act of the Parliament of Canada, and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be recommitted to such industrial home, and thereupon such boy shall be detained therein under his original sentence as if he had never been discharged.

Interpretation.

15. The word "warden" in section forty-nine of chapter one hundred and eighty-two of the Revised Statutes as therein applied to the reformatory prisons shall include the superintendent of the said industrial home.

No. 104.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act relating to the custody of juvenile offenders in the Province of New Brunswick.

Received and read a first time, Monday, 20th March, 1893.
Second reading, Tuesday, 21st March, 1893.

Mr. Costigan.

OTTAWA
Printed by S. E. Dawson
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1893

105

An Act for the Relief of John Francis Schwaller.

Preamble.

WHEREAS John Francis Schwaller, of the town of Thorold, in the county of Welland and province of Ontario, merchant, has by his petition set forth that on the second day of August, one thousand eight hundred and eighty-eight, he was lawfully married at the city of St. Catharines, in the said province of Ontario, to Florence J. Brown, of the township of Crowland, in the said province, spinster; that, after the solemnization of said marriage, they lived together and cohabited at the said town of Thorold until about the twenty-second day of August, one thousand eight hundred and eighty-eight, when she deserted him, and has not since resided with him, and has been openly living in adultery ever since with one James Herne, in the province of Ontario; and whereas the said John Francis Schwaller has humbly prayed that the said marriage may be dissolved, and that he may be authorized to marry again; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said John Francis Schwaller and Florence J. Brown, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Francis Schwaller may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Florence J. Brown had not been solemnized.

No. 106.] **BILL.** [1893.

An Act respecting the Ladies of the Sacred Heart of Jesus.

WHEREAS the Ladies of the Sacred Heart of Jesus (*Les Dames Religieuses du Sacré-Cœur de Jésus*), incorporated by an Act of the late Province of Canada, have by their petition stated that they have founded in the city of Montreal and elsewhere in Canada, several establishments for the education and instruction of young girls, but that, in order to provide for the wants of the increasing population of the city of Montreal in that behalf, they require more extensive powers than those granted them by their said Act of incorporation; and whereas they have prayed that an Act may be passed as hereinafter set forth, 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:— Preamble.

1. Chapter fifty-four of the statutes of the late Province of Canada, passed in the year one thousand eight hundred and forty-three, intituled *An Act to incorporate* "Les Dames Religieuses du Sacré-Cœur de Jésus," *in the parish of St. Jacques de l'Achigan, in the district of Montreal, for the purposes of education*, is hereby repealed and the following provisions are substituted therefor. 1843, c. 54 repealed.

2. Mesdames Amélie Shulten, vicar superior, Henriette Sarens, superior, Malvina Plamondon, Hermandine Bastide, Margaret Fitzgerald, Marie Vanden Hoeven, Marie DeBacher, Emélie de Kernié and Marie Louise Gravel, together with all others who now are members of the corporation or who become members of the society hereby incorporated, are hereby constituted a body corporate under the name of "The Ladies of the Sacred Heart of Jesus," hereinafter called the Society. Incorporation

3. The head office or chief establishment of the Society shall be in the city of Montreal, or in such other place in Canada as the Society determines by its by-laws; but the Society may establish branches in any other place in Canada. Head office and branches.

4. The Society may purchase, acquire and hold, and receive by gifts, bequests or otherwise, all kinds of property, real, personal or mixed, in all parts of Canada, and may sell, exchange, transfer and otherwise dispose of the same, as it may deem expedient; Provided, that the annual value of the real estate which it may possess in the city of Montreal shall not exceed the sum of twenty-five thousand dollars, and that the annual value of such real estate outside of the city of Montreal shall not in any one place exceed the sum of ten thousand dollars. Powers with regard to property. Limitation as to value.

Borrowing powers.

5. The Society may borrow such sums of money as it deems expedient or necessary for the purchase of real estate, the construction and maintenance of educational and other buildings and establishments in any province of Canada, and mortgage such properties or any of them for securing the sums so borrowed, on such terms and conditions as the Society deems expedient; and may also execute mortgages on any or all properties now owned by the corporation, for any sums heretofore borrowed by it.

Society may execute deeds.

6. The Society may execute all deeds of sale, purchase, transfer, exchange, or agreement, and all other deeds whatsoever, in connection with the administration of its property and of its educational establishments.

Validity of certain acts.

2. Any mortgage heretofore executed, any deed of sale or obligation, and any act done by the corporation under its Act of incorporation recited in the first section of this Act, are hereby declared valid and legal to all intents and purposes.

Estate and rights of existing corporation vested in ociety.

7. All real and personal estate and all claims and rights held by or vested in the corporation at the time of the passing of this Act, shall be held by and vested in the Society hereby incorporated; and such estate may be dealt with, and such claims and rights may be exercised and enjoyed under this Act.

By-laws continued in force

8. The by-laws, rules and regulations made under the authority of the Act of incorporation mentioned in the first section of this Act, shall continue to govern the Society hereby incorporated and shall remain in force until repealed, altered or amended by the Society, as it is hereby authorized to do from time to time.

Seal of Society

9. The Society shall have perpetual succession and a common seal, which it may break, alter or change as and when it deems expedient.

General council.

10. The superiors and councillors now in office in the educational establishments of the corporation situated in the village of Sault au Récollet and in the city of Montreal, in the Province of Quebec, shall form the general council or board of the Society, and such council shall have all the powers and rights granted to the corporation by its Act of incorporation, or to the Society by this Act.

Appointment of attorneys, officers, &c.

11. The affairs and property of the Society shall be administered and managed by the said council; but the council may appoint attorneys or administrators for the management of the said affairs and property of the Society; and the said council may also appoint all officers and servants required for the management of the affairs of the Society, in accordance with its by-laws, rules and regulations.

Judicial proceedings.

12. The members of the council shall represent the Society in all suits (*ester en justice*) brought before the courts, in which it is either plaintiff or defendant; and all deeds signed by the lady superior and the secretary of the Society, or by any other

member duly authorized thereto by the said council, and sealed with the corporate seal of the Society, shall be binding on the Society; but the treasurer of the Society, or any person duly authorized to act in her behalf, may receive all moneys payable to the Society and grant valid receipts therefor.

Execution of deeds.

Receipts moneys.

13. Nothing herein contained shall have or be construed to have the effect of rendering any of the several persons mentioned in section two of this Act, or any other person now a member of the corporation or who hereafter becomes a member of the Society, personally liable or accountable for any debt incurred or any engagement or liability contracted by the said corporation or by the Society, but the Society alone shall be liable and accountable therefor.

Members of Society not personally liable.

14. This Act shall not be construed as being a new Act, but it shall be construed as being a continuation of the Act of incorporation, being chapter fifty-four of the statutes of 1843 of the late Province of Canada; and the repeal of the said Act shall not in any way impair, alter or affect the rights or liabilities of the corporation, or anything done under the authority of the said Act, or in any wise affect any suit or proceeding now pending, either by or against the said corporation, or any judgment existing in favour of or against it, which suit or proceeding may, notwithstanding such repeal, be prosecuted or continued and completed, and which judgment may be enforced, by or against the Society, as if this Act had not been passed.

Construction of this Act.

15. The Society shall, when called upon so to do by the Governor in Council, furnish a statement for the preceding year, in which statement shall be set forth the property, movable and immovable, held by it under this Act, the income derived from such property, the number of the members of the Society, the number of its educational establishments, and the number of pupils attending such establishments.

Statement for Governor in Council.

No. 106.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act concerning the Ladies of the Sacred Heart of Jesus.

Received and read a first and a second time, Tuesday, 21st March, 1893.

(PRIVATE BILL.)

Mr. MILLS,
(Annapolis.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

107

An Act for the relief of James Frederick Doran.

Preamble.

WHEREAS James Frederick Doran, of Lachine, in the county of Jacques Cartier, in the province of Quebec, clerk, has by his petition set forth that, on the twentieth day of March, one thousand eight hundred and eighty-three, at the city of Winnipeg, in the province of Manitoba, he was lawfully married to Mary Augusta Wood, formerly of the said city of Winnipeg, but now of the city of Paris, in France; that during the month of October, one thousand eight hundred and eighty-three, she deserted him, and has not resided with him since that time; that she has committed adultery, inasmuch as on or about the twenty-third day of July, one thousand eight hundred and eighty-eight, she, and one Emile Julien Amblard, of the city of Paris, in France, entered into a form of marriage before the civil authorities at the said city, and have ever since the said twenty-third day of July, eighteen hundred and eighty-eight, been living and cohabiting together as man and wife; and whereas the said James Frederick Doran has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his said petition and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between James Frederick Doran and Mary Augusta Wood, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said James Frederick Doran may, at any time hereafter, marry any woman whom he might lawfully marry if the said marriage with the said Mary Augusta Wood had not been solemnized.

108

An Act for the Relief of Annette Marion Goff.

Preamble.

WHEREAS Annette Marion Goff, of the city of Montreal, in the province of Quebec, wife of Edward Robert Taché Rowand, of the city of Winnipeg, in the province of Manitoba, has by her petition set forth that on the fifteenth day of July, one thousand eight hundred and eighty-five, she was lawfully married, at the said city of Montreal, to the said Edward Robert Taché Rowand; that they cohabited together as husband and wife until the year one thousand eight hundred and eighty-six; that he has committed adultery at the said city of Winnipeg, and also at the said city of Montreal; that during the period during which they lived and cohabited together as man and wife, to wit, from the fifteenth day of July, one thousand eight hundred and eighty-five, up to about the first day of January, one thousand eight hundred and eighty-six, he was much addicted to the use of intoxicating liquors, and assaulted and otherwise ill-treated her; and whereas she has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her said petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Annette Marion Goff and Edward Robert Taché Rowand, her husband, is hereby dissolved, and shall be henceforth null and void, to all intents and purposes whatsoever.

Right to marry again.

2. The said Annette Marion Goff may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Robert Taché Rowand had not been solemnized.

No. 109.] **BILL.** [1893.

An Act further to amend the Dominion Lands Act.

WHEREAS, by clause twenty-three of *The Dominion Lands Act*, sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion lands are set apart as an endowment for purposes of education and designated as school lands, and are withdrawn from the operation of the clauses of the said Act relating to the sale of Dominion lands and to homestead rights therein; and whereas it is expedient in the public interest that the claims of certain persons, hereinafter mentioned, who in good faith and in ignorance of the law settled prior to the first day of January, in the year one thousand eight hundred and eighty, upon certain school lands hereinafter described, should be recognized: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything contained in *The Dominion Lands Act*, chapter fifty-four of the Revised Statutes, or in the several amendments thereto, the Minister of the Interior, under the direction of the Governor in Council, may grant to the several persons hereinafter mentioned homestead entry for the lands set opposite their respective names, upon proof to the satisfaction of the said Minister that the said persons were in *bonâ fide* occupation of the said lands prior to the first day of January, in the year one thousand eight hundred and eighty, and that they have continued to occupy and cultivate them since that date, in accordance with the requirements of the provisions of the said Act relating to homestead entry, that is to say:

Alexander McMillan for the N. E. $\frac{1}{4}$ of section 11, township 13, range 1, East of the 1st principal meridian;

John Cathcart for the N. W. $\frac{1}{4}$ of section 11, township 13, range 1, East of the 1st principal meridian;

Henry Welsh for the S. E. of $\frac{1}{4}$ section 11, township 13, range 1, East of the 1st principal meridian;

George Williams for the N. E. $\frac{1}{4}$ of section 29, township 13, range 2, East of the 1st principal meridian;

J. W. Walker for the N. W. $\frac{1}{4}$ of section 29, township 13, range 2, East of the 1st principal meridian;

George Walker for the S. W. $\frac{1}{4}$ of section 29, township 13, range 2, East of the 1st principal meridian;

James Walker for the S. E. $\frac{1}{4}$ of section 29, township 13, range 2, East of the 1st principal meridian;

Andrew Hunter for the N. E. $\frac{1}{4}$ of section 29, township 14, range 2, East of the 1st principal meridian;

Robert Fisher for the S. W. $\frac{1}{4}$ of section 25, township 11, range 5, East of the 1st principal meridian;

Archie McFee for the N. E. ¼ of section 11, township 13, range 5, East of the 1st principal meridian ;

Thomas Guthrie, for the N. E. ¼ of section 11, township 14, range 1, West of the 1st principal meridian ;

Angus Campbell for the N. W. ¼ of section 11, township 14, range 1, West of the 1st principal meridian ;

John Campbell for the S. W. ¼ of section 11, township 14, range 1, West of the 1st principal meridian ;

W. J. Lundy for the S. E. ¼ of section 29, township 2, range 3, East of the 1st principal meridian ;

James Simpson for the N. W. ¼ of section 29, township 5, range 5, West of the 1st principal meridian ;

2 The said Minister may cause to be selected in lieu of the school lands described in the next preceding section, for which homestead entries are to be granted, an equal area of vacant and unreserved Dominion lands within the province of Manitoba for the purposes of school endowment, and withdraw them from the operation of the clauses of *The Dominion Lands Act* relating to sale and homestead entry, and set them apart as school lands by a notice to that effect in the *Canada Gazette*.

No. 109.

3rd Session, 7th Parliament, 56 Victoria,

BILL

An Act further to amend the Domi
Lands Act.

Received and read a first time Wednes
22nd March, 1893.
Second reading, Thursday, 23rd M
1893.

MR. DAL

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 110.] **BILL.** [1893.

An Act further to amend the Patent Act.

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

1. Section twelve of *The Patent Act*, chapter sixty-one of the Revised Statutes, is hereby repealed and the following substituted therefor:— R.S.C., c. 61, s. 12 repealed.

"**12.** 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 of the invention and an additional or third copy of the claim or claims." Requirements with regard to application.

2. Section twenty-one of the said Act is hereby repealed, and the following substituted therefor:— Section 21 repealed.

"**21.** Every patent shall be issued under the seal of the Patent Office and the signature of the Commissioner or of the Deputy-Commissioner, and when duly registered, shall be good, and shall avail the grantee and his legal representatives for the term mentioned in the patent." Form of issue of patent.

3. Subsection two of the section substituted for section twenty-two of the said Act by section five of chapter twenty-four of the Statutes of 1892, is hereby repealed and the following substituted therefor:— Section 22 amended.

"2. If a partial fee only is paid, the proportion of the fee paid shall be stated in the patent, and the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term for which the partial fee has been paid, unless at or before the expiration of the said term the holder of the patent pays the fee required for the further term of six or twelve years, and obtains from the Patent Office a certificate of such payment in the form which is, from time to time, adopted, which certificate shall be attached to and refer to the patent, and shall be under the signature of the Commissioner or of the Deputy-Commissioner." If partial fee only is paid.

4. The section substituted for section thirty-nine of the said Act by section seven of chapter twenty-four of the Statutes of 1892 is hereby amended by adding after the word "patent" in the thirteenth line, the following words: "and for each and every patent mentioned in the notice given under section eight of this Act." Section 39 amended.

No. 110.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Patent Act.

Received and read first time, Wednesday, 22nd March, 1893.

Second reading, Thursday, 23rd March, 1893.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 111.] **BILL.** [1893.

An Act respecting Detective Corporations and Mercantile Agencies.

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

DETECTIVE ASSOCIATIONS.

Certificate of association.

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

Filed with the Secretary of State.

Bond by members.

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

Sureties.

Oath as detective.

Letters Patent.

Justification of sureties.

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

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

Powers of association.

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

Certificate to employees.

Proviso as to new members.

New bond and certificate every five years.

Duty of members and employees.

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

Liability of members and employees.

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

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

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

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

Dissolution of association.

Voluntary.

By operation of law.

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

Penalties.

False statement as to being employees of association.

Obtaining goods, &c.

MERCANTILE AGENCIES.

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

Definition.

Letters Patent of incorporation.

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

Sections applicable to Mercantile agencies.

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

Reports to be privileged communications.

12. The reports of mercantile agencies incorporated under the provisions of this Act shall be privileged communications exempting them from liability for statements otherwise libellous, when, and only when, such reports are made to subscribers having an interest, which the law will recognize, in the information given.

Individual liability.

13. Any member, employee or informant of a mercantile agency shall be held to be individually liable to an action for deceit for false representations made to the agency (1) of his own solvency,—and (2) for false representations as to the solvency of third persons, that is persons not subscribers to the agency.

No. 111.

3rd Session, 7th Parliament, 56 Victor

B I L L.

An Act respecting Detective Corpo and Mercantile Agencies.

Received and read a first time, Th 23rd March, 1893.
Second reading, Friday, 24th March,

Mr. SPR

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Ma
1893

No. 112.] **BILL.** [1893.

An Act further to amend the Petroleum Inspection Act.

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

1. The paragraph lettered (*a.*) of section two of *The Petroleum Inspection Act*, chapter one hundred and two of the Revised Statutes, is hereby repealed and the following substituted therefor:— R.S.C., c. 102, s. 2 amended.

"(*a.*) The expression "package" means and includes any cask, can, jar or bottle into which any fluid referred to in this Act is put for the purpose of being stored, or of being removed from one place to another, or for delivery to any purchaser or consumer." "Package."

2. The paragraphs lettered (*g.*) and (*h.*) of the said section two of the said Act are hereby repealed and the following substituted therefor:— Section 2 further amended.

"(*g.*) The expression 'Inspector' or 'Inspecting officer' means any officer of Inland Revenue, and any person appointed by the Governor in Council as Inspector of such articles, who is directed by the Department of Inland Revenue to inspect petroleum or naphtha." "Inspector."

"(*h.*) The expression 'departmental regulations' means and includes all regulations and rules promulgated and duly authenticated by the Department of Inland Revenue." "Departmental regulations."

3. The paragraph lettered (*a.*) of section three of the said Act is hereby amended by striking out the word "five" in the first line thereof. Section 3 amended.

4. Section four of the said Act is hereby repealed and the following substituted therefor:— Section 4 repealed.

"**4.** Petroleum designated and known as 'high test petroleum' may be sold for use in Canada, for illuminating purposes, when it weighs not more than eight pounds and forty-three hundredths of a pound, and not less than eight pounds and fourteen hundredths of a pound, per gallon, if it will stand a fire test of two hundred degrees by Fahrenheit's thermometer, or if when heated in an open cup to a temperature of one hundred and eighty degrees by Fahrenheit's thermometer it does not emit a vapour that will flash. High test petroleum may be sold on certain conditions.

"2. Packages containing high test petroleum shall be branded as such and shall have marked on them the actual weight per gallon and the flash test or the fire test of the petroleum contained therein." Packages to be branded.

Section 7 amended.

5. The paragraphs lettered (*a.*) to (*f.*), inclusive, of subsection two of section seven of the said Act are hereby repealed and the following substituted therefor :—

Marks on packages.

"(*a.*) The flash test ;

"(*b.*) The weight per gallon in pounds and decimal parts thereof ;

"(*c.*) The gross weight in pounds ;

"(*d.*) The tare of package in pounds ;

"(*e.*) The net weight of oil in pounds ;

"(*f.*) The number of gallons contained in the package ;

"(*g.*) The word 'inspected' and the date of inspection ;

"(*h.*) The name of the inspector and the name of his port or district."

Section 10 amended.

6. Section ten of the said Act is hereby amended by inserting the word "Canadian" before the word "petroleum" in the first line thereof.

Section 11 repealed.

7. Section eleven of the said Act is hereby repealed and the following substituted therefor :—

Inspection, by whom.

"**11.** The inspection of petroleum and naphtha under this Act shall be performed by officers of the Inland Revenue duly authorized thereto under departmental regulations, or by such other persons as are appointed for that purpose by the Governor in Council.

Instruments.

"2. Such instruments shall be used and process adopted in making the inspection as are directed by departmental regulations."

Section 15 repealed.

8. Section fifteen of the said Act is hereby repealed and the following substituted therefor :—

Inspection of petroleum and naphtha made in Canada.

"**15.** All petroleum and naphtha made in Canada, except such as is to be exported under the provisions of this Act, shall, after it has been put into packages, marked as herein required, and before it leaves the premises of the refiner or manufacturer, be inspected by a duly authorized inspector.

Importation of petroleum and naphtha.

"2. All petroleum and naphtha imported into Canada shall, except as hereinafter provided, be in packages containing not more than fifty gallons each, and shall be entered only at such Customs ports as are determined by the Governor in Council,

Inspection.

and shall be inspected and the packages marked, as herein required, at such ports, and before such petroleum or naphtha is entered for consumption ; and, except in the case of lubri-

In case of rejection.

cating oils, any petroleum so imported which does not conform to the requirements of this Act, shall be branded with the word 'rejected', and shall, within ten days after the inspection, be exported from Canada,—and if not so exported within the prescribed time, it and the packages in which it is contained shall be seized and forfeited to Her Majesty and shall be disposed of under regulations made by the Governor in Council.

"3. Notwithstanding anything in this section contained, the Governor in Council may designate places at which petroleum for illuminating purposes may be imported in tank cars, under departmental regulations; but all petroleum so imported shall be put into packages, inspected and marked in accordance with the requirements of section seven of this Act." Importation in tank cars.

9. Section twenty of the said Act is hereby repealed and the following substituted therefor:— Section 20 repealed.

"**20.** The following fees shall be levied and collected for the inspection of petroleum and naphtha; and such fees shall be paid to the inspector or the collector of Inland Revenue, as the case may be, at the time the inspection is made, and shall form part of the Consolidated Revenue Fund of Canada:— Fees for inspection.

For every package of petroleum or naphtha containing more than ten, but not more than fifty gallons..... 10 cents.
For every package of petroleum or naphtha containing more than five and not more than ten gallons..... 5 cents.
For every package of petroleum or naphtha containing not more than five gallons..... $2\frac{1}{2}$ cents."

10. Section twenty-two of the said Act is hereby repealed and the following substituted therefor:— Section 22 repealed.

"**22.** Every person who keeps or offers for sale for use in Canada, any petroleum or naphtha which is not in packages marked as herein required, or which has not been entered for consumption through one of the ports or places duly authorized by the Governor in Council, is guilty of an offence against this Act, and for a first offence shall incur a penalty of twenty dollars for every package in his possession not so marked, and for each subsequent offence a penalty of forty dollars for every package in his possession not so marked; and the petroleum and naphtha so unlawfully kept or offered for sale shall be seized by any revenue officer or inspector having a knowledge thereof, and forfeited to Her Majesty." Penalty for keeping petroleum or naphtha in unmarked packages or unlawfully entered.

11. Oils intended solely for use as lubricants and unfit, owing to the properties thereof, for illuminating purposes shall be exempt from the provisions of *The Petroleum Inspection Act*, as regards inspection,—provided the packages containing such oils have conspicuously marked or branded thereon the word "non-illuminating," otherwise the exemption herein provided shall not apply. Exemption of oils not for illuminating, if properly branded.

12. Chapter forty-nine of the Statutes of 1891 is hereby repealed. 1891, c. 49 repealed.

13. This Act shall come into force on the first day of July, one thousand eight hundred and ninety-three. Commencement of Act.

No. 112.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Petroleum Inspection Act.

Received and read first time, Friday, 24th March, 1893.
Second reading, Saturday, 25th March, 1893.

Mr. Wood,
(Brockville.)

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 113.] **BILL.** [1893.

An Act to consolidate and amend the Act respecting Land in the Territories.

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

1. This Act may be cited as "*The Land Titles Act*" :

2. (*a.*) The expression "land" means lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every nature and description, and every estate or interest therein and whether such estate or interest is legal or equitable, together with all paths, passages, ways, water-courses, liberties, privileges, easements, mines, minerals and quarries appertaining thereto, and all trees and timber thereon and thereunder lying or being, unless any such are specially excepted;

(*b.*) The expression "owner" means any person or body corporate entitled to any freehold or other estate or interest in land, at law or in equity, in possession, in futurity or expectancy ;

(*c.*) The expression "transfer" means the passing of any estate or interest in land under this Act, whether for valuable consideration or otherwise;

(*d.*) The expression "transferror" means the person by whom any interest or estate in land has been transferred, whether for value or otherwise, and the expression "transferree" means the person to whom any interest or estate in land has been transferred, whether for value or otherwise;

(*e.*) The expression "mortgage" means any charge on land created merely for securing a debt, or a loan ;

(*f.*) The expression "mortgagee" means the owner of a mortgage; and the expression "mortgagor" means the owner or transferree of land, or of any estate or interest in land pledged as security for a debt, or a loan ;

(*g.*) The expression "encumbrance" means any charge on land created or effected for any purpose whatever, inclusive of mortgage, mechanics liens and executions against lands, unless expressly distinguished ;

(*h.*) The expression "encumbrancer" means the owner of any land or of any estate or interest in land subject to any encumbrance ; and the expression "encumbrancee" means the owner of an encumbrance ;

(*i.*) The expression "lunatic" means any person found by any competent tribunal or commission *de lunatico inquirendo*, to be a lunatic;

(*j.*) The expression "person of unsound mind" means any person not an infant, who not having been found to be a lunatic, has been found on like inquiry to be incapable, from infirmity of mind, of managing his own affairs;

(*k.*) The expression "instrument" means any grant, certificate of title, conveyance, assurance, deed, map, plan, will, probate or exemplification of will, mortgage or encumbrance or any other document in writing relating to the transfer of or other dealing with land or evidencing title thereto;

(*l.*) The expression "register" means the register of titles to land to be kept in accordance with this Act;

(*m*) The expression "registration" means, (1), the bringing of lands under the provisions of this Act; and, (2), the entering upon the certificate of title of a memorandum authorized by this Act, of any document; and "filing" means the entering in the day-book of any instrument.

(*n.*) The expression "memorandum" means the endorsement upon the certificate of title and on the duplicate copy thereof of the particulars of any instrument presented for registration.

(*o.*) "Certificate of title" means the certificate (form G) granted by the registrar and entered and kept in the register; "duplicate" or "duplicate certificate" means the duplicate, delivered to the person entitled thereto, of the certificate of title in the register.

(*p.*) The expression "registrar" means a registrar of titles or any deputy registrar or inspector of titles, when acting as registrar;

(*q.*) The expression "Territories" means the North-west Territories, the District of Keewatin and all other Territories of Canada;

(*r.*) The expression "court" means any court authorized to adjudicate in the Territories in civil matters in which the title to real estate is in question;

(*s.*) The expression "Court of Appeal" means the Court of Appeal herein constituted;

(*t.*) The expression "judge" means an official authorized in the Territories to adjudicate in civil matters in which the title to real estate is in question;

(*u.*) The expression "transmission" applies to change of ownership consequent upon death, lunacy, sale under execution, order of court, or other act of law, sale for arrears of taxes or upon any settlement or any legal succession in case of intestacy;

(*v.*) The expression "grant" means any grant of Crown land, whether in fee or for years, and whether direct from Her Majesty or pursuant to the provisions of any statute;

(*w.*) The expressions "endorsed," and "endorsement" apply to anything written upon any instrument or upon any paper attached thereto by the registrar.

(*x.*) The expression "possession" when applied to persons claiming title to land, means also alternatively the reception of the rents and profits thereof.

DESCENT OF LAND.

3. Land in the Territories shall go to the personal representatives of the deceased owner thereof in the same manner as personal estate now goes, and be dealt with and distributed as personal estate.

4. No words of limitation are necessary in any transfer of any land in order to transfer all or any title therein, but every instrument transferring land shall operate as an absolute transfer of all such right and title as the transferror has therein at the time of its execution, unless a contrary intention is expressed in the transfer; but nothing herein contained shall preclude any transfer from operating by way of estoppel; and hereafter the introduction of any words of limitation into any transfer or devise of any land, shall have the like force and meaning, as the same words of limitation would have if used by way of limitation of any personal estate, and no other.

5. No devise shall be valid or effectual as against the personal representative of the testator, until the land affected thereby is transferred to the devisee thereof, by the personal representative of the devisor, saving and excepting such devises as are made by the testator to his personal representative, either in his representative capacity or for his own use.

6. No widow whose husband died on or after the first day of January, one thousand eight hundred and eighty-seven, shall be entitled to dower in the land of her deceased husband; but she shall have the same right in such land as if it were personal property.

7. No husband whose wife died on or after the first day of January, one thousand eight hundred and eighty-seven, shall be entitled to any estate by the courtesy in the land of his deceased wife; but he shall have the same right therein as a wife has in the personal property of her deceased husband.

8. Whenever land is transferred to a man and his wife the transferrees shall take according to the tenor of the transfer, and they shall not take by entireties unless it is so expressed in the transfer.

9. A man may make a valid transfer of land to his wife, and a woman may make a valid transfer of land to her husband, without in either case, the intervention of a trustee.

10. Any devise or limitation, which heretofore would have created an estate tail, shall transfer the absolute ownership, or the greatest estate that the devisor or transferror had in the

land; and no estate in fee simple shall be changed into any limited fee or fee-tail, but the land, whatever form of words is used in any transfer or transmission or dealing, shall, except as hereinafter otherwise provided, be and remain an absolute estate in the owner for the time being.

11. A married woman shall, in respect of land acquired by her on or after the first day of January, one thousand eight hundred and eighty-seven, have all the rights and be subject to all the liabilities of a *feme sole*, and may, in all respects, deal with land as if she were unmarried.

12. If a wife has left her husband, and has lived in adultery after leaving him, she shall take no part of the land of her husband.

13. If a husband has left his wife, and has lived in adultery after leaving her, he shall take no part of her land.

14. Illegitimate children shall inherit from the mother as if they were legitimate, and through the mother if dead, any land which she would, if living, have taken by purchase, gift, devise, or descent from any other person.

15. When an illegitimate child dies intestate, without issue, the mother of such child shall inherit any land which the said child was the owner of at the time of his death.

16. For the purposes of this Act there shall be in the North-west Territories five land registration districts, respectively known and described as follows:—(1). "Assiniboia Land Registration District," being composed of the Divisional District of Assiniboia, as defined by an Order in Council dated the eighth day of May, one thousand eight hundred and eighty; (2). the "South Alberta Land Registration District," being composed of so much of the Provisional District of Alberta as lies to the south of the ninth correction line; (3) the "North Alberta Land Registration District," being composed of so much of the said Provisional District of Alberta as lies to the north of the said ninth correction line; (4) the "West Saskatchewan Land Registration District," being composed of so much of the Provisional District of Saskatchewan, as lies to the west of the dividing line between the tenth and eleventh ranges, west of the third principal meridian; and (5) the "East Saskatchewan Land Registration District," being composed of so much of the said Provisional District of Saskatchewan as lies to the east of the said dividing line between the tenth and eleventh ranges west of the third principal meridian.

17. The Governor in Council may, from time to time, by proclamation, as the settlement of the country and the exigencies of the public service require, constitute any other portion of the Territories a land registration district, and declare by what local name the same shall be known and designated.

18. The Governor in Council shall provide in each registration district at the public expense, and may thereafter maintain, in a proper state of repair, a building of stone or brick, or partly of brick and partly of stone, to serve as the office of the registrar and as the place of deposit and preservation of registers and other record books, certificates, instruments and documents connected with the registration of titles; and may fit up the said office with such fire-proof safes and other secure places as are necessary.

19. In each registration district at such place as the Governor in Council determines there shall be an office to be called the Land Titles Office.

20. The Governor in Council may, from time to time, appoint an Inspector of Land Titles Offices whose duties shall be, under instructions from the Minister of the Interior, to inspect the books and records of the several Land Titles Offices, and to perform such other duties as directed by the Minister of the Interior to be done from time to time; and the said Inspector may, in the discretion of such Minister, be directed to perform any duty which any Registrar is empowered by this Act to perform; but no person shall be appointed Inspector of Land Titles Offices unless he is when appointed a barrister, solicitor or advocate of at least three years' standing in one of the Provinces of Canada.

21. The business of each Land Titles Office shall be conducted by an officer to be called "the Registrar" appointed by the Governor in Council, with such assistants and clerks as are necessary and as the Governor in Council from time to time appoints:

2. Every registrar now acting in the Territories, or hereafter to be appointed shall hold office during pleasure; but hereafter no person shall be appointed a registrar unless he is a barrister, solicitor or advocate of at least three years' standing of one of the Provinces of Canada.

22. Whenever occasion requires, the Governor in Council may, from time to time, appoint a deputy registrar to assist a registrar under instructions from the latter; and such deputy registrar may perform in the event of the illness or absence from office of the registrar all the duties required by this Act to be done by the registrar; and in case of the death, resignation or removal from office of the registrar the deputy registrar shall do and perform all the duties of a registrar under this Act until another registrar is appointed:

2. No person shall be appointed a deputy registrar unless he is a barrister, solicitor or advocate of one of the Provinces of Canada.

23. The Inspector of Land Titles Offices, the registrars, deputy registrars, and other necessary officers shall be attached to the Department of the Interior and be under the control of the Minister of the Interior; and their salaries, and such

incidental expenses of carrying on this Act as are sanctioned by this Act or by the Governor in Council, shall be paid out of moneys provided by Parliament for that purpose.

24. The Inspector of Land Titles Offices and every registrar and deputy registrar, before he enters upon the execution of his office, shall take, before some judge or stipendiary magistrate in the Territories, the oath of office in the form "A" in the schedule to this Act.

25. Before the Inspector of Land Titles Offices, or any registrar or deputy registrar is sworn into office he shall furnish to Her Majesty security in a penal sum of not less than one thousand dollars for the true and faithful performance by the said Inspector of Land Titles Offices registrar or deputy registrar of his duty in respect of all things directed to be done by or required of the said Inspector of Land Titles Offices, registrar or deputy registrar, respectively, by this Act or any law in that behalf; and the said security shall, in the discretion of the minister of the Interior, be either a joint and several bond of the Inspector of Land Titles Offices, registrar or deputy registrar,as the case may be, and of two sureties, or a guarantee bond of a Guarantee Company duly approved by the Governor in Council:

2. Such bond or guarantee bond shall be in duplicate and shall be subject to the approval of the Governor in Council.

26. When the security to be so furnished is the joint and several bond of the Inspector of Land Titles Offices, registrar or deputy registrar, as the case may be, and two sureties, the same shall be executed under the hands and seals of the obligors in the form "B" in the schedule to this Act, and the sureties shall justify under oath in the form "C" in the said schedule; and the execution of the said bond shall be duly verified by the affidavit of a subscribing witness in the form "D" in the said schedule; and one of the duplicates, with the affidavits appended, shall then be forthwith transmitted to the Secretary of State to be filed in his office and the other shall be filed in the office of the Lieutenant-Governor of the Territories.

27. The Inspector of Land Titles Offices, and any registrar or deputy registrar shall, when required, by the Minister of the Interior, furnish such further security as is deemed expedient.

28. Each registrar shall have a seal of office, approved by the Governor in Council, with which he shall seal all certificates of title, and he shall stamp all instruments which are presented to him for registration, shewing the day, hour and minute of receiving the same.

29. The Inspector of Land Titles Offices, or any registrar or deputy registrar within the district to which he is appointed, may administer any oath or take any affirmation or declaration in lieu of an oath respecting titles to land, from any one entitled by law to affirm or declare.

30. Every registrar shall, when required, furnish under seal exemplifications, copies and abstracts of any instruments affecting land which are deposited, filed or registered in his office, and every such exemplification or certified copy shall be received as evidence in the same manner and with the same effect as if the original was produced.

31. Neither the Inspector of Land Titles Offices, nor any registrar, deputy registrar or clerk in any land titles office shall, directly or indirectly, act as the agent of any person investing money and taking securities on land within any registration district, nor shall any registrar, deputy registrar or clerk advise, for any fee or reward or otherwise, upon titles to land, nor practice as a conveyancer, nor shall he carry on or transact, within the land titles office, any business or occupation whatever, other than his duties as such registrar, deputy registrar or clerk.

32 Every land titles office shall be kept open on all days (except Sundays and legal holidays) between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, except on Saturdays, when the said offices shall be closed at one o'clock in the afternoon, during which times, either the registrar or his deputy registrar shall be in attendance.

33. The registrar shall also keep a book or books which shall be called the "day-book," and in which shall be entered by a short description every instrument relating to lands for which a certificate of title has issued or been applied for which is given in for registration, with the day, hour and minute of its so being given in; and for purposes of priority between mortgagees, tranferrees and others, the time so entered shall be taken as the time of registration; and the registrar, in entering memoranda upon the certificate of title embodied in the register and in endorsing a memorandum upon the duplicate shall take the time from the day-book as the time of registration.

2. The registrar shall not receive or enter in the day-book any instrument (except executions against lands, caveats, mechanics, liens, transfers by a sheriff or municipal officer or by order of a court or judge, and except a mortgage before issue of grant pursuant to section 74, sub-section 2) unless required by the order of a court or judge, until the duplicate for the land affected by such instrument is produced therewith to him so as to enable him to enter the proper memorandum thereon.

34. The registrar shall also keep a book or books, which shall be called "the register," and shall enter therein all certificates of title; and each certificate of title, which shall be in the form "G" shall constitute a separate folio of such book and the registrar shall record therein the particulars of all instruments, dealings and other matters by this Act required to be registered or entered in the register and affecting the land included in such certificate of title.

35. Whenever any land is granted in the Territories by the Crown, the letters patent therefor, when issued, shall be for-

warded from the office whence the same are issued to the registrar of the registration district in which the land so granted is situated, and the registrar shall retain the letters patent in his office; and a certificate of title, as provided by this Act, with any necessary qualification, shall be granted to the patentee:

2. A duplicate of such certificate of title shall be issued to the patentee free of all fees and charges by this Act provided to be paid, if at the time of the issue thereof there are no encumbrances or other instruments, affecting the land, registered in the land titles office; but if there are any instruments registered which encumber or affect the title, upon the payment of such fees as are fixed or may be from time to time fixed by the Governor in Council:

3. The notification to the Hudson's Bay Company by the Minister of the Interior under the provisions of *The Dominion Lands Act* of the survey and confirmation of the survey of any township or part of a township shall be accepted by a registrar as equivalent to, and dealt with by him in all respects in the same manner as if the said notification were letters patent to and in favour of the said Company granting to the said Company, in fee simple, the sections or portions of sections to which they are entitled in such townships or parts of townships under the provisions of *The Dominion Lands Act:*

4. Such notifications, except any notification which issued prior to the twenty-second day of May, one thousand eight hundred and eighty-eight, and which may be registered by the Company with the registrar of the district within which the land affected thereby is situated, shall be issued in duplicate, one to be sent to the said Company, and one to the registrar of the district:

5. A notification to the registrar from the Minister of the Interior that the land described therein has been granted to the Canadian Pacific Railway Company, or to any other Railway Company entitled to Dominion Lands under the authority of an Act of Parliament, shall be accepted by the registrar and dealt with by him in all respects as if the same were letters patent in favour of such Company. The notification shall state the nature of the grant and shall specify any mines, minerals, easements or rights which are excepted from the grant.

36. The owner of any estate or interest in any land, whether legal or equitable, letters patent for which issued from the Crown before the first day of January one thousand eight hundred and eighty seven, or which otherwise had prior to that date passed from the Crown, may apply to have his title registered under the provisions of this Act.

2. If at the time of the grant of the certificate of title, there are no registered encumbrances or conveyances affecting such land, the certificate may be granted to the patentee upon payment of such fees as are fixed in that behalf by tariff and made from time to time by the Governor in Council, but no fees shall be payable therefor under the provisions of section one hundred and fourteen of this Act.

37. Every grant shall be deemed and taken to be registered under the provisions and for the purposes of this Act so soon as the same has been marked by the registrar with the folio and volume on and in which it is embodied in the register, and every other instrument shall be deemed to be registered as soon as a memorandum of it has been entered in the register upon the folio constituted by the existing grant or certificate of title of such land.

38. Instruments registered in respect of or affecting the same land shall be entitled to priority the one over the other, according to the time of registration and not according to the date of execution ; and the registrar, upon registration thereof, shall retain the same in his office ; and so soon as registered, every instrument shall become operative according to the tenor and intent thereof, and shall thereupon create, transfer, surrender charge or discharge, as the case may be, the land or the estate or interest therein mentioned in the instrument.

39. Every memorandum entered in the register shall state the nature of the instrument to which such memorandum relates, the day, the hour, and minute of its registration, and the names of the parties thereto, and shall refer by number or symbol to such instrument, and shall be signed and sealed by the registrar.

40. Whenever a memorandum has been entered in the register the registrar shall make a like memorandum upon the duplicate when the same is presented to him for the purpose, and the registrar shall sign and seal such memorandum, which shall be received in all courts of law as conclusive evidence of its contents and that the instrument of which it is a memorandum has been duly registered under the provisions of this Act.

41. The application therefor shall be made in writing in the form "E" in the schedule to this Act, to the registrar of the registration district in which the land is situated ; shall be verified by the affidavit of the applicant, or some one on his behalf ; and shall be accompanied by :—

(*a*). All deeds in possession of the applicant, if any ;

(*b*). A certificate showing all registrations affecting the title, down to the time when such application is filed, with copies of any registered documents, the originals whereof he is unable to produce ;

(*c*). A certificate from the sheriff showing that there is no execution in his hands against the applicant's lands ;

(*d*). A certificate from the treasurer of the municipality, if organized, within which the land lies, and if not within an organized municipality, then from the proper officer of the school district in which the land lies, showing that at the date of the filing of the application the land is not chargeable with any arrears of municipal taxes, rates or assessments :

2. But in no case shall it be necessary for any applicant to produce copies of any documents under the foregoing provisions of this section if the originals of such documents are of record at the time when the application is made, in the office of the registrar to whom the application is made ; and in case the land is not within any organized municipality or school district and a certificate of taxes cannot therefore be produced, such fact must be set forth in the application.

42. Upon the filing of such application, if the applicant is the original grantee of the Crown of the land, and no deed, transfer, mortgage or other encumbrance or instrument or caveat affecting the title thereto appears to have been recorded ; or if not the original grantee, all the original title deeds are produced, and no person other than the applicant is in actual possession of the land, and no caveat has been registered, the registrar, if he entertains no doubt as to the title of the applicant, shall grant a certificate of title as hereinafter provided :

2. If there is any mortgage or encumbrance against the land at the date of the said application, the filing with the registrar of the original mortgage or the instrument creating the encumbrance, or a copy of such mortgage or instrument, having endorsed thereon or attached thereto a receipt for the payment of the amount thereby secured signed by the mortgagee or encumbrancee, attested by an affidavit of the witness, shall operate as a discharge of the security created by such mortgage or encumbrance.

3. Such receipt may be in the form "F" in the schedule to this Act :

4. If any person other than the applicant is admitted or appears to be interested in the land, then, if such interest is by virtue of a mortgage, encumbrance, lease, or charge created by any other instrument and the instrument is at the time of the application of record in the office of the registrar to whom the application is made, or, if not of record, the instrument is produced to the registrar, and if the applicant desires to have his title registered, subject to the interest of such other person, the registrar, if he entertains no doubt as to the extent and nature of such interest, or of the title of the applicant, may register the title and grant a certificate of title and issue a duplicate certificate of title subject to such interest :

5. In any case where the person who is admitted or appears to be interested in land is a consenting party to an application, the registrar may, if he entertains no doubt as to the title of the applicant, grant a certificate of title subject to the terms of the consent, provided that the consent shall be in writing signed by the consenting party in presence of a witness, and attested in the manner provided for by this Act.

43. In all cases other than those provided for in the last preceding section, the registrar shall forthwith, having given the applicant a certificate of the filing of his application, transmit the application, with all evidence supplied, to the judge to be dealt with as hereinafter mentioned.

44. The judge shall examine, without delay, all titles which are submitted to him, and for such purpose shall, when necessary, hear all persons interested, or claiming to be interested, and shall hear and consider the claims as against the applicant, of any person who is in possession of the land ; and he shall have and exercise all the powers for compelling the attendance of persons and the production of documents, which usually appertain to courts of civil justice and the judges thereof in civil actions brought therein.

45. Any person having an adverse claim, or a claim not recognized in the application for registration may, at any time before the judge has approved of the applicant's title, file with the registrar a short statement of his claim, verified by affidavit, and shall serve a copy thereof on the applicant, or his advocate or his agent.

46. If any adverse claim is filed, the judge shall proceed to examine into and adjudicate thereon, and no certificate of title shall be issued until such adverse claim has been disposed of.

47. In any case before him, the judge may direct that notice of the application be published in some newspaper or newspapers in such form and for such period as the Judge thinks expedient, and no order for registration shall be granted by him until after the expiration of at least four weeks from the first publication of the notice, if he has directed the same to be published.

48. The judge, if satisfied with the applicant's title, shall thereupon make an order directing the registrar, after the expiration of four weeks from the date thereof, unless in the meantime the order is appealed from, to register the same.

49. After registration of a title the registrar upon application by the owner or his duly authorized agent, shall make out, sign, officially seal and deliver to him a duplicate of the certificate of title in the register on which shall be entered all memoranda indorsed on or attached to the certificate of title granted in the register.

50. Upon every transfer of the land mentioned in a certificate of title, the certificate of title to be granted shall be granted by the registrar, and a duplicate issued to the transferee on application.

51. Every owner or mortgagee of any land for which a certificate of title has been granted shall deliver to the registrar a memorandum in writing of some post office address within the Territories, to which it shall be sufficient to mail all notices that under this Act are required to be sent to an owner or mortgagee ; and every owner and mortgagee shall, from time to time, in like manner, notify the registrar of any change in his post office address ; and every owner shall, if required by the registrar so to do, before the delivery of any duplicate sign a receipt therefor in his own handwriting, or other-

wise furnish the registrar with his signature, so as to prevent personation as far as possible: Provided, that the registrar may proceed without such memorandum of address.

52. Every certificate of title shall be made on a separate folio of the register, and upon every transfer of ownership the certificate of title of the transferror and the duplicate thereof shall be cancelled, and the certificate of title of the transferree shall thereupon be entered upon a new folio in the register; and the registrar shall note upon the folio of the title of the transferror the number of the folio of the transferee's title, and upon that of the transferree the number of the folio of the transferror, so that reference can be readily made from one to the other, as occasion requires.

EFFECT OF REGISTRATION.

53. In every instrument transferring, encumbering or charging any land for which a certificate of title has been granted, there shall be implied the following covenant by the transferror or encumbrancer, that is to say: That the transferror or encumbrancer will do such acts and execute such instruments as, in accordance with the provisions of this Act, are necessary to give effect to all covenants, conditions and purposes expressly set forth in such instrument, or by this Act declared to be implied against such person in instruments of a like nature.

54. After a certificate of title has been granted for any land, no instrument, until registered under this Act, shall be effectual to pass any estate or interest in any land (except a leasehold interest for three years or for a less period), or render such land liable as security for the payment of money; but upon the registration of any instrument in manner hereinbefore prescribed, the estate or interest specified therein shall pass, or, as the case may be, the land shall become liable as security, in manner and subject to the covenants, conditions and contingencies set forth and specified in such instrument, or by this Act declared to be implied in instruments of a like nature.

55. The owner of land for which a certificate of title has been granted, shall hold the same subject (in addition to the incidents implied by virtue of this Act) to such encumbrances, liens, estates or interests, as are notified on the folio of the register which constitutes the certificate of title, absolutely free from all other encumbrances, liens, estates or interests whatsoever, except in case of fraud wherein he has participated or colluded, and except the estates or interests of all persons entitled to or interested in any portion of land that is, by wrong description of parcels or of boundaries, erroneously included in the certificate of title, lease or other instrument evidencing the title of such owner, and except the estate or interest of an owner claiming the same land under a prior certificate of title granted under the provisions of this Act:

2. Such priority shall, in favour of any person in possession of land, be computed with reference to the grant or earliest certificate of title under which he or any person through whom he derives title, has held such possession.

56. The land mentioned in any certificate of title granted under this Act shall, by implication, and without any special mention therein, unless the contrary is expressly declared, be subject to :—

(*a*) Any subsisting reservations or exceptions contained in the original grant of the land from the Crown ;

(*b.*) Any municipal charges, rates or assessments on the land for the year current at the date of the certificate of title, or which are thereafter imposed on the land, or which have theretofore been imposed for local improvements and which are not then due and payable, and any charges, rates or assessments in respect of which the right of the municipality to have recourse against the land is not matured, not exceeding three years' charges, rates or assessments in the whole ;

(*c.*) Any public highway or right of way or other public easement, howsoever created upon, over or in respect of the land ;

(*d.*) Any subsisting lease or agreement for a lease for a period not exceeding three years, where there is actual occupation of the land under the same ;

(*e.*) Any decrees, orders or executions against or affecting the interest of the owner in the land, which have been registered and maintained in force against the owner ;

(*f.*) Any right or expropriation which may, by statute, or ordinance be vested in any person, body corporate, or Her Majesty.

57. Every certificate of title granted under this Act shall (except in case of fraud, wherein the owner has participated or colluded), so long as the same remains in force and uncancelled under this Act, be conclusive evidence in all courts as against Her Majesty and all persons whomsoever, that the person named therein is entitled to the land included in the same, for the estate or interest therein specified, subject to the exceptions and reservations mentioned in the next preceding section, except so far as regards any portion of land, by wrong description of boundaries or parcels included in such certificate of title, and except as against any person claiming under any prior certificate of title granted under this Act in respect of the same land ; and for the purpose of this section that person shall be deemed to claim under a prior certificate of title who is holder of, or whose claim is derived directly or indirectly from the person who was the holder of the earliest certificate of title granted, notwithstanding that such certificate of title has been surrendered and a new certificate of title has been granted upon any transfer or other instrument.

58. A purchaser, mortgagee or encumbrancee for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given or by the non-receipt thereof.

59. After the certificate of title for any land has been granted no instrument shall be effectual to pass any interest therein or to render the land liable as security for the payment of money as against any *bonâ fide* transferree of the land under this Act, unless such instrument is executed in accordance with the provisions of this Act ; and is duly registered thereunder : and the registrar shall have power to decide whether any instrument which is presented to him for registration is substantially in conformity with the proper form in the schedule to this Act, or not, and to reject any instrument which he may decide to be unfit for registration.

60. No memorandum or entry shall be made upon a certificate of title or upon the duplicate thereof of any notice of trusts, whether expressed, implied, or constructive ; but the registrar shall treat any instrument containing any such notice as if there was no trust ; and the trustee or trustees therein named shall be deemed to be the absolute and beneficial owners of the land for the purposes of this Act.

TRANSFERS.

61. When land for which a certificate of title has been granted, is intended to be transferred, or any right of way or other easement is intended to be created or transferred, the owner ma yexecute a transfer in the form "H" in the schedule to this Act, which transfer shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, or shall give such description as is sufficient to identify the same, and shall contain an accurate statement of the estate, interest or easement intended to be transferred or created ; and a memorandum of each lease, mortgage and other encumbrance to which the land is subject.

62. Whenever any easement or any incorporeal right in or over any land for which a certificate of title has been granted is created for the purpose of being annexed to or used and enjoyed together with other land for which a certificate of title has also been granted, the registrar shall make a memorandum of the instrument creating such easement or incorporeal right upon the folio of the register which constitutes the existing certificate of title of such other land and upon the duplicate thereof.

63. If a transfer purports to transfer the transferror's interest in the whole or part of the land mentioned in any certificate of title, the transferror shall deliver up the duplicate certificate of title of the land, and the registrar shall make a memorandum thereon and upon the certificate of title in the register cancelling the same, either wholly or partially, according as the transfer purports to transfer the whole or part only of the interest of the transferror in the said land, and setting forth the particulars of the transfer.

64. The registrar, upon cancelling any certificate of title, either wholly or partially, pursuant to any transfer, shall grant to the transferree a certificate of title of the land mentioned

in the transfer and issue to the transferee a duplicate thereof; and the registrar shall retain every transfer and cancelled duplicate certificate of title; but in the case of a partially cancelled certificate of title, the registrar shall return the duplicate certificate to the transferror after the memorandum partially cancelling the same has been made thereon and upon the certificate of title in the register; or may, whenever required thereto by the owner of an unsold portion of land included in any partially cancelled certificate of title, or where such a course appears to the registrar more expedient, grant to such owner a certificate of title for such portion, of which he is the owner, upon the delivery of the partially cancelled duplicate certificate of title to the registrar, to be cancelled and retained.

65. In every instrument transferring land, for which a certificate of title has been granted, subject to mortgage or encumbrance, there shall be implied the following covenant by the transferree, that is to say: That the transferree will pay the principal money, interest, annuity or rent charge secured by the mortgage or encumbrance, after the rate and at the time specified in the instrument creating the same, and will indemnify and keep harmless the transferror from and against the principal sum or other moneys, secured by such instrument, and from and against all liability in respect of any of the covenants therein contained or under this Act implied, on the part of the transferror.

66. The registrar may require the owner of any land within his registration district desiring to transfer or otherwise to deal with the same under the provisions of this Act, to furnish the registrar with a map or plan of the land, having the several measurements marked thereon, certified by a Dominion land surveyor, and prepared upon one of the following scales:—

(*a.*) If the land proposed to be transferred or dealt with is of less area than one acre, then the map or plan shall be on a scale not less than one inch to two chains;

(*b.*) If the land is of greater area than one acre, but not exceeding five acres, then the map or plan shall be on a scale not less than one inch to five chains;

(*c.*) If the land is of greater area than five acres, but not exceeding eighty acres, then the map or plan shall be on a scale not less than one inch to ten chains:

2. The owner shall sign the plan and attest the accuracy of the same in the manner hereinafter provided for the attestation of all instruments:

3 If the owner neglects or refuses to comply with the requirements aforesaid, the registrar shall not proceed with the registration of the transfer or dealing until the requirements are complied with:

4. Subsequent sub-divisions of the same land may be delineated upon a duplicate of the map or plan of the same so furnished, if such map is upon a sufficient scale, in accordance

with the provisions herein contained; and the correctness of the delineation of each such sub-division shall be attested in the manner prescribed for the attestation of an original map:

5. Where parts of different legal sub-divisions are included in the same transfer, the map shall represent the whole of the legal sub-divisions, and shall indicate the location of the land to be transferred: Provided always that this shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered.

LEASES.

67. When any land for which a certificate of title has been granted is intended to be leased or demised for a life or lives, or for a term of more than three years, the owner shall execute a lease in the form "I" in the schedule to this Act, and every such instrument shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, or shall give such other description as is necessary to identify the land; and a right for the lessee to purchase the land therein described may be stipulated in the instrument; and in case the lessee pays the purchase money stipulated, and otherwise observes his covenants expressed and implied in the instrument, the lessor shall be bound to execute a transfer to such lessee of the land, and to perform all necessary acts by this Act prescribed for the purpose of transferring the land to the purchaser: Provided always, that no lease of mortgaged or encumbered land shall be valid and binding against the mortgagee or encumbrancee, unless the mortgagee or encumbrancee has consented to the lease prior to the same being registered, or subsequently adopts the same.

68. In every lease, unless a contrary intention appears therein, there shall be implied the following covenants by the lessee, that is to say:—

(*a.*) That he will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes which may be payable in respect of the demised land during the continuance of the lease;

(*b.*) That he will, at all times during the continuance of the lease, keep and, at the termination thereof, yield up the demised land in good and tenantable repair, accidents and damage to buildings from fire, storm and tempest or other casualty, and reasonable wear and tear excepted.

69. In every lease, unless a different intention appears therein, there shall also be implied the following powers in the lessor, that is to say:—

(*a.*) That he may, by himself or his agents, enter upon the demised land and view the state of repair thereof, and may serve upon the lessee, or leave at his last or usual place of abode, or upon the demised land, a notice in writing of any defect, requiring him within a reasonable time, to be therein mentioned, to repair the same, in so far as the tenant is bound to do so;

(*b.*) That in case the rent or any part thereof is in arrear for the space of two calendar months, or in case default is made in the fulfilment of any covenant, whether expressed or implied in such lease, on the part of the lessee, and is continued for the space of two calendar months, or in case the repairs required by such notice, as aforesaid, are not completed within the time therein specified, the lessor may enter upon and take possession of the demised land.

70. In any such case the registrar, upon proof to his satisfaction of lawful re-entry and recovery of possession by a lessor, or his transferee by a legal proceeding, shall make a memorandum of the same upon the certificate of title, and upon the duplicate thereof when presented to him for that purpose, and the estate of the lessee in such land shall thereupon determine, but without releasing the lessee from his liability in respect of the breach of any covenant in the lease expressed or implied ; and the registrar shall cancel the lease, if delivered up to him for that purpose.

71. Whenever, in any lease made under this Act, the forms of words in column one of the form "J" in the schedule to this Act, and distinguished by any number therein, are used, the lease shall be taken to have the same effect, and be construed as if there had been inserted therein the form of words contained in column two of the said form and distinguished by the same number ; and every such form shall be deemed a covenant by the covenantor with the covenantee and his transferrees, binding the former and his heirs, executors, administrators and transferrees ; but it shall not be necessary in any such lease to insert any such number ; and there may be introduced into or annexed to any of the forms in the first column any expressed exceptions from the same or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in corresponding forms in the second column.

72. Whenever any lease or demise which is required to be registered by this Act is intended to be surrendered, and the surrender thereof is effected otherwise than through the operation of a surrender in law, upon the production of the surrender, in the form "K" in the schedule to this Act, to the registrar, he shall make a memorandum of the surrender upon the certificate of title in the register and upon the duplicate certificate ; and when the memorandum has been so made, the estate or interest of the lessee in the land shall vest in the lessor or in the person in whom, having regard to intervening circumstances, if any, the land would have vested if the lease had never been executed : Provided, that no lease subject to mortgage or encumbrance shall be surrendered without the consent of the mortgagee or encumbrancee.

MORTGAGES AND ENCUMBRANCES.

73. Whenever any land, for which a certificate of title has been granted, is intended to be charged or made security in favour of any mortgagee, the mortgagor shall execute a mort-

gage in the form "L" in the schedule to this Act, or to the like effect; and whenever any such land is intended to be charged with or made security for the payment of an annuity, rent charge, or sum of money, in favour of any encumbrancee, the encumbrancer shall execute an encumbrance in the form "M" in the schedule to this Act, or to the like effect; and every such instrument shall contain an accurate statement of the estate or interest intended to be mortgaged or encumbered, and shall, for description of the land intended to be dealt with, refer to the certificate of title on which the estate or interest is held, or shall give such other description as is necessary to identify the land, together with all mortgages or encumbrances affecting the same, if any; and a memorandum of the mortgage or encumbrance shall be made upon the certificate of title in the register and upon the duplicate certificate.

(2.) Provided that any mortgage or other encumbrance created by any party rightfully in possession of land prior to the issue of the grant may be filed in the office of the registrar, who shall, on registering such grant, enter in the register and endorse upon the duplicate certificate of title before issuing the same to the applicant owner thereof, a memorandum of such mortgage, or encumbrance; and when so entered and endorsed, the said mortgage or encumbrance shall be as valid as if made subsequent to the issue of the grant; and if more than one mortgage or encumbrance are filed they shall be registered in the order of time in which they have been filed in the said office.

74. A mortgage or an encumbrance under this Act shall have effect as security, but shall not operate as a transfer of the land thereby charged; and if default is made in payment of the principal sum, interest, annuity or rent-charge, or any part thereof thereby secured, or in the observance of any covenant expressed in any mortgage or encumbrance registered under this Act, or that is herein declared to be implied in such instrument, and such default is continued for the space of one calendar month, or for such longer period of time as is expressly limited for that purpose in such instrument, the mortgagee or encumbrancee may give to the mortgagor or encumbrancer notice in writing to pay, within a time to be specified in the notice, the money then due or owing on the mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be, and that all competent rights and powers will be resorted to unless such fault is remedied, or, where the mortgagor or encumbrancer cannot be found, may give the notice in that behalf to the mortgagor or encumbrancer in such manner as a judge, on summary application *ex parte*, directs.

75. After such default in payment or in the observance of covenants continuing for the further space of one calendar month from the service of the notice, or for such period as to the judge seems meet, the mortgagee or encumbrancee is hereby authorized and empowered to sell the land so mortgaged or encumbered, or any part thereof, and all the estate or interest therein of the mortagor or encumbrancer, and, either altogether

or in lots, by public auction or by private contract, or by both modes of sale, and subject to such conditions as he thinks fit, and to buy in and re-sell the same, without being liable for any losses occasioned thereby, and to make and execute all instruments as are necessary for effecting the sale thereof; and all sales, contracts, matters and things hereby authorized shall be as valid and effectual as if the mortgagor or encumbrancer had made, done or executed the same: and the receipt or receipts in writing of the mortgagee or encumbrancee shall be a sufficient discharge to the purchaser of the land, estate or interest, or of any portion thereof, for so much of his purchase money as is thereby expressed to be received: and no purchaser shall be answerable for the loss, mis-application or non-application, or be obliged to see to the application of the purchase money by him paid, nor shall he be concerned to enquire as to the fact of any default having been made or notice having been given as aforesaid; and before a certificate of title shall be granted to the purchaser, the purchase money arising from the sale of the land, shall be paid into court by the purchaser, and shall be, by order of the judge, applied: first, in payment of the expenses occasioned by the sale and such costs as may be ordered to be paid by the judge; secondly, in payment of the moneys which are then due or owing to the mortgagee or encumbrancee; thirdly, in payment of subsequent mortgages or encumbrances, if any, in the order of their priority; and the surplus, if any, shall be paid to the mortgagor or encumbrancer, as the case may be; and thereupon such sale shall be confirmed by the judge.

76. Upon the registration of any transfer executed by a mortgagee or encumbrancee, pursuant to such sale as aforesaid, the estate or interest of the mortgagor or encumbrancer, at the time of making such mortgage or encumbrance, shall pass to and vest in the purchaser, freed and discharged from all liability on account of the mortgage or encumbrance or of any mortgage or encumbrance registered subsequent thereto; and the purchaser shall be entitled to registration as an ordinary transferee.

77. When default for six calendar months has been made in the payment of the interest or principal sum secured by a mortgage, the mortgagee may make application in writing to the judge for an order for foreclosure; and the application shall state that the default has been made as aforesaid, and that the land, mortgaged, has been offered for sale at public auction after proper notice given to the mortgagor, as in this Act provided, and that the amount of the highest bid at the sale was not sufficient to satisfy the money secured by the mortgage, together with the costs and expenses occasioned by the sale, and that notice in writing of the intention of the mortgagee to make such application has been given to the mortgagor, either personally or by leaving the same with an adult at his usual or last known place of abode; and the application shall be accompanied by a certificate of the licensed auctioneer by whom the land was put up for sale, and by any other proof of the matters stated in the application as the judge requires; and

the statements made in the application shall be verified by the oath of the applicant, or some one who is cognizant of the facts.

78. Upon hearing the application the judge shall direct notice to be published in one or more newspapers at least once in each of three successive weeks offering the land for sale, in which notice shall be given a date, not less than one month from the last publication of the notice, upon or after which an absolute order of foreclosure may be applied for and made; and upon such latter application, upon proof of the publication of the notice aforesaid, and that no sale of the land has been made by which the amount secured by the mortgage has been realized, and that the amount so secured is still outstanding and unpaid, the judge may grant au absolute order of foreclosure, which order together with the mortgage and all other material used in the proceeding to foreclose shall be delivered to the registrar, who shall on receipt made any entry in the day-book relating to the same; and the registrar on application, after the expiration of four weeks from such receipt, unles meanwhile restrained by order of the Court or a judge, shall register the said order, which registration shall have the effect of vesting in the mortgagee all the estate and interest of the mortgagor in the land mentioned in the order, free from all right and equity of redemption on the part of the mortgagor or of any person claiming through or under him, whereupon a new certificate of title shall be granted to the mortgagee and a duplicate certificate issued to him.

79. Upon the production of any mortgage or encumbrance, having endorsed thereon or attached thereto a receipt or acknowledgment in the form "F" in the schedule to this Act, signed by the mortgagee or encumbrancee, and proved by the affidavit of an attesting witness, discharging the whole or any part of the land comprised in such instrument from the whole or any part of the principal sum or annuity secured thereby, or upon proof being made to the satisfaction of a judge of the payment of all moneys due on any mortgage or encumbrance, and the production to the registrar of a certificate signed by the judge to that effect, the registrar shall thereupon make an entry on the certificate of title noting that such mortgage or encumbrance is discharged, wholly or partially, or that part of the land is discharged, as aforesaid, as the case requires; and upon such being so made, the land, or the estate or interest in the land or the portion of the land mentioned or referred to in such endorsement as aforesaid, shall cease to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof mentioned in such entry as discharged.

80. Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which, in accordance with the provisions of any encumbrance, the annuity or sum of money thereby secured ceases to be payable, and upon proof that all arrears of the said annuity and interest or money have been paid, satisfied, or discharged, the registrar shall, upon the order of a judge, make a memorandum upon the

certificate of title in the register, that such annuity or sum of money is satisfied and discharged, and shall cancel such instrument, and upon such memorandum being made the land shall cease to be subject to or liable for such annuity or sum of money, and the registrar shall, in any or either such case as aforesaid, endorse on the duplicate certificate of title a similar memorandum whenever such duplicate certificate of title is presented to him for that purpose.

81. If any mortgagor becomes entitled to pay off the mortgage money, and the registered mortgagee is absent from the Territories and there is no person authorized by registered power of attorney to give a receipt to the mortgagor for the mortgage money after the date appointed for the redemption of any mortgage, the judge, on application to him and proof of the facts and of the amount due for principal and interest upon the mortgage, may direct the payment into a chartered bank having a branch or agency in the district, or, if not in the district, in the Territories, of the mortgage money, with all arrears of interest then due thereon, to the credit of the mortgagee or other person entitled thereto; and thereupon the interest upon the mortgage shall cease to run or accrue:

2. The registrar shall, upon presentation of the judge's order and of the receipt of the manager or agent of the bank for the amount of the said mortgage money and interest, make a memorandum upon the certificate of title in the register discharging such mortgage, stating the day, hour and minute on which such memorandum is made:

3. Such memorandum shall be a valid discharge of the mortgage.

4. The registrar shall when such order and receipt are presented to him send a notice of the fact to the mortgagee by letter addressed by mail to his last known place of abode:

5. The registrar shall endorse on the duplicate certificate of title and also on the mortgage whenever those instruments are produced to him, the several particulars to be endorsed upon each of such instruments respectively.

6. After payment as aforesaid of any mortgage money and interest, the mortgagee entitled thereto shall not recover any further sum in respect of such mortgage than the amount so paid.

82. Mortgages, encumbrances and leases of lands for which a certificate of title has been granted may be transferred by a transfer executed in the form "N" in the schedule to this Act, and the transfer shall be registered in the same manner as mortgages, encumbrances and leases are registered; and transferrees shall have priority according to the time of registration:

2. Any mortgagee may transfer a part of the sum secured by the mortgage by a transfer executed in the form "O" in the schedule to this Act, and the part so transferred shall continue to be secured by the mortgage, and may be given priority

over the remaining part, or may be deferred, or may continue to rank equally with it under the security of the original mortgage, as stated in the transfer; and the registrar shall enter on the certificate of title a memorandum of the amount of the mortgage so transferred, the name of the transferree, and how the sum so transferred is to rank and shall notify the mortgagor of the facts.

83. Upon the registration of a transfer of any mortgage, encumbrance or lease, the estate or interest of the transferror, as set forth in such instrument, with all rights, powers and privileges thereto belonging or appertaining, shall pass to the transferree, and such transferree shall thereupon become subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if named in such instrument.

84. By virtue of every such transfer the right to sue upon any mortgage or other instrument, and to recover any debt, sum of money, annuity or damage thereunder, and all interest at the time of such transfer in any such debt, sum of money, annuity or damages, shall be transferred so as to vest the same in law in the transferree thereof: Provided always, that nothing herein contained shall prevent the court from giving effect to any trusts affecting the said debt, sum of money, annuity or damages, in case the said transferree shall hold the same as trustee for any other person.

85. In every mortgage there shall be implied against the mortgagor remaining in possession, a covenant that he will repair and keep in repair all buildings or other improvements erected and made upon the land, and that the mortgagee may, at all convenient times, until the mortgage is redeemed, be at liberty, with or without surveyors or others, to enter into or upon the land to view and inspect the state of repair of the buildings or improvements.

86. Whenever, in a mortgage made under this Act, the forms of words in column one of the form "P" in the said schedule to this Act, and distinguished by any number therein, are used, such mortgage shall be taken to have the same effect, and be construed as if there had been inserted therein the form of words contained in column two of the said form and distinguished by the same number; and every such form shall be deemed a covenant by the covenantor with the covenantee and his transferrees, binding the former and his heirs, executors, administrators and transferrees; but it shall not be necessary in any such mortgage to insert any such number; and there may be introduced into or annexed to any of the forms in the first column any expressed exceptions from the same or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in corresponding forms in the second column.

POWERS OF ATTORNEY.

87. The owner of any land, for which a certificate of title has been granted, may authorize and appoint any person to act

for him or on his behalf in respect of the transfer or other dealing with the land, in accordance with the provisions of this Act, by executing a power of attorney, in the form "Q" in the schedule to this Act, or as near thereto as circumstances permit, which power of attorney shall be registered; and the registrar shall make a memorandum thereof upon the certificate of title and upon the duplicate certificate, the particulars therein contained and of the time of its registration; and until such power of attorney is revoked in the manner provided by the next following section, the right of the owner to transfer or to otherwise deal with the land shall be suspended.

88. Any such power of attorney may be revoked by a revocation in the form "R" in the schedule to this Act; and the registrar shall not give effect to any transfer or other instrument, signed pursuant to such power of attorney after the registration of a revocation of such power, unless under any registration abstract outstanding at the time.

TRANSMISSION.

89. Whenever the owner of any land, for which a certificate has been granted, dies, such land shall, subject to the provisions of this Act, vest in the personal representative of the deceased owner, who shall, before dealing with such land, make application in writing to the registrar to be registered as owner, and shall produce to the registrar the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing him to administer the estate of the deceased owner, or an office copy of the said probate, letters of administration or order, as the case may be; and thereupon the registrar shall enter a memorandum thereof upon the certificate of title; and for the purposes of this Act the probate of a will or letters of administration granted by the proper court of any Province of the Dominion of Canada or an exemplification thereof shall be sufficient:

If the certificate of title for the land has not been granted to the deceased owner the personal representatives before being entitled to be registered under this Section shall bring the land under this Act in the ordinary way.

2. Upon such memorandum being made, the executor or administrator, as the case may be, shall be deemed to be the owner of the land; and the registrar shall note the fact of the registration by a memorandum under his hand on the probate of the will, letters of administration, order or other instrument as aforesaid:

3. The title of the executor or administrator to the land shall relate back and take effect as from the date of the death of the deceased owner:

4. The duplicate certificate of the title issued to the deceased owner shall at the time of the making of the application be delivered up to be cancelled or be proved to have been lost or destroyed, and the registrar shall grant to the executor or administrator as such a new certificate of title, and issue to him a duplicate certificate.

90. Whenever any mortgage, encumbrance or lease affecting land, for which a certificate of title has been granted, is transmitted in consequence of the will or intestacy of the owner thereof, the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing a person as aforesaid to administer the estate of the deceased owner, or an office copy of the said probate, letters of administration, or order, as the case may be, accompanied by an application in writing from the executor or administrator, or such other person as aforesaid, claiming to be registered as owner in respect of such estate or interest, shall be produced to the registrar, who shall thereupon make a memorandum upon the certificate of title and upon the duplicate thereof of the date of the will and of the probate, or of the letters of administration, or order of the court as aforesaid, the date, hour and minute of the production of the same to him, with such other particulars as he deems necessary:

2. Upon such memorandum being made, the executor or administrator, or such other person, as the case may be, shall be deemed to be the owner of the mortgage, encumbrance or lease; and the registrar shall note the fact of the registration by memorandum under his hand on the letters of administration, probate or order as aforesaid.

91. Any person registered in place of a deceased owner, shall hold the land in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by this Act or by law, and subject to any trusts and equities upon which the deceased owner held the same; but, for the purpose of any registered dealings with such land, he shall be deemed to be the absolute and beneficial owner thereof:

2. Any person beneficially interested in any such land, may apply to a court or judge having jurisdiction, to have the same taken out of the hands of the trustee having charge by law of such land, and transferred to some other person or persons; and the court or judge, upon reasonable cause being shown, shall name some suitable person or persons as owner of the land; and upon the person or persons so named accepting the ownership and giving approved security for the due fulfilment of the trusts, the court or a judge may order the registrar to cancel the certificate of title to the trustee, and to grant a new certificate of title to the person or persons so named:

3. The registrar, upon the production of the order, shall cancel the certificate of title to the trustee after making thereon and upon the duplicate thereof a memorandum of the appointment by order of the court or a judge of such person or persons as owners, and shall grant a new certificate of title to such new trustee and issue to him a duplicate certificate of title.

EXECUTIONS.

92. The sheriff, after the delivery to him of any execution or other writ affecting land, if a copy of such writ has not already been delivered or transmitted to the registrar, shall,

on payment to him of fifty cents by the execution creditor named therein, provided the said writ is in force, forthwith deliver or transmit by registered letter to the registrar a copy of the writ with all endorsements thereon certified under his hand and seal of office, and no land shall be bound by any such writ until the receipt by the registrar for the registration district in which such land is situated, of a copy thereof, either prior to this Act, under the law then in force or subsequent hereto, but from and after the receipt by him of such copy no certificate of title shall be granted and no transfer mortgage, encumbrance, lease or other instrument executed by the execution debtor of such land, shall be effectual except subject to the rights of the execution creditor under the writ while the same is legally in force and the registrar on granting a certificate of title and on registering any transfer mortgage or other instrument executed by the execution debtor affecting such land, shall by memoranda on the register and on the duplicate issued by him express that such certificate transfer mortgage or other instrument is subject to such rights.

2. The registrar shall keep a book in convenient form in which shall be entered according to the dates when respectively received a record of all copies of writs received by him from the sheriff or other officer as aforesaid whether so received prior to this Act or subsequent thereto, and such book shall be kept indexed, showing, in alphabetical order, the names of the persons whose lands are affected by such writs with the day and hour and minute of such receipt.

3. The receipt by the registrar of any such copy of a writ shall not have any effect as against a person who had theretofore acquired any right, title or interest in or to any land for which no certificate of title had been granted notwithstanding such person may have had notice of the writ.

93. Upon the production and delivery to the registrar of a certificate, under his official seal by the sheriff or other officer or of a judge's order shewing, of the expiration or satisfaction of, or of the withdrawal from his hands of the writ or process as against the whole or any portion of the land the registrar shall make a memorandum upon the certificate of title to that effect; and from thenceforth such land or portion of land shall be deemed to be absolutely released and discharged from the writ or process.

SHERIFF'S SALES.

94. No sale by a sheriff or other officer as aforesaid, under process of law, of any land, for which a certificate of title has been granted, shall be of any effect until the same has been confirmed by the court or a judge; but when any such land is sold under process of law, the registrar, upon the production to him of the transfer of the same in the form "S" in the schedule to this Act, with proof of the due execution thereof, and with an order of the confirmation of such sale endorsed upon the transfer or attached thereto, shall, after the expiration of four weeks after receiving the same, register the

transfer, cancel the existing certificate of title and issue to the transferree a duplicate certificate of title in the prescribed form, unless such registration is in the meantime stayed by the order of the court or judge, and in such case the registration shall not be made except according to the order and direction of the said court or judge.

95. A transfer of such land so sold under process of law or for arrears of taxes as hereinafter provided shall be registered within a period of two months of the date of the order of confirmation, unless in the meantime this period be extended by order, filed with the registrar of the court or a judge; and shall cease to be valid as against the owner of the land so sold, and all person or persons claiming by, from or through him, if not registered within that period, or within the time fixed by such order.

96. The application for confirmation of a sale of such land so made under any process of law, may be made by the sheriff or other officer making the sale, or by any person interested in the sale, on notice to the owner, unless the judge to whom the application is made, dispenses with such notice; and if the sale is confirmed the costs of confirmation shall be borne and paid out of the purchase-money, or as the judge directs; but in case the sale is not confirmed, the purchase money paid by him shall be refunded to the purchaser; and the judge may make such order as to the costs of all parties to the sale and of the application for its confirmation as he thinks just.

SALE FOR TAXES.

97. Where any land, for which a certificate of title has been granted, shall be sold for taxes, the purchaser may at any time after the sale lodge a caveat against the transfer of the land; and upon the completion of the time allowed by law for redemption, and upon the production of the transfer of the land in the prescribed form for tax-sales, with proof of the due execution thereof by the proper officer, and a judge's order confirming such sale, the procedure for obtaining which shall be the same as hereinbefore provided in case of a sheriff's sale the registrar shall after the expiration of four weeks from the delivery to him of the transfer and a judge's order of confirmation, register the transferee as absolute owner, and shall cancel the certificate of title and call in and cancel the duplicate certificate of title, and shall issue to the purchaser a new certificate of title, unless the registration shall in the meantime be stayed by the order of the court or judge.

MARRIAGE OF FEMALE OWNER.

98. Upon production to the registrar of a duplicate certificate of title issued to a female, accompanied with a statement in writing of her marriage subsequent to the issue thereof giving the date of such marriage, the place where solemnized, and her husband's full name with his residence and occupation, verified by oath or affirmation and the production of a certificate of the marriage by the person who solemnized the same,

and such further evidence as the registrar may require, and on an application to the registrar to grant a new certificate of title, he shall file the same and at once cancel the existing certificate of title, as also the duplicate, and shall make a memorandum on each of the facts; and the registrar shall thereupon grant a new certificate of title to the applicant owner in her newly acquired surname in which her husband's full name, residence and occupation shall be given and shall issue to her a duplicate certificate of title.

CAVEATS.

99. Any person claiming to be interested under any will, settlement, or trust deed, or any instrument of transfer or transmission, or under any unregistered instrument, or under an execution where the execution creditor seeks to affect land in which the execution debtor is interested beneficially but the title to which is registered in the name of some other person, or otherwise howsoever in any land, may lodge a caveat with the registrar to the effect that no disposition of, or certificate of title to, such land be made either absolutely, or in such manner and to such extent only as in such caveat is expressed, or until notice has been served on the caveator, or unless the instrument of disposition or certificate of title be expressed to be subject to the claim of the caveator, as claimed in the caveat, or to any lawful conditions expressed therein; or, (in case the title has not been registered under this Act) that the title of any person other than the caveator be not registered.

2. A caveat shall be in the form "T" in the schedule to this Act, and shall be verified by the oath of the caveator or his agent, and shall contain an address within the registration district at which notices may be served :

3. Upon the receipt of a caveat, the registrar shall enter the same in the day-book, and shall make a memorandum thereof upon the certificate of title of the land affected by such caveat and shall forthwith send a notice of the caveat through the post office or otherwise to the person against whose title the caveat has been lodged : but in the case of a caveat before registration of a title under this Act the registrar shall on receipt thereof enter the same in the day-book.

4. So long as any caveat remains in force the registrar shall not enter in the register any memorandum of any transfer or other instrument purporting to transfer, encumber, or otherwise deal with or affect the land in respect to which such caveat is lodged except subject to the claim of a caveator.

5. The owner or other person claiming the land may, by summons, call upon the caveator to attend before a judge to show cause why the caveat should not be withdrawn ; and the said judge may, upon proof that such last-mentioned person has been summoned, and upon such evidence as the judge requires, make such order in the premises, either *ex parte* or otherwise, as to the said judge seems fit :

6. Such caveat shall lapse unless before the expiration of three months from the receipt thereof by the registrar, proper

proceedings in a court of competent jurisdiction have been taken to establish the caveator's title to the estate or interest specified in the caveat, and an injunction or order has been granted, restraining the registrar from granting a certificate of title or otherwise dealing with the land :

7. The caveator may, by notice in writing to the registrar, withdraw his caveat at any time ; but notwithstanding such withdrawal the court or judge may order the payment by the caveator of the costs of the caveatee incurred prior to such withdrawal :

8. A memorandum shall be made by the registrar upon the certificate of title and upon the duplicate, of the withdrawal, lapse or removal of any caveat or of any order made by the court or a judge in connection therewith ; and, after such withdrawal, lapse or removal, it shall not be lawful for the same person or for any one on his behalf to lodge a further caveat in relation to the same matter :

9. Any person lodging or continuing any caveat wrongfully and without reasonable cause, shall be liable to make compensation to any person who has sustained damage thereby, and such compensation, with costs, may be recovered by proceedings at law if the caveator has withdrawn such caveat and no proceedings have been taken by the caveatee, as herein provided ; but if proceedings have been taken by the caveatee, then the compensation and costs shall be determined by the court or judge acting in the same proceedings :

10. The judge, on application for that purpose, on behalf of any person who is under the disability of infancy, lunacy, unsoundness of mind or absence from the Territories, may, by order directed to the registrar, prohibit the transfer or dealing with any land belonging to any such person, and the dealing with any land in any case in which it appears to him that an error has been made by misdescription of such land or otherwise in any certificate of title or other instrument, or for the prevention of any other improper dealing.

ATTESTATION OF INSTRUMENTS.

100. Every instrument executed within the limits of the Territories, other than caveats, orders of a court or judge, or certificates of any judicial proceedings, attested as such, requiring to be registered under this Act, shall be witnessed by one person who shall sign his name to the instrument as a witness, and who shall appear before the inspector of land titles offices or the registrar or deputy registrar of the registration district in which the land is situated, or before a judge, stipendiary magistrate, notary public, commissioner for taking affidavits, or a justice of the peace in or for the Territories, and make an affidavit in the form "U" in the schedule to this Act.

101. Every instrument, executed without the limits of the Territories, other than grants from the Crown, Orders in Council, or caveats required to be registered under the provisions of this Act, shall be witnessed by one person who shall sign his name

to the instrument as a witness, and who shall appear before one of the following persons; and make a affidavit in the said form "U":

(*a.*) If made in any Province of Canada, before a judge of any court of record, any commissioner authorized to take affidavits in such Province for use in any court of record in the Territories, or before any notary public under his official seal; or

(*b.*) If made in Great Britain or Ireland, before a judge of the Supreme Court of Judicature in England or Ireland, or of the Court of Sessions, or of the Judiciary Court in Scotland, or a judge of any of the county courts within his county, or the mayor of any city or incorporated town under the common seal of such city or town, or before any commissioner in Great Britain or Ireland, authorized to take affidavits therein, for use in any court of record in the Territories, or a notary public under his official seal; or

(*c.*) If made in any British colony or possession out of Canada, before a judge of any court of record, the mayor of any city or corporated town under the common seal of such city or town, or notary public under his official seal; or

(*d.*) If made in any foreign country, before the mayor of any city or incorporated town, under the common seal of any such city or town, or before the British consul, vice-consul or consular agent residing therein, or before any judge of any court of record, or a notary public under his official seal.

REMEDIAL PROCEEDING.

Ejectment.

102. No action of ejectment or other action for the recovery of any land for which a certificate of title has been granted shall lie or be sustained against the owner, under this Act in respect thereof, except in any of the following cases, that is to say:—

(*a.*) The case of a mortgagee as against a mortgagor in default;

(*b.*) The case of an encumbrancee as against an encumbrancer in default;

(*c.*) The case of a lessor as against a lessee in default;

(*d.*) The case of a person deprived of any land by fraud as against the owner of such land through fraud, or as against a person deriving otherwise than as a transferree *bonâ fide* for value, from or through such owner through fraud;

(*e*) The case of a person deprived of or claiming any land included in any grant or certificate of title of other land by misdescription of such other land or of its boundaries, as against the owner of such other land;

(*f.*) The case of an owner claiming under an instrument of title prior in date of registration under this Act, in any case

in which two or more grants, or two or more certificates of title, or a grant and certificate of title, are registered under this Act in respect to the same land;

2. In any case, other than as aforesaid, the production of the certificate of title or a certified copy thereof shall be an absolute bar and estoppel to any such action against the person named in such certificate of title as owner or lessee of the land therein described.

103. After a certificate of title has been granted therefor any person deprived of any land, in consequence of fraud, or by the registration of any other person as owner of such land, or in consequence of any fraud, error, omission or misdescription in any certificate of title or in any memorandum thereon or upon the copy thereof in the register, may, in any case in which the land has been included in two or more grants from the Crown, bring and prosecute an action at law for the recovery of damages against such person as a judge appoints, and in any other case against the person upon whose application the erroneous registration was made, or who acquired title to the land in question through such fraud, error, omission, or misdescription: Provided always, that except in the case of fraud or error occasioned by any omission, misrepresentation, or misdescription in the application of such person to be registered as owner of such land, or in any instrument executed by him, such person shall, upon a transfer of such land *bonâ fide* for value, cease to be liable for the payment of any damages which, but for the transfer, might have been recovered from him under the provisions hereinbefore contained, and such damages, with costs, may, in such last-mentioned case, be recovered out of the assurance fund hereinafter provided for, by action against the registrar as nominal defendant.

104. Nothing in this Act contained shall be so interpreted as to leave subject to action for recovery of damages as aforesaid, or to action of ejectment, or to deprivation of land in respect to which he is registered as owner, any purchaser or mortgagee *bonâ fide* for valuable consideration of land under this Act, on the plea that his transferror or mortgagor has been registered as owner through fraud or error, or has derived from or through a person registered as owner through fraud or error, except in the case of misdescription, as mentioned in section one hundred and three.

105. If the person against whom the action for damages is directed to be brought as aforesaid, is dead, or cannot be found within the Territories, an action for damages may be brought against the registrar as nominal defendant, for the purpose of recovering the amount of the said damages and costs against the said assurance fund; and in any such case, if final judgment is recovered, and also in any case in which damages are awarded in any action as aforesaid, and the sheriff makes a return of *nulla bona*, or certifies that any portion thereof, with costs awarded, cannot be recovered from such person, the Minister of Finance and Receiver General, upon receipt of a certificate of the judge before whom the said action was tried, shall pay

the amount of such damages and costs as are awarded, or the unrecovered balance thereof, as the case may be, and shall charge the same to the account of the said assurance fund.

106. Any person sustaining loss or damage through any omission, mistake or misfeasance of the inspector of land titles offices, or a registrar, or any of his officers or clerks, in the execution of their respective duties under the provisions of this Act, and any person deprived of any land, by the registration of any other person as owner thereof, or by any error, omission or misdescription in any certificate of title, or in any memorandum upon the same or upon the duplicate thereof, and who, by the provisions of this Act, is barred from bringing an action of ejectment or other action for the recovery of the land, may, in any case in which remedy by action for recovery of damages, as hereinbefore provided, is barred, bring an action against the registrar as nominal defendant, for recovery of damages; and if the plaintiff recovers final judgment against such nominal defendant, the judge before whom such action is tried, shall certify to the fact of such judgment and the amount of the damages and costs recovered, and the Minister of Finance and Receiver General shall pay the amount thereof out of the assurance fund aforesaid to the person entitled on production of an exemplification or certified copy of the judgment rendered: Provided always, that notice in writing of every such action, and the cause thereof, shall be served upon the Attorney General of Canada, and also upon the registrar, at least three calendar months before the commencement of such action.

107. If, in any such action, judgment is given in favour of the nominal defendant, or the plaintiff discontinues or becomes non-suited, the plaintiff shall be liable to pay the full costs of defending the action; and the same, when taxed, shall be levied in the name of the nominal defendant, by the like process of execution as in ordinary civil cases.

108. No action for recovery of damages sustained through deprivation of land, shall lie or be sustained against the registrar, or against the assurance fund aforesaid, unless the same is commenced within the period of six years from the date of such deprivation: Provided nevertheless, that any person under the disability of infancy, lunacy or unsoundness of mind, may bring the action within six years from the date on which the disability ceased; and the plaintiff in the action within six years from the date on which such disability ceased, and the plaintiff in any such action at whatever time it is brought, and the plaintiff in any action for the recovery of land, shall be non-suited in any case in which it appears to the satisfaction of the judge before whom such action is tried, that the plaintiff or the person through or under whom he claims title had notice by personal service, or otherwise was aware of such delay, and wilfully or collusively omitted to lodge a caveat or allowed the caveat to lapse.

109. Whenever any amount has been paid out of the said assurance fund on account of any person, the amount may be recovered from him, or if dead, from the estate of such person, by

action against his personal representatives, in the name of the registrar; and a certificate signed by the Minister of Finance and Receiver General of the payment out of the said assurance fund, shall be sufficient proof of such debt; and whenever any amount has been paid out of the assurance fund aforesaid on account of any person who has absconded, or who cannot be found within the Territories, and has left any real or personal estate within the same, a judge, upon the application of the registrar, and upon the production of a certificate signed by the Minister of Finance and Receiver General that the amount has been paid in satisfaction of a judgment against the registrar as nominal defendant, and proof of service of the writ in any of the modes provided by the ordinary procedure in the Territories may allow the registrar to sign judgment against such person forthwith for the amount so paid out of the said assurance fund, together with the costs of the application; and such judgment shall be final, subject only to the right to have such judgment opened up, as may be provided in relation to ordinary procedure in the Territories, in cases of judgment by default; and the judgment shall be signed in like manner as a final judgment by default in an adverse suit, and execution may issue immediately; and if the person has not left real or personal estate within the Territories sufficient to satisfy the amount for which execution has issued as aforesaid, the registrar may recover such amount, or the unrecovered balance thereof, by information against such person at any time thereafter in the Exchequer Court of Canada at the suit of the Attorney General of Canada.

110. If any person is dissatisfied with any act, omission, refusal, decision, direction or order of a registrar, such person may require the registrar to set forth, in writing under his hand, the grounds of such act, omission, refusal, decision, direction or order, and such person may then apply to the judge by petition, setting forth the grounds of his dissatisfaction; and the judge having caused the registrar to be served with a copy of the petition, shall have jurisdiction to hear the said petition, and to make such order in the premises, and as to the costs of the parties appearing upon the petition, as the circumstances of the case require.

111. Whenever a question arises with regard to the performance of any duty, or the exercise of any function by this Act conferred or imposed upon a registrar, or whenever, in the exercise of any duty of a registrar, a question arises as to the true construction or legal validity or effect of any instrument, or as to the persons entitled, or as to the extent or nature of the estate, right or interest, power or authority of any person or class of persons, or as to the mode in which any entry or memorandum ought to be made in the day-book or register, or upon any certificate of title or duplicate thereof, or as to any doubtful or uncertain right or interest stated, or claimed to be dealt with by a registrar, he may refer the same in the form "V" in the schedule to this Act, to the judge, who may allow any of the parties interested to appear before him and summon any other of such persons to appear and show cause, either personally or by counsel, attorney at law or advocate, in rela-

tion thereto; and the judge, having regard to the persons appearing before him, whether summoned or not, shall decide the question, or direct any proceedings to be instituted for that purpose, and direct the particular form of entry or memorandum to be made as under the circumstances appears to be just.

112. If it appears to the satisfaction of a registrar that any duplicate certificate of title, or other instrument has been issued in error, or contains any misdescription of land, or boundaries, or that any entry, memorandum or endorsement has been made in error on or omitted from any duplicate certificate of title or other instrument, or that any such duplicate certificate of title, instrument, entry, memorandum or endorsement has been fraudulently or wrongfully obtained, or that any such duplicate certificate of title or instrument is fraudulently or wrongfully retained, or if under any of the provisions of this Act the registrar requires a duplicate certificate of title for the purpose of making any memorandum thereon, or for the purpose of wholly or partially cancelling the same, he may, by written demand, in the form "W" in the schedule to this Act, to be served upon such person or to be mailed to his last known post office address within the Territories, require the person to whom such duplicate certificate of title or instrument has been so issued, or by whom it has been so obtained or is retained, to deliver up the same, for the purpose of being cancelled, corrected or completed, as the case requires; and in case such person refuses or neglects to comply with such requisition, or cannot be found, the registrar may apply to a judge to issue a summons for such person to appear before him and show cause why such duplicate certificate of title or other instrument should not be delivered up to be cancelled, corrected or completed as aforesaid, and if such person, when served personally or in the mode directed in such summons with the summons, neglects or refuses to attend before the judge at the time therein appointed, the judge may issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the said judge for examination.

113. Upon the appearance before a judge of any person summoned or brought up by virtue of a warrant as aforesaid, the judge may examine such person upon oath, and in case it appears right so to do, may order such person to deliver up the duplicate certificate of title or other instrument as aforesaid; and upon refusal or neglect by such person to deliver up the same, pursuant to the order, or to be put under oath, or to be examined, or to answer any question touching the matter after being sworn, may commit such person to the nearest common gaol for any period not exceeding six months, unless the duplicate certificate of title or other instrument is sooner delivered up, or sufficient explanation is made why the same cannot be done, and in such case, or in case such person has absconded so that summons cannot be served upon him as hereinbefore directed, or in case a period of three months from the time of mailing the said demand to such person has elapsed before the duplicate certificate of title or other instrument has been returned to the registrar, the judge may direct the registrar to cancel or correct or complete the duplicate certificate

of title or other instrument in his possession, or any memorandum thereon relating to the land, and to substitute and issue if necessary a duplicate certificate of title or other instrument or make such memorandum as the circumstances of the case require, and the registrar shall obey such order.

114. In any proceeding respecting land or in respect of any transaction or contract relating thereto, or in respect of any instrument, caveat, memorandum or entry affecting land, the court or a judge, by decree or order, may direct the registrar to cancel, correct, substitute or issue any duplicate certificate of title, or make any memorandum or entry thereon or on the certificate of title, and otherwise to do every act necessary to give effect to the decree or order.

General Provisions.

ASSURANCE FUND AND FEES.

115. Before the registrar shall perform any duty to be by him performed under any of the provisions of this Act he shall, except as herein otherwise provided, demand and receive the proper fee or fees therefor as fixed and settled by tariff made from time to time by the Governor in Council; and demand and receive for the assurance fund upon the registration of every grant of encumbered land, and upon every absolute transfer of land after the issue of the first certificate of title therefor, where the land was not encumbered at the time of registering the grant, one-fifth of one per cent of the value of the land transferred if such value amounts to or is less than five thousand dollars, and one-tenth of one per cent on the additional value, when such value exceeds five thousand dollars; and upon every subsequent transfer he shall demand and receive upon the increase of value since the granting of the last certificate of title one-fifth of one per cent if the increase is not more than five thousand dollars, and one-tenth of one per cent on any excess over such five thousand dollars:

2. The value shall be ascertained by the oath or affirmation of the applicant, owner or person acquiring such land; and if the registrar is not satisfied as to the correctness of the value so sworn to or affirmed, he may require such applicant, owner or person acquiring the land to produce a certificate of the value, under the hand of a sworn valuator, appointed by a judge which certificate shall be received as conclusive evidence of the value, for the purpose aforesaid.

116. Each registrar shall keep a correct account of all sums of money received by him in accordance with the provisions of this Act, and shall pay the same to the Minister of Finance and Receiver General, at such times and in such manner as are directed by the Governor in Council.

117. The assurance fund, as formed under "*The Territories Real Property Act*" and now existing shall be continued as the assurance fund, and hereafter the said Minister shall enhance such fund by investing from time time in Canadian Government securities for the purpose of an assurance fund,

all moneys so received and returned by all the registrars, together with all interest and profits according on the fund so enhanced.

118. The assurance fund shall not, under any circumstances, be liable for compensation for any loss, damage or deprivation occasioned by the negligence or collusion of any owner, or by the breach by any owner of any trust, whether expressed, implied or constructive; nor in any case in which the same land has been included in two or more grants from the Crown; nor shall the assurance fund be liable in any case in which such loss or deprivation has been occasioned by any land being included in the same certificate of title with other land, through misdescription of the boundaries or parcels of any land, unless, in the case last aforesaid, it is proved that the person liable for compensation and damages is dead, or has absconded from the Territories, or has been adjudged insolvent, or the sheriff has certified that he is not able to realize the full amount and costs awarded in any action for such compensation; and the said funds shall be liable for such amounts only as the sheriff fails to recover from the person liable as aforesaid.

119. Upon the application of an owner of several parcels of land held under separate certificates of title, or under one certificate of title, and the delivery up of the duplicate certificates of title therefor to him, the registrar may cancel the existing certificate or certificates of title granted, as also the duplicate certificates so delivered up, and grant to the owner a single certificate of title for all the parcels of land, or several certificates each applying to one or more of the parcels, in accordance with the application; upon which certificates respectively shall be entered a memorandum of each and every encumbrance, lien, charge, mortgage or other instrument affecting such parcel or parcels of land, setting forth the occasion of the cancellation and referring to the certificate of title so granted; and thereupon the registrar shall issue one or more duplicate certificates of title as the case requires to the applicant.

120. Upon production to the registrar of satisfactory proof by statutory declaration by the person to whom a duplicate certificate of title has been issued or by some one having knowledge of the facts, of the loss or accidental destruction of the duplicate certificate so issued, the registrar, having, in the newspaper published to the land described in the register, or if more than one newspaper is published in the same locality then in one of such newspapers and in a conspicuous place in the land titles office, for four weeks, published a notice of his intention to do so, may, having entered in the register the facts as proven, issue a fresh duplicate certificate of title in lieu of the one so lost or destroyed, noting the same why it is so issued.

121. Any owner subdividing land, for which a certificate of title has been granted, and laying the same out as a town-plot, for the purpose of selling the same in allotments, shall deposit with the registrar a map of such town-plot, which map shall be on a scale of not less than one inch to four chains, and shall

show the number of the section, township and range, or the number of the river lot, or the name of the district or reservation, as the case may be, in which the land lies; also the number of the meridian west of which the said range, river lot, district or reservation is situated, as well as all boundary lines of the section or sections, river lot, district or reservation, within the limits of the land shown on the said map, and shall also exhibit distinctly all roads, streets, passages, thoroughfares, squares or reservations, appropriated or set apart for public use, with the courses and widths thereof, respectively, the length and width of all lots, and the courses of all division lines between the respective lots within the same; and the lots shall be marked with distinct numbers or symbols; and the map shall further show the courses of all streams or waters within the limits of the land included in the map; and every such map shall be signed by the owner or his agent, and certified, in the form "X" in the schedule to this Act by a Dominion land surveyor, whose respective signatures shall be duly witnessed and attested in the manner hereinbefore provided for the attestation of instruments to be registered under this Act.

2. In no case shall any plan or survey, although filed and registered be binding on the person so filing or registering the same, or upon any other person unless a sale, mortgage, encumbrance, or lease, has been made according to such plan or survey; and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same or his assigns, by a judge, if on application for the purpose duly made, and upon hearing all parties concerned, it be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed expedient.

122. Every covenant and power declared to be implied in any instrument by virtue of this Act may be negatived or modified by express declaration in the instrument; and in any action for a supposed breach of any such covenant, the covenant alleged to be broken may be set forth, and it shall be lawful to allege that the party against whom the action is brought did so covenant, precisely in the same manner as if the covenant had been expressed in words in the transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect, and be enforced in the same manner as if it had been set out at length in the transfer or other instrument; and where any transfer or other instrument in accordance with this Act, is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several and not to bind the parties jointly.

123. The owner of any land, for which a certificate or title has been granted, or of any lease, mortgage or charge affecting the same, shall, on the application of any beneficiary or person interested therein, be bound to allow his name to be used by such beneficiary or person in any action, suit or proceeding, which it may be necessary or proper to bring or institute in

the name of such owner, concerning such land, lease, mortgage or charge, or for the protection or benefit of the title vested in such owner, or of the interest of any such beneficiary or person; but nevertheless such owner shall, in any case, be entitled to be indemnified in like manner as, if being a trustee, he would, before the passing of this Act, have been entitled to be indemnified in a similar case of his name being used in any such action, suit or proceeding by his *cestui que trust.*

124. Whenever any person, who, if not under disability, might have made any application, given any consent, done any act, or been party to any proceeding under this Act, is a minor, idiot or lunatic, the guardian or committee of the estate, respectively, of such a person may make such application, give such consent, do such act, and be party to such proceeding as such person if free from disability might have made, given, done and been party to, and shall otherwise represent such person for the purposes of this Act; and whenever there is no guardian or committee of the estate of any such person aforesaid being infant, idiot or lunatic, or whenever any person, the committee of whose estate if he were idiot, or lunatic, would be authorized to act for and represent such person under this Act, is of unsound mind and incapable of managing his affairs, but has not been found an idiot or lunatic under inquisition, a court or a judge may appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time change such guardian. And whenever the court or a judge sees fit, it or he may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

125. Whenever, in any action, suit or other proceeding affecting land, for which a certificate of title has been granted, it becomes necessary to determine the fact whether the transferree, mortgagee, encumbrancee, or lessee, is a purchaser or transferree, mortgagee, encumbrancee, or lessee, for valuable consideration or not, any person who is a party to the action, suit or other proceeding, may give in evidence any transfer, mortgage, encumbrance lease or other instrument affecting the land in dispute, although the same is not referred to in the certificate of title, or has been cancelled by the registrar.

126. Except in the case of fraud, no person, contracting or dealing with, or taking or proposing to take, a transfer, mortgage, encumbrance or lease, from the owner of any land, for which a certificate of title has been issued, shall be bound or concerned to inquire into or ascertain the circumstances in, or the consideration for which the owner or any previous owner of the land is or was registered, or to see to the application of the purchase money or of any part thereof, nor shall he be affected by notice direct, implied or constructive, of any trust or unregistered interest in the land, any rule of law or equity to the contrary notwithstanding; and the knowledge that any trust or unregistered interest is in existence, shall not of itself be imputed as fraud.

127. In any suit for specific performance brought by an owner of any land, for which a certificate of title has been granted, against a person who has contracted to purchase the land, not having notice of any fraud or other circumstances which, according to this Act, would affect the right of the transferror, the duplicate certificate of title of the owner shall be evidence that the owner has a good and valid title to the land, for the estate or interest therein, mentioned or described.

128. Upon the transfer of any land, for which a certificate of title has been granted, to two or more persons as joint owners, to be held by them as trustees, it shall be lawful for the transferrer to insert in the transfer or other instrument the words "no survivorship;" and the registrar shall, in such case, include such words in the duplicate certificate of title issued to such joint owners pursuant to the transfer and in the certificate of title; and any two or more persons so registered as joint owners of any land, held by them as trustees, may, by writing under their hand, authorize the registrar to enter the words "no survivorship" upon the duplicate certificate of title and also upon the certificate of title; and after such entry has been made and signed by the registrar in either such case as aforesaid, it shall not be lawful for any less number of joint owners than the number so entered to transfer or otherwise deal with the land, without obtaining the sanction of the court or of a judge, by an order on motion or petition.

129. Before making any order as aforesaid, the court or judge shall, if it seems requisite, cause notice of intention so to do to be properly advertised, and in such cases appoint a period of time within which any person interested may show cause why the order should not be made; and thereupon the said court or judge may order the transfer of the land to any new owner or owners, solely or jointly with or in the place of any existing owner or owners, or may make such order in the premises as the court or a judge thinks just, for the protection of the persons beneficially interested in the land or in the proceeds thereof; and upon such order being deposited with the registrar, he shall make a memorandum thereof upon the certificate of title and upon the duplicate certificate of title when the same is produced to him; and upon such memorandum being made, the person or persons named in the order shall be the owner or owners of the land.

130. Nothing contained in this Act shall take away or affect the jurisdiction of any competent court on the ground of actual fraud, or over contracts for the sale or other disposition of land for which a certificate of title has been granted.

131. The Governor in Council shall, from time to time, provide the necessary books, forms, and other office requisites, and shall make such rules and regulations as are necessary to carry out the provisions of this Act; and shall also make such rules and regulations as to him appear necessary for giving effect to this Act, in cases provided for, according to its true intent and purpose.

132. Proceedings under this Act shall not abate or be suspended by any death, transmission or change of interest, but in any such event a judge may make such order for carrying on, discontinuing or suspending the proceedings, upon the application of any person interested, as under the circumstances he thinks just, and may for such purpose require the production of such evidence, and such notices to be given, as he thinks necessary.

133. No petition, order, affidavit, certificate, registration or other proceeding under this Act shall be invalid by reason of any informality or technical irregularity therein, or of any mistake not effecting the substantial justice of the proceedings.

134. The Inspector of Land Titles Offices, shall not, nor shall any registrar, deputy registrar, or any person acting under authority of a registrar, be liable to any action or proceeding for or in respect of any act *bonâ fide* done or omitted to be done in the exercise or supposed exercise of the powers given by this Act, or any order or general rule made in pursuance of this Act.

135. Whenever any matter is, under this Act, submitted to a judge by a registrar or by any other person or authority and the judge deems it advisable that parties interested should be notified of the time and place when and where a hearing of the matter so submitted should be held, and no special provisions are made therefor in this Act, or if there are any such special provisions and the judge shall be of opinion that the notice required thereby to be given is not sufficient, he may direct notice of such time and place to be given and he may direct that such notice be served personally upon such persons as he may direct, or be left at their usual place of abode, or he may direct that such notice shall be posted at such place or places and for such periods as he may name or he may direct that such notice be published in such newspaper or newspapers as he may designate and for such time as he may direct, and he may direct that such notice may be given in any one or more or in all the methods above specified ;

Whenever the Act directs that persons interested shall be heard or shall receive notice and such parties are not within the jurisdiction or cannot be found so as to be personally served, the judge may direct that the party without the jurisdiction may be served personally or in either case may direct substitutional service without or without the jurisdiction, to be made in such manner as he may direct, or he may direct that publication of notice in such manner as he may direct may be sufficient service.

136. A mortgagor shall be entittled to the possession of the duplicate certificate of title after the registrar has entered thereon a memorandum of the mortgage, but upon the sale under the mortgage or foreclosure under this Act he shall forthwith deliver it up to the registrar to be dealt with under this Act.

137. The registrar shall, in all cases of transfers, mortgages, encumbrances, or leases be entitled to require satisfactory evidence that the person making such instruments is of the full age of twenty-one years.

APPEAL.

138. An appeal shall lie by the inspector of land titles offices, a registrar, or person directly interested therein from any order or decision of a judge made or given under the provisions of this Act to the Supreme Court of the North-west Territories sitting in *banc*, within the prescribed time, in the same manner and with the same incidents in and with which judgments and orders of that court by a single judge may be appealed from; and the practice and proceedings relating to appeals in the said court including costs and payment thereof and the enforcement of judgments on appeal, shall, adapted to the circumstances, apply.

139. If, in any matter before a judge under this Act the judge considers proper, he may refer the same to the court in *banc*, and such court may either dispose of the matter or refer it back to the judge with such directions as the court in *banc* may think fit.

140. The court or judge may order costs to be paid by or to any person party to any proceeding under this Act, regard being had to the following provisions :—

(1.) That any applicant under this Act is liable *prima facie* to pay all costs, charges and expenses incurred by or in consequence of his application, except in a case where parties object whose rights are sufficiently secured without their appearance, or when any costs, charges or expenses are incurred unnecessarily or improperly.

141. Any order of the court or a judge may be enforced in the same manner and by the same officials and process as orders are usually enforced by the procedure and practice of the Supreme Court of the North-west Territories, and shall be obeyed by every registrar and acting registrar when directed to him.

142. The said court sitting as the Court of Appeal may, by order of court, provide (and from time to time change) a tariff of costs payable for all services and proceedings under this Act; but, unless and until so provided for, the tariff of costs relating to actions in the Supreme Court of the North-west Territories where the title to lands is in question shall apply, adapted to the circumstances.

143. The "Land Titles Office" shall in so far as railways and the expropriation of lands by the Government of Canada are concerned represent the "office of the registrar of deeds," and "the registrar" and the "registrar of deeds," under the "Railway Act, 1888, and the "Expropriation Act, 1889"; and the said Acts respectively shall, as applied to the Territories, be

read as if the land titles office and registrar under this Act were enacted therein in lieu of the registry office of deeds, and the registrar of deeds

144. Chapter fifty-one of the Revised Statutes of Canada, entituled: "An Act respecting Real Property in the Territories"; the Act passed in the fifty and fifty-first years of Her Majesty's reign, chapter thirty in amendment thereof, and the Act passed in the fifty-first year of Her Majesty's reign, chapter twenty, in further amendment thereof, are hereby repealed.

145. This Act shall come into force on the first day of July, one thousand eight hundred and ninety-three.

SCHEDULE.

FORM A.

FORM OF INSPECTOR'S, REGISTRAR'S OR DEPUTY REGISTRAR'S OATH OF OFFICE.

North-West Territories of Canada.
District of ,
To Wit :

I (*name and describe deponent,*) having been appointed to the office of inspector of land titles office (*or* registrar *or* deputy registrar)in and for the (*name of registration district, &c.*), do swear (*or* affirm *as the case may be*) that I will well, truly and faithfully perform and execute all duties required of me, relating to the said office, so long as I continue therein, and that I have not given, directly or indirectly, nor authorized any person to give, any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before me at the of in the of the day of A.D. 18 .

(*Signature of Inspector, Registrar or Deputy Registrar.*)

FORM B.

FORM OF BOND OF INSPECTOR, REGISTRAR OR DEPUTY REGISTRAR.

North-West Territories of Canada.
District of
To Wit :

Know all men by these presents that I (*insert name and addition of the principal*), of the of , in the North-West Territories of the Dominion of Canada, hereinafter called "the principal", and we (*insert names and additions of the sureties*) of the of , in the of and , of the of , in the 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 said Sovereign Lady the Queen, her heirs and successors ; for which said respective payments, well and faithfully to be made, we jointly and severally, 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 " *The Land Titles Act.*"

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, otherwise the same shall remain in full force and effect.

Signed, sealed and delivered in the presence of } (*Signatures and Seals.*)

FORM C.

AFFIDAVIT OF JUSTIFICATION BY A SURETY.

North-West Territories of Canada.
District of
To WIT:

I, , one of the sureties in the above (*or* within) named bond or obligation named make oath (*or* affirm, *as the case may be*) and say as follows :—

1. I am seized and possessed to my own use of real (*or* real and personal) estate, in the of in Canada, of the actual value of dollars, over and above all charges upon or encumbrances affecting the same.

2. My post office address is as follows: (*insert it.*)

Sworn before me at the of in the of this day of , A.D. 18 . } (*Signature.*)

FORM D.

AFFIDAVIT OF ATTESTATION.

North-West Territories of Canada. / *District of* / To Wit: } I, of the of , in the of ,

make oath and say, that I was personally present, and did see (one of *or as the case may be*) the obligors in the above (or within) bond or obligation named, duly execute the said instrument by signing, sealing, and, as (his act and deed *or* their respective acts and deeds, *as the case may be*), delivering the same; and that I am a subscribing witness to such execution.

Sworn before me, at the of , in the of , this day of A.D. 18 . } (*Signature.*)

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.

FORM E.

APPLICATION TO BRING LAND UNDER THE OPERATION OF "THE LAND TITLES ACT."

To the registrar of registration district:

I (*insert name and addition*), hereby apply to have the land hereinafter described brought under the operation of "The Land Titles Act." And I declare:—

1. That I am the owner (*or* agent for , the owner) of an estate in fee simple in possession (*or* of an estate of freehold in possession for my life, *or otherwise as the case may require*) in ALL THAT piece of land, being (*here describe the land*).

2. That such land, including all buildings and other improvements thereon, is of the value of dollars, and no more.

3. That there are no documents or evidences of title affecting such land in my possession, or under my control, other than those included in the schedule hereto.

4. That I am not aware of any mortgage or encumbrance affecting the said land, or that any other person has any estate or interest therein at law or in equity, in possession, remainder, reversion or expectancy (*if there be any add:* other than as follows, *and set the same forth*).

5. That the said land is now occupied (*if unoccupied, prefix* un *to* occupied; *if occupied, add by whom, and state the name and addition of the occupant and the nature of his occupancy*).

6. That the names and addresses, so far as known to me, of the occupants of all lands contiguous to the said land, are as follows:—

7. That the names and addresses, so far as known to me, of the owners of all lands contiguous to the said land, are as follows:—

(*If the certificate of title is not to be granted to the applicant, add:* And I direct the certificate of title to be granted in the name of (*insert name and addition*).

Dated this day of , 18 .

Made and subscribed at , in the presence of . } (*Signature.*)

SCHEDULE OF DOCUMENTS REFERRED TO.

AFFIDAVIT.

North West Territories of Canada, District of To Wit: } I, of , make oath and say:—

1. That I am the applicant named in the application hereto annexed.

2. That the several statements contained in the said application are true, to the best of my knowledge and belief.

Sworn before me at the of in the of , this day of , A.D. 18 . } (*Signature.*)

FORM F.

Receipt or acknowledgment of payment of mortgage or other encumbrance.

"I, C. D., the mortgagee, (encumbrancee *or* assignee *as the case may be*) do acknowledge to have received all the moneys due or to become due under the within written mortgage (*or* encumbrance, *as the case may be*) and that the same is wholly discharged.

"In witness whereof I have hereunto subscribed my name this day of , 18 .

"Signed by the above named C.D., in the presence of } (*Signature.*)

"FORM G.

CERTIFICATE OF TITLE.

CANADA—TERRITORIES, REGISTRATION DISTRICT.

This is to certify that A.B., of is now the owner of an estate (*describe the estate*) of and in (*describe the property*), subject to the encumbrances, liens and interests

notified by memorandum underwritten or endorsed hereon, or which may hereafter be made in the register.

In witness whereof I have hereunto subscribed my name and affixed my official seal this day of , A.D., 18 .

And if subject to a mortgage, say :

The title of A.B. is subject to mortgage, dated the day of , made by A.B. to W.B., to secure (*here state the amount secured, the rate of interest per cent, per annum, and the respective dates from which the principal and interest are secured*) payable as therein mentioned. (*If mortgage is discharged, say*) : The above mortgage No. is discharged this day of , A.D. (*here state the distinguishing letter or number of the register and the number of the folio therein*).

And if subject to a lease, say :

The title of A.B. is subject to a lease, dated the day of , made by A.B. to Y.Z., for the term of years.

When the transfer is absolute, say :

This certificate of title is cancelled and a new certificate of title No. , issued this day of A.D. 18 .

(*Signature*)."

FORM H.

TRANSFER.

I, A. B., being registered owner of an estate (*state the nature of estate*), subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (*or* endorsed hereon), in all that certain tract of land containing acres, more or less, and being (part of) section, township , range , in the (*or as the case may be*), (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land and if the land dealt with contains all included in the original grant refer thereto for descriptions of parcels and diagrams ; otherwise set forth the boundaries and accompany the description by a diagram*), do hereby, in consideration of the sum of $ paid to me by E. F., the receipt of which sum I hereby acknowledge, transfer to the said E. F., all my estate and interest in the said piece of land. (*When a lesser estate describe such lesser estate.*)

In witness whereof, I have hereunto subscribed my name this day of , 18 .

Signed by said A. B., in the presence of } *Signature.*

FORM I.

LEASE.

I, A. B., being registered as owner, subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (*or* endorsed hereon), of that piece of land (*describe it*), part of , section , township , range , (*or as the case may be*), containing acres, more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included*

in the original grant or certificate of title or lease, refer thereto for description and diagram, otherwise set forth the boundaries by metes and bounds) do hereby lease to E. F., of (*here insert description*), all the said land, to be held by him, the said E F. as tenant, for the space of years, from (*here state the date and term*), at the yearly rental of $, payable (*here insert terms of payment of rent*), subject to the covenants and powers implied (*also set forth any special covenants or modifications of implied covenants*).

I, E. F., of (*here insert description*, do hereby accept this lease of the above described land, to be held by me as tenant, and subject to the conditions, restrictions and covenants above set forth.

Dated this day of

Signed by above-named A. B., as lessor, and E. F., as lessee, in presence of } (*Signature of Lessor.*) (*Signature of Lessee.*)

(*Here insert memorandum of mortgages and encumbrances.*)

FORM J.

SHORT COVENANTS IN LEASE.

COLUMN ONE.	COLUMN TWO.
1. Will not, without leave, assign or sublet.	1. The covenantor, his executors, administrators, or transferrees, will not, during the said term, transfer, assign, or sublet the land and premises hereby leased, or any part thereof, or otherwise by any act or deed procure the said land and premises, or any part thereof, to be transfered or sublet, without the consent in writing of the lessor or his transferrees first had and obtained.
2. Will fence.	2. The covenantor, his executors, administrators, or transferrees, will during the continuance of the said term, erect and put upon the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.
3. Will cultivate.	3. The covenantor, his executors, administrators, or transferrees, will, at all times during the said term, cultivate, use and manage in a proper husbandlike manner, all such parts of the land as are now or shall hereafter, with the consent in writing of the said lessor or his transferrees, be broken up or converted into tillage, and will not impoverish or waste the same.
4. Will not cut timber.	4. The covenantor, his executors, administrators, or transferrees, will not cut down, fell, injure or destroy any living timber or timberlike tree standing and being upon the said land, without the consent in writing of the said lessor or his transferrees.
5. Will not carry on offensive trade.	5. The covenantor, his executors, administrators, or transferrees, will not, at any time during the said term, use, exercise, or carry on, or permit or suffer to be used, exercised or carried on, in or upon the said premises, or any part thereof any noxious, noisome or offensive art, trade, business, occupation or calling; and no act, matter or thing whatsoever shall, at any time during the said term, be done in or upon the said premises, or any part thereof, which shall or may be or grow to the annoyance, nuisance, grievance, damage or any disturbance of the occupiers or owners of the adjoining lands and properties.

FORM K.

In consideration of dollars to me paid by (lessee or his assigns) (*as the case may be*) I do hereby surrender and yield up from the day of the date hereof unto the lease (*describe the lease fully*) and the term therein created

Dated the day of A.D. 18 .

Signed by the above named }
in the presence of }

FORM L.

MORTGAGE.

I, A. B., being registered as owner of an estate (*here state nature of interest*), subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (*or* endorsed hereon), of that piece of land (*description*), part of section , township , range , (*or as the case may be*) containing acres, be the same more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grants, refer thereto for description of parcels and diagrams; otherwise set forth the boundaries and accompany the description by a diagram*), in consideration of the sum of $ lent to me by E. F., of (*here insert description*), the receipt of which sum I do hereby acknowledge, covenant with the said E. F.,—

Firstly. That I will pay to him, the said E. F., the above sum of $, on the day of

Secondly. That I will pay interest on the said sum at the rate of on the $, in the year, by equal payments on the day of , and on the day of , in every year.

Thirdly. (*Here set forth special covenants, if any.*)

And for the better securing of the said E. F. the repayment, in manner aforesaid, of the principal sum and interest, I hereby mortgage to the said E. F. my estate and interest in the land above described.

In witness whereof, I have hereunto signed my name this day of 18 .

Signed by the above named A. B. as mortgagor, in presence of } (*Signature of Mortgagor.*)

(*Insert memorandum of mortgages and encumbrances.*)

(*For form of transfer of mortgage, see form N.*)

FORM M.

ENCUMBRANCE.

I., A.B., being registered as owner of an estate (*state nature of estate*), subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (*or* endorsed hereon), of that piece of land of (*description*) part of section , township , range ,

(*or as the case may be*) containing acres, more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title, refer thereto for description of parcels and diagrams, otherwise set forth the boundaries and accompany the description by a diagram*), and desiring to render the said land available for the purpose of securing to and for the benefit of C.D., of (*description*) the (*sum of money, annuity or rent charge*) hereinafter mentioned: do hereby encumber the said land for the benefit of the said C.D., with the (*sum, annuity or rent charge*) of , to be paid at the times and in the manner following, that is to say: (*here state the times appointed for the payment of the sum, annuity or rent charge intended to be secured, the interest, if any, and the events on which such sum, annuity or rent charge shall become and cease to be payable, also any special covenants or powers, and any modification of the powers or remedies given to an encumbrance by this Act*): And, subject as aforesaid, the said C. D. shall be entitled to all powers and remedies given to an encumbrancee by "the Land Titles Act."

Signed by the above named , in presence of } (*Signature of Encumbrancer.*

(*Insert memorandum of mortgages and encumbrances.*)

FORM N.

TRANSFER OF MORTGAGE, ENCUMBRANCE, OR LEASE.

I, C.D., (The mortgagee encumbrancee or lessee as the case may be.) in consideration of $ this day paid to me by X.Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him the mortgage (encumbrance *or* lease, *as the case may be, describe the instrument fully*), together with all my rights, powers, title, and interest therein.

In witness whereof, I have hereunto subscribed my name this day of , 18 .

Signed by the said in presence of } C. D., *Transferrer.* Accepted, X. Y., *Transferree.*

FORM O.

TRANSFER OF PART OF MORTGAGE OR ENCUMBRANCE.

I, C.D., the mortgagee or encumbrancee, or as the case may be, in consideration of $ this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him $ of the mortgage (*or* encumbrance, *as the case may be, describe the instrument fully,*) together with all my rights, powers, title, and interest therein, and the sum so transferred shall be preferred (*or* deferred *or* rank equally, *as the case may be*) to the remaining sum secured by the mortgage (*or* encumbrance.)

In witness whereof, I have hereunto subscribed my name this day of , 18 .

Signed by the said in presence of } C. D., *Transferrer.* Accepted, X. Y., *Transferree.*

FORM P.

SHORT CONVENANTS IN MORTGAGE INSERT.

COLUMN ONE.	COLUMN TWO.
1. Has a good title to the said land.	1. And also, that the said mortgagor, at the time of the sealing and delivery hereof, is, and stands solely, rightfully and lawfully seised of a good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, of and in the lands, tenements, hereditaments and all and singular other the premises hereinbefore described, with their and every part of their appurtenances, and of and in every part and parcel thereof, without any manner of trusts, reservations, limitations, provisoes or conditions, except those contained in the original grant thereof from the Crown, or any other matter or thing to alter, charge, change, encumber or defeat the same.
2. Has the right to mortgage the land.	2. And also, that the said mortgagor now hath in himself good right, full power and lawful and absolute authority to convey the said lands, tenements, hereditaments, and all and singular other the premises hereby conveyed or hereinbefore mentioned or intended so to be, with their and every of their appurtenances unto the said mortgagee, his heirs, executors, administrators and assigns in manner aforesaid, and according to the true intent and meaning of these presents.
3. And that on default the (*mortgagee*) shall have quiet possession of the land.	3. And also, that from and after default shall happen to be made of or in the payment of the said sum of money, in the said above proviso mentioned, or the interest thereof, or any part thereof, or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents, and of the said proviso, then, and in every such case, it shall and may be lawful to and for the said mortgagee, his heirs, executors, administrators, and assigns, peaceably and quietly to enter into, have, hold, use, occupy, possess, and enjoy the aforesaid lands, tenements, hereditaments and premises, hereby conveyed or mentioned or intended so to be, with their appurtenances, without the let, suit, hindrance, interruption or denial of him the said mortgagor, his heirs, or assigns, or any other person or persons whomsoever.
4. Free from all incumbrances.	4. And that free and clear and freely and clearly acquitted, exonerated and discharged of and from all arrears of taxes and assessments whatsoever due or payable upon or in respect of the said lands, tenements, hereditaments and premises, or any part thereof, and of and from all former conveyances, mortgages, rights, annuities, debts, judgments, executions and recognizances, and of and from all manner of other charges or incumbrances whatsoever.

5. Will execute such further assurances of the land as may be requisite.

5. And also, that from and after default shall happen to be made of or in the payment of the said sum of money in the said proviso mentioned, or the interest thereof, or any part of such money or interest or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents and of the said proviso, then and in every such case the said mortgagor, his heirs and assigns, and all and every other person or persons whosoever having, or lawfully claiming, or who shall or may have or lawfully claim any estate, right, title, interest or trust of, in, to or out of the lands, tenements, hereditaments, and premises hereby conveyed or mentioned or intended so to be, with the appurtenances or any part thereof, by, from, under or in trust for him the said mortgagor, shall and will, from time to time, and at all times thereafter, at the proper costs and charges of the said mortgagee, his heirs, executors, administrators and assigns make, do, suffer and execute, or cause or procure to be made, done, suffered and executed, all and every such further and other reasonable act or acts, deed or deeds, devices, conveyances and assurances in the law for the further, better and more perfectly and absolutely conveying the said lands, tenements, hereditaments and premises, with the appurtenances, unto the said mortgagee, his heirs, executors, administrators and assigns, as by the said mortgagee his heirs and assigns or his or their counsel learned in the law, shall or may be lawfully and reasonably devised, advised or required, so as no person who shall be required to make or execute such assurances shall be compelled, for the making or executing thereof, to go or travel from his usual place of abode.

6. Has done no act to encumber the land.

6. And also that the said mortgagor hath not at any time heretofore made, done, committed executed or wilfully or knowingly suffered any act, deed, matter or thing whatsoever whereby or by means whereof the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, or any part or parcel thereof, are, is or shall or may be in any wise impeached, charged, affected or encumbered in title, estate, or otherwise howsoever.

FORM Q.

POWER OF ATTORNEY.

I, A. B., being registered as owner of an estate (*here state nature of the estate or interest*), subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (*or* endorsed hereon), (*here refer to schedule for description and contents of the several parcels of land intended to be affected, which schedule must contain reference to the existing certificate of title or lease of each parcel*) do hereby appoint C.D. attorney on my behalf to (*here state the nature and extent of the powers intended to be conferred, as to sell, lease, mortgage,*

&c.,) the land in the said schedule described, and to execute all such instruments, and do all such acts, matters and things as may be necessary for carrying out the powers hereby given and for the recovery of all rents and sums of money that may become or are now due, or owing to me in respect of the said lands, and for the enforcement of all contracts, covenants or conditions binding upon any lessee or occupier of the said lands, or upon any other person in respect of the same, and for the taking and maintaining possession of the said lands, and for protecting the same from waste, damage or trespass.

In witness whereof, I have hereunto subscribed my name this day of , 18 .

Signed by the above named A. B. in the presence of } *Signature.*

FORM R.

REVOCATION OF POWER OF ATTORNEY.

I, A. B., of , hereby revoke the power of attorney, given by me to , dated the day of .

In witness whereof, I have hereunto subscribed my name this day of , 18 .

Signed by the above named A. B. in presence of } *Signature.*

FORM S.

TRANSFER OF LAND UNDER PROCESS OF LAW.

I, , of , the person appointed to execute the process hereinafter mentioned, in pursuance of a writ dated the day of , one thousand eight hundred and , and issued out of (*insert name of court*), a court of competent jurisdiction, in an action wherein is the plaintiff, and the defendant, which said is registered as the owner of the land hereinafter described, subject to the mortgages and encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me, as aforesaid, by E.F. (*insert addition*) TRANSFER to the said E.F. all that piece of land (*here insert a sufficient description of the land, and refer to the debtor's certificate of title or grant*).

Dated the day of one thousand eight hundred and

Signed by the above named , in presence of } (*Signature with official seal.*)

Mortgages and encumbrances referred to. (*State them.*)

Or

FORM S.

TRANSFER OF LEASE, MORTGAGE, OR ENCUMBRANCE UNDER PROCESS OF LAW.

I, , of , the person appointed to execute the writ hereinafter mentioned (*or otherwise, as the case may be*), in pursuance of a writ of *fieri facias*, tested the day of one thousand eight hundred and , and issued out of (*insert name of court*) a court of competent jurisdiction, in an action wherein is the plaintiff and the defendant, which said is registered as the owner of a lease (mortgage *or* encumbrance, *as the case may be*) numbered of (*or* upon) the land hereinafter described, subject to the mortgages or encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me as aforesaid, by E.F. (*insert addition*) TRANSFER to the said E. F. the lease (mortgage *or* encumbrance) granted by to and in favor of , dated the day of , to, in and over (*here describe the land according to the description in the lease, mortgage or encumbrance, and refer to the registered instrument*).

Dated the day of , one thousand eight hundred and

Signed by the above named , in presence of } (*Signature with official seal.*)

Morgages and encumbrances referred to. (*State them.*)

Or

FORM S.

TRANSFER OF LAND UNDER DECREE OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I (*insert name*), in pursuance of a decree (*or order*) of (*insert name of court*), a court of competent jurisdiction, dated the day of one thousand eight hundred and , and entered in the register, vol. , fol. , hereby TRANSFER to E. F. (*insert addition*), subject to the mortgages and encumbrances notified hereunder, all that piece of land being (*here insert a sufficient description of the land and refer to the certificate of title or grant*).

Dated the day of , one thousand eight hundred and

Signed by the above named in presence of } (*Signature with official seal.*)

Mortgages and encumbrances referred to. (*State them.*)

Or

FORM S.

TRANSFER OF LEASE, MORTGAGE OR ENCUMBRANCE, UNDER DECREE OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I (*insert name*), in pursuance of a decree or order of (*insert name of court*), a court of competent jurisdiction, dated the day of , one thousand eight hundred and , and entered in the register, vol. , fol. , hereby TRANSFER to E. F. (*insert addition*), subject to the mortgages and encumbrances notified hereunder, the lease (*or* mortgage *or* encumbrance, *as the case may be*) granted by in favour of (of *or* upon) all that piece of land (*here insert description of the land according to the description in the lease, mortgage or encumbrance, and refer to the registered instrument.*)

Dated the day of , one thousand eight hundred and

Signed by the above named in presence of } (*Signature with official seal.*)

Mortgages and encumbrances referred to. (*State them.*)

FORM T.

FORM OF CAVEAT FORBIDDING REGISTRATION OR DEALING WITH LANDS.

To the Registrar district:

Take notice that I, A. B., of (*insert description*), claiming (*here state the nature of the estate or interest claimed, and the grounds upon which such claim is founded*) in (*here describe land and refer to certificate of title*), forbid the registration of any transfer or other instrument until this caveat is withdrawn by the caveator or by the order of a court of competent jurisdiction, or a judge thereof, or unless such dealing is subject to the claim of the caveator, or until after the lapse of days from the date of the service of notice on the caveator at the following address: (*Insert it.*)

Dated this day of , 18 .

Signed by the above-named in the presence of } (*Signature of Caveator or his Agent.*)

I, the above named A. B. (*or* C. D., agent for the above A. B.,) of (*residence and description*) make oath (*or* affirm, *as the case may be*) and say, that the allegations in the above caveat are true in substance and in fact (*and if no personal knowledge, add*, as I have been informed and verily believe.)

Sworn, &c.

(*Signature.*)

FORM U.

AFFIDAVIT OF ATTESTATION OF AN INSTRUMENT.

I, (A. B.), of , in the , make oath and say :—

1. I was personally present and did see named in the (within *or* annexed) instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein ;

2. That the same was executed at the , in the , and that I am the subscribing witness thereto ;

3. That I know the said and he is in my belief of the full age of twenty-one years.

Sworn before me, at , in the , this day of A.D., 18 . } (*Signature.*)

FORM V.

REFERENCE BY REGISTRAR TO THE JUDGE.

(*Place and date.*)

In the matter of the registration of transfer (*or as the case may be*) A.B. to C.D.

The registrar under section of "*The Land Titles Act*," hereby refers the following matter to the judge, to wit : (*Here state briefly the difficulty which has arisen.*)

The parties interested, so far as the registrar knows or has been informed, are : (*Here give the names.*)

(*Signature.*)
Registrar. [Official seal.]

FORM W.

DEMAND TO RETURN CERTIFICATE OF TITLES.

To (*Name of owner or whoever is custodian of certificate*) :

You are hereby required to forward to the Land Titles Office, certificate of title, No. , in favour of (*insert owner's name*) for (*description of land*) as the same is required by me pursuant to the provisions of the Land Titles Act for the purpose (*purpose for which certificate is required and whether or not by direction of a judge.*)

Your attention is called to the provisions of Section of the said Act, and the penalty therein provided for neglect or refusal to comply with this demand.

A. B.,
Registrar *District.*

FORM X.

I, Dominion Land Surveyor, do solemnly declare that this plan accurately shows the manner in which the land included therein has been surveyed and subdivided by me, and that the said plan is prepared in accordance with the provisions of chapter

Dated at 18 .

Signed in the presence of } A. B.,
Dominion Land Surveyor.

No. 113.

2nd Session, 7th Parliament, 55 Victoria, 1892

BILL.

An Act to consolidate and amend the Act respecting Land in the Territories.

Received and read first time, Friday, 24th March, 1893.

Second reading, Saturday, 25th March, 1893.

Mr. DALY.

OTTAWA:
Printed by S. E. DAWSON,
Printer to the Queen's Most Excellent Majesty.

1892.

114

An Act respecting the Speaker of the Senate.

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

1. Whenever the Speaker of the Senate, from illness or other cause, finds it necessary to leave the chair during any part of the sittings of the Senate on any day, he may call upon any Senator to take the chair and preside as Speaker during the remainder of such day, unless the Speaker himself resumes the chair before the close of the sittings for that day. Provision for the Speaker's illness and leaving the chair.

2. Whenever the Senate is informed by the Clerk at the table of the unavoidable absence of the Speaker, the Senate may choose any Senator to preside as the Speaker during such absence, and such Senator shall thereupon have and execute all the powers, privileges and duties of Speaker, until the Speaker himself shall resume the chair, or another Speaker be appointed by the Governor General. Provision for unavoidable absence of the Speaker.

3. Every act done by any Senator, acting as aforesaid, shall have the same effect and validity as if the same had been done by the Speaker himself. Validity of acts done in such cases.

115

An Act further to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

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

1. The section substituted by section one of chapter nine of the Statutes of 1880 for section fifty-nine of *An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams*, chapter sixty-eight of the Consolidated Statutes of the late Province of Canada, is hereby repealed and the following substituted therefor:— 1880, c. 9, s. 1 and C.S.C., c. 68, s. 59, amended.

"**59.** The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz.: Proportionate rates of toll.

	$ cts.
Red and white pine, tamarac, spruce and hemlock, square or waney board, per thousand cubic feet....	15
Oak, elm or other hardwood, square or flatted, or waney board, per thousand cubic feet.....	22½
Sawlogs, 17 feet and under in length, per thousand feet, board measure.....	01
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 feet and under 30 feet long, per thousand feet, board measure.....	01¼
Red and white pine, tamarac, spruce and hemlock, round or flatted, 30 feet and upwards in length, per thousand feet, board measure.....	01½
Sawed lumber, per thousand feet, board measure.....	03
Staves, per thousand feet, board measure.....	15
Cords of wood, shingle bolts and other lumber, per cord of 128 cubic feet.....	02
Spars, per piece.....	03
Masts, per piece.....	05
Railway ties, other than cedar, in 8 or 16 feet lengths, per length of 8 feet.....	1/24
Cedar, round or flatted, 8 feet long, or under, per piece.....	1/32
Cedar, round or flatted, over 8 feet and under 17 feet long, per piece.....	1/16
Cedar, round or flatted, 17 feet and under 25 feet long, per piece.....	3/32
Cedar, round or flatted, 25 feet and under 35 feet long, per piece.....	1/6

Cedar, round or flatted, 35 feet and upwards in length, per piece..... ¼

Mode of computation.

"2. The mode of computation with regard to such timber shall be that known as 'Scribner's rule.'"

C.S.C., c. 68, s. 61 amended.

2. Section sixty-one of the said chapter sixty-eight is hereby repealed and the following substituted therefor :—

Company may demand specification of timber.

"**61.** Every such Company may demand from the owner of any timber intended to be passed through any portion of the works of the Company, or from the person in charge of the same, a detailed specification of each kind of timber and of the destination of the same, and of the sections of the works through which it is intended to pass; and if no such specification is given when required or a false specification is given, the whole of such timber or such part of it as has been omitted by a false specification shall be liable to double toll."

Double toll for false specification.

3. This Act shall come into force on the first day of January, A.D., 1894.

No. 116.] **BILL.** [1893.

An Act to repeal the Homestead Exemption Act.

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

1. *The Homestead Exemption Act*, chapter fifty-two of the Revised Statutes, is hereby repealed. R. S. C., c. 52, repealed.

No. 116.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to repeal the Homestead Exemption Act.

Received and read first time, Saturday, 25th March, 1893.
Second reading, Monday, 27th March, 1893.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 117.] **BILL.** [1893.

An Act further to amend Territories Real Property Act.

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

1. *The Territories Real Property Act*, chapter fifty-one of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section ninety-four : R.S.C., c. 51 amended.

"**94A.** The land, including the buildings thereon, upon which the judgment debtor or his family actually resides, or which he cultivates wholly or in part, or which he actually uses for grazing or other purposes, to the extent of one hundred and sixty acres, and no more, shall not be bound by and shall be free from seizure and sale under all writs of execution or other process issued out of any court of the Territories. Property exempt from seizure.

"2. The actual residence or home of any person, other than a farmer, not exceeding half an acre, and not exceeding in value one thousand five hundred dollars, shall not be bound by and shall not be subject to seizure and sale under any execution or other process issued out of any court ; and in case such residence or home exceeds in value such sum, then the same may be offered for sale, and, provided a sum greater than one thousand five hundred dollars is realized, the same may be sold, but there shall be paid thereout to the judgment debtor or his representatives, before possession is had by the purchaser, the said sum of one thousand five hundred dollars, which sum shall be exempt from seizure, garnishment or attachment for debt."

No. 117.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act further to amend the Territories Real Property Act.

Received and read a first time, Saturday, 25th March, 1893.
Second reading, Monday, 27th March, 1893.

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 118.] **BILL.** [1893.

An Act to amend the Act respecting the Royal Military College.

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

1. Section three of the said Act respecting the Royal Military College, chapter forty-two of the Revised Statutes, is hereby repealed and the following is substituted therefor :— R.S.C., c. 42, s. 3, repealed.

"**3.** The salary of the Commandant shall not exceed three thousand two hundred dollars a year ; the salary of the staff adjutant shall not exceed dollars a year ; and the salaries of the professors, instructors and assistant instructors shall not exceed the total sum of twenty-six thousand dollars annually. Salaries.

"2. The Governor in Council may from time to time readjust the number and duties and, within the limit above mentioned, the salaries of the staff.

"3. The details of such salaries shall appear in the annual report laid before Parliament by the Minister of Militia and Defence."

2. Section four of the said Act is hereby repealed, and the following is substituted therefor :— Section 4 repealed.

"**4.** There shall be a subordinate military staff, which shall be subject to such laws, orders and regulations as govern the corps enlisted for permanent service under section twenty-eight of *The Militia Act;* and there shall be a subordinate civilian staff of such strength as the Governor in Council deems necessary ; and the details of these subordinate staffs shall appear in the annual report laid before Parliament by the Minister of Militia and Defence." Subordinate staffs.

3. Section eight of the said Act is hereby repealed, and the following is substituted therefor :— Section 8 repealed.

"**8.** The number of cadets admitted in any one year shall not exceed thirty ; the term for which they shall be admitted shall not exceed four years ; and they shall be selected by the Governor in Council from the list of names forwarded by the board of examiners, in the order of merit in which they pass their preliminary examination." Admission of cadets.

4. Section nine of the said Act is hereby repealed. Section 9 repealed.

Section 11 amended.

5. Section eleven of the said Act is hereby amended by omitting, in the second line, the words "mattrass and bedding."

Section 13 repealed.

6. Section thirteen of the said Act is hereby repealed, and the following substituted therefor :—

Cadets to be subject to Army Act, &c

"**13.** Every person who enters upon a course of instruction in the college shall sign a roll of entry, and be thenceforward, for the period of his pupilage, subject to the Queen's rules and regulations, the Army Act, and such other rules and regulations as Her Majesty's troops are subject to."

Government of college.

7. The college shall be governed and its affairs administered under and according to regulations made from time to time, and approved by the Governor in Council and published in the *Canada Gazette ;* and after such publication, they shall have the force of law, as fully as if they were contained in the Act hereby amended or in this Act, of which Acts they shall be deemed to form part; and all regulations which have been so published shall be deemed to have been lawfully made, and all appointments which have been so published are hereby confirmed, and the holders of such appointments shall continue to enjoy the salaries and emoluments which they now are in receipt of.

Regulations and appointments confirmed.

No. 118.

3rd Session, 7th Parliament, 56 Victoria

BILL.

An Act to amend the Act respecting Royal Military College.

Received and read a first time, Saturday March, 1st 93.
Second reading, Monday, 27th March,

Mr. PATTERSON (Hu

OTTAWA
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1893

119.

An Act to incorporate The Canadian Live Stock Insurance Association.

Preamble.

WHEREAS G. Frederick Fisher, Walter S. Fisher, Benjamin H. Torrens, and John M. Wiley, all of the city of Fredericton, and Arthur Glasier, of the parish of Lincoln, county of Sunbury, and province of New Brunswick, have by their petition prayed to be incorporated for the purpose of carrying on the business of insuring live stock and indemnifying the owners thereof against loss by the death thereof; 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:—

Corporation constituted.

1. The persons hereinbefore named, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The Canadian Live Stock Insurance Association" hereinafter called "the Company."

Corporate name.

Business.

2. The Company may carry on the business of insuring live stock and indemnifying the owners thereof against loss by the death thereof, from any cause whatever.

Head office.

3. The head office of the Company shall be in the city of Fredericton, but the Company may establish agencies or branches elsewhere throughout Canada.

Provisional directors.

4. The persons hereinbefore named shall be the first or provisional directors of the Company of whom a majority shall be a quorum.

Capital stock.

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

Increase of capital stock.

2. The directors may increase the amount of the capital stock from time to time to any amount not exceeding two hundred thousand dollars, after the whole capital stock has been subscribed for and at least fifty per centum paid thereon in cash; but no such increase of stock shall be made unless the resolution of the board of directors authorising the same has first been confirmed by the votes of shareholders repreting at least two-thirds of all the capital stock or the Company present at either an annual general meeting of the Company, or at a special general meeting called for that purpose.

Commencement of business.

6. The Company shall not commence the business of insurance until twenty-five thousand dollars of capital stock has been paid in cash into a chartered bank in Canada to the credit of the Company, which amount shall not be withdrawn except for the purposes of the Company under this Act.

Calls.

2. The remainder of the capital stock shall be paid in such instalments as a majority of the directors from time to time determine, not to exceed five per cent per call, and at periods of not less than three months interval; and no instalment shall be payable in less than thirty days after notice thereof has been given by advertisement in one newspaper published in the city of Fredericton and by circular addressed to each shareholder at his last known address.

Notice.

First meeting of company.

7. So soon as twenty five thousand dollars of the capital stock have been subscribed and ten per cent of that amount paid into some chartered bank in Canada the directors may call a general meeting of the shareholders at some place to be named in the city of Fredericton, giving at least ten days notice thereof by registered letter mailed to each shareholder at his address as then in the books of the Company, at which general meeting the shareholders present in person or represented by proxy shall elect three or more directors, who shall constitute the board of directors, and shall hold office until the annual general meeting in the year following their election, and a majority of the said directors shall form a quorum thereof; but the said quorum shall never be less than three.

Directors.

Quorum.

Qualification.

2. No person shall be qualified to be a director unless he is the holder of at least ten shares of the capital stock of the Company and has paid up all calls made thereon.

Annual general meeting.

8. The annual general meeting of shareholders for the election of directors, and other general purposes, shall be held on the first Tuesday in February in each year at the city of Fredericton, unless some other day be fixed by by-law for that purpose; and notice of the hour and place of such meeting shall be given in the manner required in the next preceding section, and by advertisement published at least twice within ten days prior thereto in some newspaper in the city of Fredericton.

Notice.

Powers to hold real estate and invest funds.

9. The Company may acquire and hold real estate not to exceed in value ten thousand dollars, and may also hold such real estate as has been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered; provided always, that the Company shall sell any real estate acquired in satisfartion of any debt within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns; and may invest its funds, or any part thereof in or lend on the security of the

public securities of Canada or of any of the provinces thereof, 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, as the directors elect, and may, from time to time, vary or sell the said securities or mortgages or pledge the same, as occasion requires.

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

10. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions contained in *The Insurance Act*.

R.S.C., c. 118 to apply. Exception.

11. Nothwithstanding anything contained in *The Companies Clauses Act*, the said Act, except sections eighteen and thirty-nine thereof, shall apply to the Company.

120

An Act further to amend the Revised Statutes respecting Canned Goods.

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

1. Subsection one of section two of the *Act respecting Canned Goods*, chapter one hundred and five of the Revised Statutes, is hereby repealed and the following substituted therefor:— R.S.C., c. 105, s. 2 amended.

"2. Except in the case of goods packed previously to the first day of August, one thousand eight hundred and ninety-three, every package of canned goods sold or offered for sale in Canada, whether for consumption in or export from Canada, shall have attached thereto or imprinted or impressed thereon a label containing the word "Canada" and setting forth in legible letters the name and address of the person, firm or company by whom it was packed and the year of packing thereof." Name and address of packer to be on label.

2. The said Act is hereby further amended by adding the following section thereto:—

"5. Upon any conviction under this Act, one moiety of the penalty shall belong to the person who laid the information." Disposal of penalties.

121

An Act to amend The North-west Territories Act.

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

1. Section ninety-one of *The North-west Territories Act*, chapter fifty of the Revised Statutes of Canada, is hereby repealed, and the following is substituted therefor :— R.S.C., c. 50, s. 91 amended.

"**91.** The Governor in Council may from time to time by proclamation declare that the three sections next preceding, or any of them, or any portion or portions of the said sections or any of them, shall be repealed from and after the date named in such proclamation. The Governor in Council may also, at any time by proclamation declare that section seventy-one of this Act shall be repealed from and after the date named in such proclamation." Governor in Council may repeal ss. 88 to 91 inclusive or any portions of them. Also s. 71.

2. Section sixty-four of the said Act is hereby amended by adding thereto the following subsections :— S. 64 amended.

"2. The Governor in Council may appoint police magistrates in the Territories, and such police magistrates shall have all the powers and authorities now vested in two justices of the peace under any law of Canada, and shall exercise jurisdiction in and for such territory as is defined by the Order in Council appointing them respectively, or by any Order in Council amending the same. Appointment and powers of police magistrates.

"3. No person shall be appointed a police magistrate unless he has been admitted and has practised as an advocate, barrister or solicitor in one of the provinces of Canada, for a period of not less than three years." Qualifications for police magistrate.

[No. 122.] **BILL.** [1893.

An Act to confirm the sale of the Carleton, City of Saint John, Branch Railroad.

WHEREAS, pursuant to the provisions of chapter fifteen of the statutes of 1891, intituled *An Act to authorize the sale of the Carleton, City of Saint John, Branch Railroad*, and subject to the approval of Parliament, the Government of Canada has sold to the city of Saint John, the Carleton, City of Saint John, Branch Railroad, as set forth in the indenture a copy of which is set out in the schedule hereto, and the parties to the said indenture have entered into the agreements therein contained; and whereas it is expedient to approve and confirm the said indenture: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1891, c. 15.

1. The indenture a copy of which is set out in the schedule to this Act is hereby approved and confirmed and declared to be binding in all respects on the parties thereto; and the said parties may do whatever is required to give effect to the agreements contained in the said indenture. Agreement confirmed.

SCHEDULE.

THIS INDENTURE, made this third day of September, in the year of our Lord one thousand eight hundred and ninety-two:

Between Her Majesty Queen Victoria, represented herein by the Honourable John Graham Haggart, Minister of Railways and Canals of Canada, hereinafter called the "Minister," of the first part; the city of St. John, in the Province of New Brunswick, hereinafter called the "City," of the second part; and the Canadian Pacific Railway Company, hereinafter called the "Company," of the third part;

Whereas, by an Act of the Parliament of Canada passed in the session thereof held in the fifty-fourth and fifty-fifth years of Her Majesty's reign, chapter fifteen, and intituled *An Act to authorize the sale of the Carleton, City of St. John, Branch Railroad*, it was in effect enacted that the Government of Canada might enter into an agreement with the said City for the sale to the said City of the Carleton, City of St. John, Branch Railroad, and of such of the appurtenances thereof as are mentioned in such agreement, for and in consideration of the sum of forty thousand dollars, and the said Government was empowered to sell and convey the said railroad and appurtenances to the said City according to such agreement;

And whereas, by certain articles of agreement made the first day of January, in the year of our Lord one thousand eight hundred and eighty-six, between Her Majesty, represented by the Minister, of the first part, and the New Brunswick Railway Company, of the second part, which were to remain in force for seven years from the date thereof, and thence from year to year until terminated by notice in the manner therein provided, running powers over the said branch railroad were granted by Her Majesty to the said New Brunswick Railway Company, which company by the same agreement granted to Her Majesty in respect of the Intercolonial Railway, and agreed to grant to Her Majesty thereafter whenever required to do so in respect of the railway known as the Short Line Railway, running powers over the section of its line between the Saint John Cantilever Bridge and Fairville, a distance of about forty-three one-hundredths of a mile;

And whereas, by a certain indenture bearing date the first day of July, A.D. 1890, and made between the said New Brunswick Railway Company, of the one part, and the Company, of the other part, it was witnessed that the said The New Brunswick Railway Company, for and in consideration of the rents, covenants and conditions in said last mentioned indenture contained, did demise and lease unto the Company the lines of railway in the Province of New Brunswick, operated by the said New Brunswick Railway Company, for a term of nine hundred and ninety years, from the first day of July, then last past, fully to be complete and ended, as by reference to the said indenture will more fully and at large appear;

And whereas, by an indenture bearing date the 20th day of December, A.D. 1890, and made between the City, of the one part, and the Company, of the other part, after reciting as is therein recited, it was witnessed amongst other things in effect that the City did covenant with the Company that on demand, at any time after Her Majesty should transfer the same to the City, the City would execute an indenture of lease by which it would demise and lease unto the Company the said branch railroad and appurtenances for the term of nine hundred and ninety years, at an annual rent of one dollar, and the Company did covenant with the City to enter into the said lease;

And whereas, by the said last mentioned indenture, it was further agreed that such lease should contain certain covenants on the part of the said City, and on the part of the Company, respectively, as upon reference thereto will more fully and at large appear, and also provisoes to the effect that if the Company, its successors or assigns, should fail or neglect continuously and in good faith to operate, work, or use the said branch railroad, and to run trains thereon according to the true intent and meaning of the said last mentioned indenture for a period of twelve months at a time during the continuance of such demise, then and in such case the said lease and the demise therein contained should become void, and the said City might forthwith, without any demand, take possession of the said branch railroad and the wharves, lots and parcels of

land and all the property therewith to be demised, with the buildings and improvements thereon, and if the Company should fail or neglect to keep and perform the several covenants, conditions and agreements in the said last mentioned lease to be contained, on its part and behalf to be kept, performed and fulfilled, according to the true intent and meaning of such last mentioned indenture, then and in such case it should be lawful for the City to determine such demise and to re-enter upon and take possession of the said branch railroad, lands, and every part and parcel thereof;

And whereas, in and by the said last mentioned indenture the Company undertook to arrange with the Minister with respect to the said agreement already existing between Her Majesty and the New Brunswick Railway Company relating to the said running powers.

Now this Indenture witnesseth that, in consideration of the premises and of the sum of forty thousand dollars to the Minister paid by the City, the receipt whereof is hereby acknowledged, Her Majesty doth hereby grant, transfer and set over unto the City, its successors and assigns, the said branch railroad, with all tracks, ways, roadbeds, ties, sleepers and rails of the said Branch extending from Fairville to the harbour of Saint John at or near Sand Point, and all sidings, tracks and branches thereof, together with the harbour frontage, town lots and all other property, lots and parcels of land, and all rights and powers formerly belonging to and vested in the Carleton, City of Saint John, Branch Railroad Company, with the appurtenances as the same were covered by the transfer to the Dominion Government; to have and to hold the same unto the City, its successors and assigns forever.

And the City, for itself, its successors and assigns, doth hereby covenant with Her Majesty, represented as aforesaid, her successors and assigns, that it will perform, keep and abide by all the covenants, provisoes and conditions in the said indenture of the twentieth day of December, A.D. 1890, expressed and contained, and on its part to be performed, kept and abided by.

And the Company, for itself, its successors and assigns, doth hereby covenant with Her Majesty, represented as aforesaid, that it will perform, keep and abide by all the covenants, provisoes and conditions in the said last mentioned indenture expressed and contained, and on its part to be performed, kept and abided by, and especially that it will perform and carry out the covenants, provisoes and conditions expressed and contained in the said agreement between Her Majesty and the New-Brunswick Railway Company and on the part of the latter Company to be performed and carried out.

Provided always, and it is hereby agreed, that these presents are not to have any force or effect until confirmed by the Parliament of Canada.

In witness whereof the parties hereto have executed these presents the day and year first above mentioned.

(SEAL)

THOMAS W. PETERS,
Mayor.

Signed, sealed and delivered in the presence of
CLARENCE WARD

By order of the Common Council,
HERBERT E. WARDROPER,
Common Clerk.

THE CANADIAN PACIFIC RAILWAY COMPANY.

(SEAL)

T. G. SHAUGHNESSEY,
Vice President.

C. DRINKWATER,
Secretary.

Signed, sealed and delivered by the Minister and the Secretary of Railways and Canals in presence of
H. A. FISSIAULT.

JOHN HAGGART,
Minister of Railways and Canals.

JNO. H. BALDERSON,
Secretary.

(SEAL)

No. 122.

3rd Session, 7th Parliament, 56 Victor

BILL

An Act to confirm the sale of tl
leton, City of Saint John,
Railroad.

Received and read a first time, M
27th March, 1893.
Second reading, Tuesday, 28th Marc

Mr. HAG

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Ma
1893

No. 123.] **BILL.** [1893.

An Act respecting the Voters' Lists of 1893.

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

Lists of voters need not be revised in 1893.

1. It shall not be necessary that any revision of the lists of voters prepared in accordance with the provisions of *The Electoral Franchise Act* shall be proceeded with during the present year, one thousand eight hundred and ninety-three, but the lists of voters in force at the time of the passing of this Act shall continue in force until they are finally revised, in accordance with the provisions of the said Act, in the year one thousand eight hundred and ninety-four.

No. 123.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act respecting the Voters' Lists of 1893.

Received and read a first time, Monday, 27th March, 1893.
Second reading, Tuesday, 28th March, 1893.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

No. 124] **BILL.** [1893.

An Act respecting the appointment of Commissioners to the World's Columbian Exposition.

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

Commissioners to Chicago Exposition.

1. The Governor in Council may appoint a member of the Senate and a member of the House of Commons as Commissioners to represent Canada at the World's Columbian Exposition, to be held at the city of Chicago, in the State of Illinois, in the year one thousand eight hundred and ninety-three, and may determine the sum to be paid, out of the moneys voted by Parliament in connection with the said exposition, to the said Commissioners for their expenses; and, notwithstanding the *Act respecting the Senate and House of Commons*, chapter eleven of the Revised Statutes, the said Commissioners shall not thereby be disqualified to sit or vote in the said Houses.

R.S.C., c. 11.

No. 124.

3rd Session, 7th Parliament, 56 Victoria, 1893.

BILL.

An Act respecting the appointment of Commissioners to the World's Columbian Exposition.

Received and read a first time, Monday, 27th March, 1893.
Second reading, Tuesday, 28th March, 1893.

Mr. Foster.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

No. 125.] **BILL.** [1893.

An Act to prevent the manufacture and sale of filled or imitation cheese, and to provide for the branding of dairy products.

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

1. This act may be cited as *The Dairy Products Act*, 1893. Short title.

2. No person shall manufacture, buy, sell, offer, expose or have in his possession for sale, any cheese manufactured from or by the use of skimmed milk, to which there has been added any fat which is foreign to such milk. Imitation cheese prohibited.

2. Every person who, by himself or by any other person to his knowledge, violates the provisions of this section, shall, for each offence, upon conviction thereof before any justice or justices of the peace, be liable to a fine not exceeding five hundred dollars and not less than fifty dollars, together with the costs of prosecution, and in default of payment of such fine and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such fine and the costs of enforcing it are sooner paid. Penalty.

3. No person shall sell, offer, expose, or have in his possession for sale, any cheese manufactured from or by the use of milk commonly known as "skimmed-milk," or milk from which cream has been removed, or milk to which skimmed milk has been added, unless the words "skim-milk cheese" are branded, marked or stamped in a legible manner upon the side of every cheese, and also upon the outside of every box or package which contains the same, in letters not less than three-quarters of an inch high and three-quarters of an inch wide. Skim-milk cheese to be marked.

2. No person, with intent to misrepresent or to defraud, shall remove, or in any way efface, obliterate or alter the words "skim-milk cheese" on such cheese, or on any box or package which contains the same. Mark not to be removed.

3. Every person who, by himself or by any other person to his knowledge, violates any of the provisions of this section, shall, for each offence, upon conviction thereof before any justice or justices of the peace, be liable to a fine not exceeding five dollars and not less than two dollars for every such cheese, or box or package which is sold, offered, exposed or had in his possession for sale, together with the costs of prosecution, Penalty.

and in default of payment of such fine and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such fine and the costs of enforcing it are sooner paid.

"Canadian" as a brand.

4. No person shall apply any brand, stamp or mark of the word "Canadian" "Canadien" or "Canada" as a descriptive term, mark or brand, upon any cheese or upon any box or package which contains cheese or butter, unless such cheese and butter have been produced in Canada.

Sale of cheese so branded falsely.

2. No person shall sell, offer, expose or have in his possession for sale, any cheese or butter upon which or upon any box or package which contains the same, the word "Canadian," "Canadien" or Canada" is applied as a descriptive term, mark or brand, unless such cheese and butter have been produced in Canada.

Penalty.

3. Every person who, by himself or by any other person to his knowledge, violates any of the provisions of this section, shall, for each offence, upon conviction thereof before any justice or justices of the peace, be liable to a fine not exceeding twenty dollars and not less than five dollars for every such cheese or box or package, which is sold, offered, exposed or had in his possession for sale, together with the costs of prosecution, and in default of payment of such fine and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such fine and the costs of enforcing it are sooner paid.

Name of country where produced to be marked.

5. No person shall sell, offer, expose or have in his possession for sale, any cheese or butter which is produced in any foreign country, unless the name of the country where such cheese or butter was produced, is branded, stamped or marked in a legible manner upon the outside of every box or package which contains the same, in letters not less than three-eights of an inch high and one-quarter of an inch wide.

Penalty.

2. Every person who, by himself or by any other person to his knowledge, violates the provisions of the next preceding section of this Act, shall, for each offence, upon conviction thereof before any justice or justices of the peace, be liable to a fine not exceeding five dollars and not less than two dollars for every such cheese, or box or package of butter, which is sold, offered, exposed or had in possession for sale, together with the costs of prosecution, and in default of payment of such and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such fine and the costs of enforcing it are sooner paid.

Who shall be liable.

6. The person on whose behalf any cheese or butter is manufactured, sold, offered, exposed or had in possession for sale, contrary to the provisions of the foregoing sections of this Act, shall be *primâ facie* liable for the violation of any of the provisions of this Act.

Procedure.

7. In any complaint, information or conviction under this Act, the matter complained of may be declared, and shall be

held to have arisen, within the meaning of *The Summary Convictions Act*, at the place where the cheese or butter complained of was manufactured, sold, offered, exposed or had in possession for sale.

Appeal.

8. No appeal shall lie from any conviction under this Act except to a judge of a superior, county, circuit or district court, or to the chairman or judge of the court of the sessions of the peace, having jurisdiction where the conviction was had; and such appeal shall be brought, notice of appeal in writing given, recognizance entered into or deposit made within ten days after the date of conviction; and such appeal shall be heard tried, adjudicated upon and decided, without the intervention of a jury, at such time and place as the court or judge hearing the same appoints, within thirty days from the date of conviction, unless the said court or judge extends the time for hearing and decision beyond such thirty days; and in all other respects not provided for in this Act the procedure under "*The Summary Convictions Act*," so far as applicable, shall apply.

Right to make examination of cheese or butter.

9. It shall be lawful for any person who may be charged with the enforcement of this Act to enter upon or to appoint another person to enter upon, and such appointed person may enter upon, the premises of any person suspected or violating the provision of this Act, and make an examination of cheese or butter; and any such suspected person, who obstructs or refuses to permit the making of any such examination, shall, upon conviction thereof, be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless the said penalty and the costs of enforcing the same are sooner paid.

Application of penalties.

10. Any pecuniary penalty imposed under this Act shall, when recovered, be payable, one half to the informant or complainant, and the other half to Her Majesty.

Governor in Council may make regulations.

11. The Governor in Council may make such regulations as he considers necessary in order to secure the efficient operation of this Act; and the regulations so made, shall be in force from the date of their publication in the *Canada Gazette*, or from such other date as is specified in the proclamation in that behalf.

No. 125.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

An Act to prevent the manufacture and sale of fillled or imitation cheese, and to provide for the branding of dairy products.

Received and read a first time, Tuesday, 28th March, 1893.
Second reading, Wednesday, 29th March, 1893.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

An Act further to amend the Acts respecting the Duties of Customs.

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

1. Item 184 of section ten of chapter twenty of the Statutes of 1890, intituled *An Act to amend the Acts respecting the Duties of Customs*, is hereby repealed and the following substituted therefor :— 1890, c. 20, s. 10 amended.

" 184	Twine for harvest binders, of hemp, jute, manilla or sisal, and of manilla and sisal mixed, twelve and one-half per cent *ad valorem*	12½ p. c.
	Rove, when imported for the manufacture of twine for harvest binders, ten per cent *ad valorem*	10 p. c."

2. Item 291 of section eleven of the said Act is hereby repealed and the following substituted therefor :— Section 11 amended.

" 291. Mining machinery imported prior to the sixteenth day of May, 1896, which is at the time of its importation of a class or kind not manufactured in Canada."

No. 127.] **BILL.** [1893.

An Act to authorize the granting of Subsidies in aid of the construction of the lines of Railway therein mentioned.

Subsidies authorized.

1. The Governor in Council may grant the subsidies hereinafter mentioned to the railway companies, and towards the construction of the railways also hereinafter mentioned, that is to say :—

To the Great Eastern Railway Company, for 20 miles of their railway, from the east end of the line subsidized by the Act 50-51 Victoria, chapter 24, at St. Grégoire, towards the Chaudière Junction station on the Intercolonial Railway, in the province of Quebec, in lieu of the subsidy granted by the Act 52 Victoria, chapter 3, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... $64,000 00

To the United Counties Railway Company, for 32 miles of their railway, from a point at or near the town of Iberville to St. Hyacinthe, and thence towards Sorel, in lieu of the subsidy granted by the Act 55-56 Victoria, chapter 5, for a railway from St. John's to Ste. Rosalie, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 102,400 00

To the Ontario, Belmont and Ottawa Railway Company, for 10 miles of their railway, divided into two sections : first, from the Belmont Iron Mines to Marmora village ; second, from Marmora village to the junction with the Ontario Central Railway, in lieu of the subsidy granted by the Act 55-56 Victoria, chapter 5, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 32,000 00

To the Central Ontario Railway Company, for 20 miles of their railway, from Coehill or Gilmore, or some point between Coehill and Gilmore, to Bancroft, *viâ* L'Amable, or as near thereto as practicable, in lieu of the subsidy granted by the Act 48-49 Victoria, chapter 59, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 64,000 00

To the Quebec and Lake St. John Railway Company, for 30 miles of their railway, from Lake St. John towards Chicoutimi, the balance remaining unpaid of the subsidy granted by the Act 51 Victoria, chapter 3, not exceeding in the whole..... 81,040 00

To the Irondale, Bancroft and Ottawa Railway Company, for 50 miles of their railway, from the Victoria branch of the Midland Railway to the village of Bancroft, in the county of Hastings, the balance remaining unpaid of the subsidy granted by the Act 47 Victoria, chapter 8, and again granted by the Act 52 Victoria, chapter 3, not exceeding in the whole 145,000 00

To the Beauharnois Junction Railway Company, for 30 miles of their railway, from Ste. Martine towards St. Anicet, the balance remaining unpaid of the subsidy granted by the Act 50-51 Victoria, chapter 24, not exceeding in the whole 3,500 00

To the St. Stephen and Milltown Railway Company, for 3½ miles of their railway, from the town of St. Stephen to the town of Milltown, in lieu of the subsidy granted by the Act 53 Victoria, chapter 2, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole... 11,200 00

To the Quebec, Montmorency and Charlevoix Railway Company, for 30 miles of their railway, from the east bank of the River St. Charles, to or near to Cape Tourmente, in the province of Quebec, the balance remaining unpaid of the subsidy granted by the Act 52 Victoria, chapter 3, not exceeding in the whole. 30,400 00

To the Ottawa and Gatineau Valley Railway Company, for 62 miles of their railway, from Hull station towards Le Désert, the balance remaining unpaid of the subsidy granted by the Act 52 Victoria, chapter 3, not exceeding in the whole..... ..... 89,248 00

To the Grand Trunk, Georgian Bay and Lake Erie Railway Company, for 15 miles of their railway, from the village of Tara, or some point between Tara and Hepworth, to the town of Owen Sound, in the province of Ontario, in lieu of the subsidy granted by the Act 52 Victoria, chapter 3, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole... 48,000 00

To the Nova Scotia Central Railway Company, for 80 miles of their railway, from Lunenburg, on the east coast of Nova Scotia, westward to a point in the district of New Germany, together with a spur about ¾ mile long to Bridgewater railway wharf, and from a point 33½ miles from Lunenburg and running to Middleton on the Windsor and Annapolis Railway, of the balance remaining unpaid of the subsidies granted by the Acts 50-51 Victoria, chapter 24, and 51 Victoria, chapter 3, an amount not exceeding in the whole..... 4,500 00

To the Great Northern Railway Company, for 18 miles of their railway, from a point at or near New Glasgow or St. Lin, to or near to Montcalm, in the province of Quebec, the balance

remaining unpaid of the subsidy granted by the Act 54-55 Victoria, chapter 8, not exceeding in the whole..... 25,600 00

To the Great Northern Railway Company, for 15 miles of their railway, from at or near Montcalm to the Canadian Pacific Railway between Joliette and St. Félix de Valois, in lieu of the subsidy granted by the Act 53 Victoria, chapter 2, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole... 48,000 00

To the Monfort Colonization Railway Company, for 21 miles of their three-feet guage railway from Lachute, St. Jérôme, or a point at or near St. Sauveur, on the line of the Montreal and Western Railway, to Monfort and westward, in lieu of the subsidy granted by the Act 55-56 Victoria, chapter 5, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 67,200 00

To the Maskinongé and Nipissing Railway Company, for 15 miles of their railway, from a point on the Canadian Pacific Railway at or near Maskinongé or Louiseville, towards the parish of St. Michel des Saints, on the River Mattawa, in the province of Quebec, and for 15 miles of their railway from the north end of the 15 miles above referred to, towards the parish of St. Michel des Saints on the River Mattawa, in the province of Quebec, in lieu of the subsidies granted by the Acts 52 Victoria, chapter 3, and 53 Victoria, chapter 2, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 96,000 00

To the Parry Sound Colonization Railway Company, for 40 miles of their railway, from the village of Parry Sound to the village of Sundridge, or some other point on the Northern Pacific Junction Railway, in the province of Ontario, the balance remaining unpaid of the subsidy granted by the Act 52 Victoria, chapter 3, not exceeding in the whole..... 97,600 00

To the Jacques Cartier Union Railway Company, for extending and completing their railway, in lieu of the subsidy granted by the Act 50-51 Victoria, chapter 24, a subsidy of..... 20,000

To the Oshawa Railway Company, for seven miles of their railway, as follows: from Port Oshawa to a point at so near Edmondson's mill site, near Mill street, in the town of Oshawa, (this portion being known as the "Lake" section of the said railway); thence to a point at or near the town hall in the town of Oshawa, and thence to the Oshawa station of the Grand Trunk Railway Company of Canada, (this portion being known as the "Town" or "Northorn" section of the said railway)—in lieu of the subsidy granted by the Act 54-55

Victoria. chapter 8, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole... $22,400

On what conditions subsidies may be granted.

2. All the lines for the construction of which subsidies are granted, unless they are already commenced, shall be commenced within two years from the first day of August next, and completed within a reasonable time, not to exceed four years, to be fixed by Order in Council, and shall also be constructed according to descriptions and specifications and upon conditions to be approved by the Governor in Council, on the report of the Minister of Railways and Canals, and specified in an agreement to be made in each case by the company with the Government, which agreement the Government is hereby empowered to make; the location also of every such line of railway shall be subject to the approval of the Governor in Council.

As to running powers.

2. The granting of such subsidies respectively shall be subject to such conditions for securing such running powers or traffic arrangements and other rights as will afford all reasonable facilities and equal mileage rates to all railways connecting with those so subsidized, as the Governor in Council determines.

How payable.

3. All the said subsidies respectively shall be payable out of the Consolidated Revenue Fund of Canada, by instalments, on the completion of each section of the railway of not less than ten miles, proportionate to the value of the portion so completed in comparison with that of the whole work undertaken, to be established by the report of the said Minister, or upon the completion of the work subsidized,—except as follows:—

Exceptions.

(*a.*) The subsidy to the Ontario, Belmont and Ottawa Railway Company, which shall be paid as follows: on the completion of the first section, an instalment proportionate to the value of the said section in comparison with that of the ten miles hereby subsidized, to be established as aforesaid, and the balance of the said subsidy on the completion of the second section;

(*b.*) The subsidy to the Oshawa Railway Company, which shall be paid as follows: on the completion of the "Town" or "Northern" section, an instalment proportionate to the value of the said section in comparison with that of the seven miles hereby subsidized, to be established as aforesaid, and the balance of the said subsidy, on the completion of the "Lake" section of the said railway.

No. 127.

3rd Session, 7th Parliament, 56 Victoria,

BILL.

An Act to authorize the granting of sidies in aid of the construction lines of Railway therein mentione

Received and read a first time, Tuesday March, 1893.
Second reading, Wednesday, 29th 1893.

Mr. HAGGA

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majes
1893

128

An Act further to amend the General Inspection Act.

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

1. The section, numbered one hundred and ten, added to *The General Inspection Act*, chapter ninety-nine of the Revised Statutes, by section seven of chapter twenty-three of the Statutes of 1892, is hereby repealed and the following substituted therefor :— R.S.C., c. 99, s. 110 amended.

"**110.** No. 1 Inspected Canadian Apples shall consist of well-grown specimens of the variety named, of nearly uniform size, of good colour, sound, free from scab, worm-holes and bruises, and properly packed. Qualities of apples.

"2. No. 2 Inspected Canadian Apples shall consist of specimens of the variety named, reasonably free from the defects mentioned in class No. 1, but which, on account of inequality of size, lack of colour, or other defects, could not be included in that class."

An Act further to amend the Railway Act.

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

1. Section five of chapter twenty-seven of the Statutes of 1892, is hereby repealed and the following section substituted for section one hundred and seventy-three of *The Railway Act*, chapter twenty-nine of the Statutes of 1888 :— Chapter 27, 1892, section 5 repealed and c. 29, 1888, section 173 further amended.

"**173.** The railway of any company shall not be crossed, intersected, joined or united by or with any other railway, nor shall any railway be intersected or crossed by any street railway, electric railway or tramway, whether constructed under Dominion or provincial or municipal authority or otherwise, unless the place and mode of the proposed crossing, intersection, or junction or union, are first approved by the Railway Committee, on application therefor,—of which application ten clear days' notice in writing shall be given by the party or company desiring the approval, such notice to be sent by mail addressed to the president, general manager, managing director, secretary, or superintendent of the company whose railway is to be so crossed, intersected, joined or united ; and in the case of crossing by street railways, electric railways or tramways respectively, the Railway Committee shall have the same powers in all respects as to the protection of such crossing and otherwise as are given the Railway Committee by this Act in regard to one railway crossing another." Crossing subject to approval of Railway Committee. Notice. Crossings by street railways, &c.

2. Sections two hundred and fifty-seven and two hundred and fifty-eight of *The Railway Act*, chapter twenty-nine of the Statutes of 1888, are hereby repealed and the following substituted therefor :— Chapter 29, 1888, ss. 257 and 258 amended.

"**257.** A person shall be stationed at every point where two main lines of railway cross each other at rail level, and no train shall proceed over such crossing until signal has been made to the conductor or engineer thereof that the way is clear; provided always, that in the case of an electric street railway car crossing an electric street railway track, it shall be the duty of the conductor before crossing to go forward and see that the track to be crossed is clear, before giving the signal to the motor man that the way is clear and to proceed. Person to be stationed at crossing. Electril railway croesings.

"2. Every main track of a branch line is a main line within the meaning of this section, which shall apply whether the said lines be owned by different companies or by the same company. Interpretation and application.

Trains to stop at crossing.

"**258.** Every locomotive or railway engine, or train of cars, on any railway, shall, before it proceeds over any such crossing as in the next preceding section mentioned, be stopped for the space of at least one minute; but whenever there is in use at

Exception.

any such crossing an interlocking switch and signal system, or other device which, in the opinion of the Railway Committee, renders it safe to permit engines and trains to pass over such crossing without being brought to a stop, the Railway Committee may, by an order in writing, give permission for engines and trains to pass over such crossing without stopping, under such regulations as to speed and other matters as the Railway Committee deems proper."

Sub-sections 306 and 307 of c. 29, 1888, not to apply to a certain electric railway.

3. The electric railway for the construction and operation of which power was given to the Niagara Falls Park and River Railway Company by the Act of the Legislature of Ontario, fifty-fifth Victoria, chapter ninety-six, is hereby declared not to be affected by sections three hundred and six and three hundred and seven of *The Railway Act*, so long as the said railway is operated by electricity; and it is hereby further declared and

Nor any future Act respecting railways.

enacted that the said electric railway shall not be deemed to be affected by any Act respecting railways hereafter passed, unless such Act is in express terms declared to extend thereto.

Section 287 amended.

4. Section two hundred and eighty-seven of *The Railway Act* is hereby repealed, and the following substituted therefor:—

Limitation of actions for damages.

"**287.** All actions or suits for indemnity for any damages or injury sustained by reason of the railway or the working thereof, shall be commenced within one year next after the time when such supposed damage is sustained, or, if there is continuation of damage, within one year next after the doing

What may be pleaded.

or committing of such damage ceases, and not afterwards, the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon."

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

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

Days of absence during present session.

1. For the present session of Parliament, the deduction of eight dollars per day mentioned in section twenty-six of the *Act respecting the Senate and House of Commons*, being chapter eleven of the Revised Statutes, shall not be made for six days in the case of a member who has been absent from a sitting of the House of which he is a member, or of some committee thereof, during such number of days; but this provision shall not operate to extend the maximum amount mentioned in section twenty-five of the said Act, nor in the case of a member elected since the commencement of the present session shall it apply to days prior to his election.

Proviso.

133

An Act relating to the granting of subsidies in land to Railway Companies.

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

1. Notwithstanding anything contained in the *Dominion Lands Act*, the Governor in Council in all cases where authorized by any act of Parliament to grant a subsidy in land to a railway corporation is hereby empowered to grant such subsidy wholly or in part in tracts, each comprising a township or a fractional part of a township; but no such grant shall include any land reserved under the said Act for the Hudson's Bay Company unless and until the said Company have consented thereto, nor shall any such land include any lands reserved under the said Act as school lands, unless and until other public lands of equal extent and value as nearly as may be, have been set apart in lieu thereof: R.S.C. c. 54. Land subsidies may be granted in tracts. Hudson's Bay Co. lands and school lands.

2. Where any such grant includes lands reserved for the Hudson's Bay Company, the Governor in Council may grant to the said Company other lands equal in extent and value as nearly as may be in lieu thereof. Other lands may be granted to Hudson's Bay Co.

2. Section one of chapter twelve of the Statutes of 1886, and section four of chapter twenty- three of the Statutes of 1887, are hereby repealed. 1886, c. 12, s. 1 and 1887, c. 23, s. 4 repealed.

134

An Act to amend the Revised Statutes respecting the Department of Public Printing and Stationery.

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

1. Sub-section one of section five of chapter twenty-seven of *The Revised Statutes* is hereby amended by adding thereto the following words:— R.S.C., c. 27, s.s. 5 sub-section 1, amended.

"Provided that nothing in this Act shall be held to require that the printing for the purposes of the Intercolonial Railway or the Prince Edward Island Railway shall be done in the said establishment in any case where such printing may be more conveniently done elsewhere at a cost not exceeding that which would be charged for such printing at the said establishment." Printing for Intercolonial and P.E.I. Railways may be done elsewhere.

BILL.

An Act for the relief of Edmund Holyoake Heward.

Preamble.

WHEREAS Edmund Holyoake Heward, of the town of St. John's, in the district of Iberville, in the province of Quebec, manager of the branch of the Merchants Bank of Canada at the said town, has by his petition set forth that, on the twenty-fourth day of February, one thousand eight hundred and seventy-six, he was lawfully married to Marie Louise Elwes; that after the said marriage they lived and cohabited together at the city of Montreal, in the Province of Quebec, and at the said town of St. John's until the fifth day of November one thousand eight hundred and ninety-one, when she left the said town of St. John's and took up her temporary abode in the city of Chicago, in the state of Illinois, one of the United States of America; that there are now living four children issue of the said marriage, as follows, Helen Libbie, Stephen Augustus, Charles Vivian, and Ralph Burton, all of whom are minors; that she committed adultery with one Charles J. Q. Coursol, at the said town of St. John's, and elsewhere, on many and divers occasions between the thirtieth day of September, one thousand eight hundred and ninety, and the fifth day of November, one thousand eight hundred and ninety-one, and especially on her said journey from the said town of St. John's to the said city of Chicago; and whereas he has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again and that such further relief may by afforded him as is deemed meet, and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Edmund Holyoake Heward and Marie Louise Elwes, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edmund Holyoake Heward may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Louise Elwes had not been solemnized.

Custody of children.

3. The said Edmund Holyoake Heward shall have the permanent custody and sole and absolute control of the persons of his said children Helen Libbie, Stephen Augustus, Charles Vivian, and Ralph Burton, without any right of interference whatever on the part of the said Marie Louise Elwes.

3rd Session, 7th Parliament, 56 Victoria, 1893

A

BILL.

An Act for the relief of Edmund Holyoake Heward.

Received and read a first time, Monday, 6th February, 1893.

Second reading, Tuesday, 21st February, 1893.

Hon. Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act for the relief of Robert Young Hebden.

Preamble.

WHEREAS Robert Young Hebden, heretofore of the city of Montreal, in the province of Quebec, but presently residing at the city of New York, in the state of New York, one of the United States of America, one of the agents of the Bank of Montreal, has by his petition set forth that on the twenty-seventh day of November, one thousand eight hundred and seventy-nine, he was lawfully married to Edith Montagu Patterson, in the parish of Kensington, in the county of Middlesex, England; that at the time of the said marriage he was domiciled in Canada, and shortly afterwards removed to Canada with his said wife, and thereafter he and his said wife were and have ever since continued to be domiciled in Canada; that on or about the twenty-first day of May, one thousand eight hundred and ninety-two, she deserted him and fled from Canada with one John Smith Allan, and that prior to and since her said flight she committed adultery with the said John Smith Allan; and whereas the said Robert Young Hebden has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further and other relief may be granted him as is deemed meet; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Robert Young Hebden and Edith Montagu Patterson, his wife, is hereby dissolved and shall he henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Young Hebden may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Edith Montagu Patterson had not been solemnized.

3rd Session, 7th Parliament, 56 Victoria, 1893

B

BILL.

An Act for the Relief of Robert Young Hebden.

Received and read a first time, Monday, 6th February, 1893.

Second reading, Tuesday, 21st February, 1893.

Hon. Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act for the relief of Martha Ballantyne.

Preamble.

WHEREAS Martha Ballantyne, of the township of Scarboro', in the county of York, in the province of Ontario, wife of William Ballantyne, late of the city of Hamilton, in the county of Wentworth, in the said province, labourer, but now residing in the North-west Territories, has by her petition set forth that on the twentieth day of November, one thousand eight hundred and sixty-two, she was lawfully married, in the said township of Scarboro', to the said William Ballantyne; that they cohabited together as husband and wife until the year one thousand eight hundred and sixty-seven, when he deserted her and committed adultery; that he has ever since continued to live apart from her; and whereas she has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her said petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by andwith the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Martha Ballantyne and William Ballantyne, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Martha Ballantyne may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Ballantyne had not been solemnized.

3rd Session, 7th Parliament, 56 Victoria, 1893

C

BILL.

An Act for the relief of Martha Ballantyne.

Received and read a first time, Monday, 6th February, 1893.

Second reading, Tuesday, 21st February, 1893.

Hon. Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act for the relief of James Balfour.

WHEREAS James Balfour, of the city of Hamilton, in the county of Wentworth, in the province of Ontario, architect, has by his petition set forth that on the twenty-sixth day of June, one thousand eight hundred and seventy-eight, he was lawfully married to Georgina Catharine Munro, at the said city of Hamilton; that they cohabited together as husband and wife until the third day of March, one thousand eight hundred and ninety-two, when he discovered that she had committed adultery in the month of May, one thousand eight hundred and ninety-one; that she also committed adultery during the months of September and November, one thousand eight hundred and ninety-one; and whereas he has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof be granted: 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 marriage between the said James Balfour and Georginia Catharine Munro, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said James Balfour may at any time hereafter marry any other woman whom he might lawfully marry if the said marriage with the said Georgina Catharine Munro had not been solemnized. Right to marry again.

3rd Session, 7th Parliament, 56 Victoria, 1893

D

BILL.

An Act for the relief of James Balfour.

Received and read a first time, Tuesday, 7th February, 1893.
Second reading, Wednesday, 22nd, February, 1893.

Hon. Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act for the relief of James Frederick Doran.

Preamble.

WHEREAS James Frederick Doran, of Lachine, in the county of Jacques Cartier, in the province of Quebec, clerk, has by his petition set forth that, on the twentieth day of March, one thousand eight hundred and eighty-three, at the city of Winnipeg, in the province of Manitoba, he was lawfully married to Mary Augusta Wood, formerly of the said city of Winnipeg, but now of the city of Paris, in France; that during the month of October, one thousand eight hundred and eighty-three, she deserted him, and has not resided with him since that time; that she has committed adultery, inasmuch as on or about the twenty-third day of July, one thousand eight hundred and eighty-eight, she, and one Emile Julien Amblard, of the city of Paris, in France, entered into a form of marriage before the civil authorities at the said city, and have ever since the said twenty-third day of July, eighteen hundred and eighty-eight, been living and cohabiting together as man and wife; and whereas the said James Frederick Doran has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his said petition and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between James Frederick Doran and Mary Augusta Wood, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said James Frederick Doran may, at any time hereafter, marry any woman whom he might lawfully marry if the said marriage with the said Mary Augusta Wood had not been solemnized.

3rd Session, 7th Parliament, 56 Victoria, 1893

E

BILL.

An Act for the relief of James Frederick Doran.

Received and read a first time, Tuesday, 7th February, 1893.
Second reading, Monday, 27th February, 1893.

Hon. Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act to amend "An Act respecting The Nova Scotia Permanent Benefit Building Society and Savings Fund."

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

1. Section eleven of chapter one hundred and fourteen of the Statutes of 1887, intituled "An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund," is hereby repealed, and the following section substituted therefor: 50-51 V., c. 114, s. 11 repealed, and new provision.

"**11.** The Society may, subject to the laws of any province in that behalf, for the purposes of their business, acquire real estate and sell and dispose of the same; but the Society shall sell any real estate acquired in satisfaction of any debt within twelve years after it has been so acquired, otherwise it shall be forfeited to and become vested in the Crown." Power to buy and sell real estate. Limitation.

2. The duty to sell within twelve years real estate acquired in satisfaction of any debt shall not apply to real estate acquired or owned by the Society on or before the twenty-third of June, A.D. 1887. Exception from preceeding section.

F—1

3rd Session, 7th Parliament, 56 Victoria, 1893

F

BILL.

An Act to amend "An Act respecting The Nova Scotia Permanent Benefit Building Society and Savings Fund."

Received and read a first time, Tuesday, 7th February, 1893.
Second reading, Friday, 10th February, 1893.

Hon. Mr. ALMON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act to make further provision respecting Grants of Land to members of the Militia Force on active service in the North-west.

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

Grants of land authorized.

1. Nowithstanding any limits of time prescribed in chapter seventy-three of the Statutes of 1885, or in chapter twenty-nine of the Statutes of 1886, or in chapter thirteen of the Statutes of 1891, or in chapter six of the Statutes of 1892, the Governor in Council may grant a free homestead or scrip, as therein provided, to any person who is entitled thereto under the said Acts, or any of them, but has not already been granted such homestead or scrip; Provided that such person complies within one year after the first day of January, one thousand eight hundred and ninety-three, with the conditions required, by the said Acts or any of them, to be complied with on or before the first day of August, one thousand eight hundred and eighty-six: Provided also, that the provisions of the said Acts shall, so far as applicable, apply to grants of land or scrip under the authority of this Act.

48-49 V., c. 73, 49 V., c. 29, 54-55 V., c. 13.

55-56 V., c. 6.

Proviso: as to limit of time for compliance with conditions.

Proviso: previous Acts to apply.

3rd Session, 7th Parliament, 56 Victoria, 1893

G

BILL.

An Act to make further provision respecting Grants of Land to members of the Militia Force on service in the North-West.

Received and read a first time, Tuesday, 21st February, 1893.
Second reading, Wednesday, 22nd February, 1893.

Hon. Mr. BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An act to amend the law relating to Holidays.

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

1. The Annunciation, Corpus Christi and the Festival of St. Peter and St. Paul shall not henceforth be holidays; and so much of any Act of the Parliament of Canada as creates the said days holidays is hereby repealed. Certain holidays abolished.

3rd Session, 7th Parliament, 56 Victoria, 1893

BILL.

H

An Act to amend the Law relating to Holidays.

Received and read a first time Tuesday 21st February 1893.
Second reading, Monday 27th February 1893.

Hon. Mr. Angers.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act to correct a clerical error in the Bank Act.

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

1. In correction of a clerical error in the French version of section four of *The Bank Act*, chapter thirty-one of the Statutes of 1890, the words "*mil neuf cent un*" are hereby substituted for the words "*mil huit cent quatre-vingt-onze*" in the seventh and eighth lines and in the twelfth line of the said section. 53 V., c. 31, s. 4, French version corrected.

3rd Session, 7th Parliament, 56 Victoria, 1893

I

BILL.

An Act to correct a clerical error in The Bank Act.

Received and read a first time, Tuesday, 21st February, 1893.
Second reading, Monday, 27th, February, 1893.

Hon. Mr. ANGERS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act for the Relief of John Francis Schwaller.

Preamble.

WHEREAS John Francis Schwaller, of the town of Thorold, in the county of Welland and province of Ontario, merchant, has by his petition set forth that on the second day of August, one thousand eight hundred and eighty-eight, he was lawfully married at the city of St. Catharines, in the said province of Ontario, to Florence J. Brown, of the township of Crowland, in the said province, spinster; that, after the solemnization of said marriage, they lived together and cohabited at the said town of Thorold until about the twenty-second day of August, one thousand eight hundred and eighty-eight, when she deserted him, and has not since resided with him, and has been openly living in adultery ever since with one James Herne, in the province of Ontario; and whereas the said John Francis Schwaller has humbly prayed that the said marriage may be dissolved, and that he may be authorized to marry again; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said John Francis Schwaller and Florence J. Brown, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Francis Schwaller may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Florence J. Brown had not been solemnized.

3rd Session, 7th Parliament, 56 Victoria, 1893

J

BILL

An Act for the relief of John Francis Schwaller.

Received and read a first time Thursday, 23rd February, 1893.
Second reading, Friday, 10th March, 1893.

Hon. Mr. Clemow.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act for the Relief of Annette Marion Goff.

Preamble.

WHEREAS Annette Marion Goff, of the city of Montreal, in the province of Quebec, wife of Edward Robert Taché Rowand, of the city of Winnipeg, in the province of Manitoba, has by her petition set forth that on the fifteenth day of July, one thousand eight hundred and eighty-five, she was lawfully married, at the said city of Montreal, to the said Edward Robert Taché Rowand; that they cohabited together as husband and wife until the year one thousand eight hundred and eighty-six; that he has committed adultery at the said city of Winnipeg, and also at the said city of Montreal; that during the period during which they lived and cohabited together as man and wife, to wit, from the fifteenth day of July, one thousand eight hundred and eighty-five, up to about the first day of January, one thousand eight hundred and eighty-six, he was much addicted to the use of intoxicating liquors, and assaulted and otherwise ill-treated her; and whereas she has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her said petition, and it is expedient that the prayer thereof be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Annette Marion Goff and Edward Robert Taché Rowand, her husband, is hereby dissolved, and shall be henceforth null and void, to all intents and purposes whatsoever.

Right to marry again.

2. The said Annette Marion Goff may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Robert Taché Rowand had not been solemnized.

3rd Session, 7th Parliament, 56 Victoria, 1893

K

BILL.

An Act for the relief of Annette Marion Goff.

Received and read a first time, Thursday, 23rd February, 1893.

Second reading, Friday, 10th March. 1893.

Hon. Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act to consolidate and amend certain Acts relating to the Manitoba and North-Western Railway Company of Canada.

Preamble.

WHEREAS the Manitoba and North-Western Railway Company of Canada have by their petition set forth that, as more fully appears by the Acts mentioned in schedule one to this Act, they were incorporated in the year 1880, by the Legislature of the province of Manitoba, under the name of "The Westbourne and North-Western Railway Company"; that, in the year 1881, the said Act was amended by the said Legislature and the Company's name was changed to "The Portage, Westbourne and North-Western Railway Company"; that, in the year 1882, by an Act of the Parliament of Canada, the Company's railway was declared to be a work for the general advantage of Canada and an extension thereof into the North-West Territories was authorized; that, by such declaration and extension the Company and their undertaking became subject to the exclusive legislative authority of the Parliament of Canada; that by the said Act of 1882, the aforesaid change of name was again enacted and *The Consolidated Railway Act*, 1879 and all amendments thereto, were applied to the Company and their undertaking instead of *The Railway Act of Manitoba*; that, in the year 1883, by an Act of the Parliament of Canada, the Company's name was further changed to "The Manitoba and North-Western Railway Company of Canada"; that numerous other amendments of the Company's Act of incorporation have been made by the said and by other Acts of the Parliament of Canada, so that provisions as to the powers, rights and obligations of the Company are contained in a number of Acts; that it is expedient to consolidate and amend these Acts so as to embody the said provisions in one Act; and whereas the company have prayed for such consolidation and also for an extension of the time within which a certain portion of their railway is by law to be built; 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:—

Short title.

1. This Act may be cited as *The Manitoba and North-Western Railway Company's Act*, 1893.

Repeal.

2. The Acts mentioned in schedule one to this Act, but as respects the Acts of the province of Manitoba therein mentioned only so far as any provisions of such Acts are within the legislative authority of the Parliament of Canada, are hereby repealed to the extent in the said schedule mentioned; and in lieu of the said Acts and provisions, this Act,

Applications of this Act.

subject to *The Railway Act* and its amendments, shall apply to The Manitoba and North-Western Railway Company of Canada, hereinafter called "the Company," and to the undertaking of the Company.

Effect of repeal.

3. The said repeal shall not in any way affect—

Continuance of the corporation.

(*a.*) The corporate existence of the Company, which, together with all such persons as hereafter become shareholders in the Company, shall continue to be the same body corporate; or

Savings clauses.

(*b.*) Any obligation, debt or liability of the Company now existing; or

(*c.*) Any right now existing, accruing, accrued or established; or

(*d.*) Any suit, action or proceeding at law or in equity now pending.

Head office.

4. The head office of the Company shall be at the town of Portage La Prairie, and may be changed to such other place in Canada as is fixed by by-law passed at any annual general meeting or at any special meeting of shareholders duly called for that purpose; and the Company may from time to time by

Other offices.

by-law appoint and fix other places within or beyond the limits of Canada, at which the business of the Company may be transacted and at which the directors or shareholders may meet when called, as determined by the by-laws.

General meetings.

5. General meetings of the Company, whether annual or special, may be held at the City of Winnipeg, or elsewhere as may be appointed by by-law.

Annual meeting.

2. The annual general meeting of the Company shall be held on such day, once in every year, as the directors from time to time by by-law determine, and notice of the day so determined shall be given in the manner provided by *The Railway Act* with respect to meetings of shareholders. 47 V., c. 69, s. 6.

Adjournments.

3. If the majority of the shareholders present in person or by proxy at any annual or special general meeting so determine by vote, such meeting may be adjourned to be held in either the City of Montreal, the City of Toronto or the City of Ottawa, whichever, and at such time as, the said majority determine. 53 V., c. 78, s. 3.

Capital stock.

6. The capital stock of the Company shall be twelve millions of dollars divided into two hundred and forty thousand shares of fifty dollars each.

Paid-up stock may be issued.

2. The directors may make and issue as paid-up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls; and all paid-up stock heretofore

Previous issues confirmed.

made and issued in accordance with the provisions of section three of chapter eighty-six of the statutes of 1888, is legalized and confirmed. 51 V. c. 86, s. 3.

Increase of capital.

3. The capital stock of the Company may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy of at least two-thirds in amount of all the shareholders, at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder served on him personally, or properly directed to him and deposited in the post-office, at least twenty days previous to such meeting, stating the time and place and object of the meeting and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount sanctioned by such a vote. 43 V. (Man.) c. 35, s. 21 (10.)

Calls.

4. No call upon shareholders in respect of capital stock shall exceed ten per cent on the amount subscribed. 43 V., (Man) c. 35, s. 10.

Directors.

7. The present board of directors of the Company shall continue to be the directors of the Company until replaced by others elected under the provisions of *The Railway Act* and of this Act.

Number and quorum.

2. The number of directors of the Company shall be, from time to time, determined by by-law, but shall not exceed eleven nor be less than seven, of whom a majority shall form a quorum. 46 V., c. 68, s. 2 ; 47 V., c. 69, s. 8 *part.*

Qualification.

3. No person shall be a director unless he is a shareholder, owning ten shares of stock absolutely in his own right, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen. *The Railway Act*, s. 49 ; 43 V., (Man.) c. 35, s. 8.

Executive committee.

4. The directors may annually appoint from among themselves, an executive committee at Winnipeg, or elsewhere, for such purposes and with such powers and duties as the directors by by-law determine; and the president shall be *ex-officio* a member of such executive committee. 46 V., c. 68, s. 6.

Paid director.

5. The directors may employ one or more of their number as a paid director. 43 V., (Man.) c. 35, s. 8 *part.*

Meetings of directors.

6. Meetings of the directors may be held, either in Canada or in Great Britain, at such place or places in either country or in both, as the Company by by-law determine ; but in the event of a meeting of directors being called to be held in Great Britain, one month's previous notice of such meeting shall be given to each of the directors by registered letter posted in the city where the head office of the Company is situated. 46 V., c. 68, s. 3.

Notice.

Directors' power to act by proxy.

7. If not otherwise provided by by-law of the Company, the directors may act and vote by proxy, such proxy to be held by a director only ; but no director shall hold more than two such proxies, and no meeting of directors shall be competent to transact business unless at least three directors are present thereat in person, the remaining number of directors required to form a quorum being represented by proxies. 47 V., c. 69, s. 8, *part.*

Operation of lines now built.

8. The Company may maintain and operate :—

Main line.

(*a.*) The portion of its main line now constructed, running north-westerly from the town of Portage la Prairie in the province of Manitoba to Yorkton Station in the district of Assiniboia in the North-west Territories, about two hundred and twenty-three miles in all. 43 V., (Man.) c. 35, s. 2 *part;* 45 V., c. 80, s. 3 *part.*

Shell River branch.

(*b.*) The portion of the branch line now constructed, from the main line at Binscarth Station north to Russell Station, about eleven and one-third miles, hereinafter called "the Shell River Branch." 50-51 V., c. 79, s. 1 *part.*

Saskatchewan and Western Railway.

(*c.*) The line of the Saskatchewan and Western Railway Company connecting with the main line of the Company at the town of Minnedosa in Manitoba, leased by the Company under a certain deed of agreement with the above mentioned company, dated the twenty-eighth of May, A.D. 1887, 43 V. (Man.) c. 35, s. 15; 49 V. (Man.) c. 59, s. 20.

Gauge.

2. The gauge of the said portions now constructed shall be maintained at four feet eight and one-half inches.

Powers to buiild and operate.

9. The Company may lay out, construct and operate the following lines of railway of the gauge of four feet eight and one-half inches :—

Main line.

(*a*) An extension of the main line from the present terminus thereof at Yorkton, in a north-westerly direction to a point at or near Prince Albert, on the north branch of the Saskatchewan River. 45 V., c. 80, s. 3, *part.*

Shell River branch.

(*b*) An extension of the Shell River Branch from the present terminus thereof at Russell to the northern or western boundary of the province of Manitoba, at a point north of the main line. 50-51 V., c. 79, s. 1, *part.*

Branch to northern or western boundary of Manitoba.

(*c*) A branch line from some point on the main line between Portage La Prairie and Arden, thence running northerly, eastward of the Riding Mountains to the northern or western boundary of Manitoba. 43 V. (Man.), c. 35, s. 1, *part;* 44 V. (Man.), c. 41, s. 1, *part.*

Branch to Lake Dauphin, &c.

(*d*) A branch line from the main line at some point between Westbourne and Beautiful Plains, north-westerly in the direction of Lake Dauphin or Duck Mountains. 44 V. (Man.), c. 41, s. 1, *part.*

Proviso.

2. Nothing in this section shall be held to limit the right of the Company to lay out, construct and operate branch lines under the provisions of *The Railway Act. The Railway Act*, s. 121.

Limitation of time of for construction.

3. The Company shall construct and complete to the satisfaction of the Governor in Council, not less than twenty miles of railway on or before the thirty-first day of December in each calendar year after the year eighteen hundred and ninety three, otherwise their powers under this section shall cease as regards so much of the said lines of railway as is not completed by the said date in each calendar year. 53 V., c. 78, s. 1, *part;* 55 V., c. 45, s. 1 ; *and extension of time.*

Bridges.

10. The Company may lay out, construct, maintain, work, manage and use a railway bridge over any navigable stream on the line of the railway. 45 V., c. 80, s. 4, *part*.

Telegraphs.

11. The Company may construct and operate such lines of telegraph and telephone in connection with and along the line of their railway and branches, as are necessary or useful for the purposes of their undertaking. 45 V., c. 80, s. 6.

Steamers and other vessels.

12. The Company may build, purchase, acquire, charter, lease, possess, work and operate steam and other vessels on any lakes, rivers or navigable waters, for such purposes in connection with their undertaking, as they deem proper and expedient, and may enter into arrangements and agreements with owners of steam and other vessels for such purposes. 45 V., c. 80, s. 7.

Power to acquire and deal in lands.

13. The Company, for the purpose of aiding the construction, equipment or maintenance of their undertaking, may purchase lands from the Government of Canada, or from the Government of any province of Canada, or from any corporation, company or person, and may hold, dispose of, sell, pledge or mortgage such lands. 45 V., c. 80, s. 8.

Conveyances.

14. Conveyances of land to the Company for the purposes of and exercise of the powers given by this Act, made in the form in Schedule three to this Act or to the like effect, shall be sufficient conveyance to the Company, their successors and assigns, of the estate and interest, and sufficient bar of dower (where the same exists), respectively of all persons executing the same; and such conveyance shall be registered in such manner and upon such proof of execution as is required by the registry laws of the Province or territory where the land is situate. 45 V. (Man.) c. 80, s. 19.

Form.

Registration.

Mortgages discharged by sale of lands.

15. All lands sold and conveyed by the Company or trustees for the Company and paid for in cash shall be forever released and discharged from all mortgages, liens and charges of any kind or nature by any Act relating to the Company or by the Company created; and the purchase money arising from the sale of such lands by the Company shall be applied in the first place in the satisfaction of any mortgage, lien or charge thereon created by the Company, and after payment of any such mortgage, lien or charge created by the Company thereon, shall be applied for the general purposes of the Company. 45 V., c. 80, s. 15; 47 V., c. 69, s. 3.

Application of price.

Land grants from Government, powers to deal with.

16. Notwithstanding anything contained in any Acts relating to the Company, any lands acquired by the Company from the Government of Canada, under the provisions of any Order in Council heretofore passed or hereafter to be passed, which are not required for the right of way or actual working of the railway of the Company, may be sold, mortgaged or disposed of in such manner as the directors, under the authority of the shareholders, think necessary or advantageous for the purposes of the Company and the carrying out of its undertaking; and

Such lands not subject to charge by bonds, &c.

the said lands shall not be subject to any mortgage lien or charge for the bonds issued by the Company, unless so made by a deed executed by the Company. 47 V., c. 69, s. 4.

Existing issues of bonds, &c., described.

17. The bonds, debentures or other securities, debenture stock and preference stock, which have been issued by the Company before the passing of this Act, and are set out in schedule two to this Act, which schedule is hereby for the avoidance of doubts declared to be part of this Act, are hereinafter respectively called "scheduled bonds," "scheduled debenture stock" and "scheduled preference stock," or, collectively, "scheduled securities."

"Scheduled securities."

Existing securities to continue unimpaired.

18. The "scheduled securities" shall remain, until cancellation or redemption thereof, or until payment or discharge in full of the principal and interest thereby secured, the first preferential claims and charges upon the respective portions of the Company's undertaking or property affected or charged as security for such payment in each case, and according to the tenor and effect of any by-law or of any deed of mortgage, conveyance or assurance in each case; and nothing in this Act shall impair any power, right, remedy, privilege or priority now existing in respect of such "scheduled securities."

Powers to issue bonds, &c., debenture stock and preference stock.

19. The Company may issue, from time to time, bonds, debentures or other securities, according to the provisions of *The Railway Act* and of this Act; and may also, as in this Act provided, issue, from time to time, debenture stock and preference stock. 46 V., c. 68, s. 5, *part*.

Limit of issues.

2. The total amount of all such issues, together with the amount of any "scheduled securities" unpaid or unredeemed, shall not exceed at any time the sum of twenty thousand dollars per mile of the Company's railways constructed or under contract to be constructed. 49 V., c. 75, s. 1, *part*.

Issue of debenture stock to replace bonds, &c.

Priority.

3. The Company may, from time to time, issue debenture stock in lieu of such "scheduled bonds," bonds, debentures, or other securities as are paid off or redeemed, to such amount as has been so paid off or redeemed, which debenture stock shall be issued as hereinafter provided and shall rank in priority next after any "scheduled bonds," bonds, debentures or other securities, of the issue in lieu of which such debenture stock is issued. 49 V., c. 75, s. 1, *part*.

Interest on bonds.

20. Bonds, debentures or other securities issued by the Company may bear such rate of interest as the Company thinks fit. 46 V., c. 68, s. 5, *part*.

Certain lands not charged by bonds, unless expressly so by deed.

2. Such bonds, debentures or other securities, shall not create any mortgage, privilege, lien, claim or charge upon any property of the Company heretofore or hereafter acquired by way of bonus from any municipality, or upon any lands acquired by the Company for sale in aid of its undertaking and sold and conveyed by the Company or by trustees for the Company, and paid for in cash, or upon any lands acquired by the Company from the Government of Canada, and not required for the right of way or actual working of the Company's

railways, unless such mortgage, privilege, lien, claim or charge is constituted by deed executed by the Company. 45 V., c. 80, s. 15, *part*; 46 V., c. 68, s. 5, *part*; 47 V., c. 69, s. 4, *part*.

Registration of bonds not necessary to preserve priority.

3. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage, or privilege purporting to appertain to or to be created by any bond issued or security deed executed under the authority of any Act relating to the Company, that such bond or deed should be registered in any manner or in any place whatsoever. 45 V., c. 80, s. 10 *part*; 46 V., c. 68, s. 5, *part*; 47 V., c. 69, s. 9, *part*.

Provision for enforcing bond-holders rights in case of default.

21. If the Company make default in paying the principal of or interest on any of the bonds hereby authorized, at the time when the same, by the terms of the bonds, becomes due and payable, then at the next ensuing annual general meeting of the Company, and at all subsequent meetings, all holders of such bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights, privileges and qualifications for being directors and for voting at general meetings as if they were shareholders holding fully paid-up shares of the Company to a corresponding amount; Provided nevertheless, that the rights given by this section shall not be exercised by any bondholder, unless the bonds in respect of which he claims to exercise such rights have been first registered in his name, in the same manner as is provided by law for the registration of shares of the Company; and for that purpose the Company shall be bound on demand to register any of the said bonds, in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares; Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any of the rights or remedies to which the holders of the said bonds are entitled. 45 V., c. 80, s. 12; 47 V., c. 69; s. 1.

Proviso.

Proviso.

Transfer of bonds.

22. All bonds, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery, unless and until registration thereof in manner provided in the next preceding section; and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being. 45 V., c. 80, s. 13.

Issue of debenture stock.

23. The directors, under the authority of the shareholders to them given at the annual general meeting or at any general meeting specially called for the purpose, at which meeting shareholders representing at least two thirds in value of the capital stock of the Company are present in person or represented by proxy, may from time to time make and issue debenture stock. 53 V., c. 78, s. 2, *part*.

Limit of interest thereon.

2. The interest payable in respect of debenture stock, including interest upon any bonds then outstanding and unpaid, shall not at any time exceed the sum of eight hundred and twenty-

six dollars per annum in respect of each mile of the Company's railway constructed or under contract to be constructed. 53 V., c. 78, s. 2, *part.*

Form, &c.

3. Such debenture stock may be made either perpetual or terminable, and may be executed in such form and under such provisions as to issue, transfer and registration, and with such rights and privileges, as are determined by the by-laws of the Company; and may be issued in sterling money of Great Britain, and without being under the seal of the Company; but no share of such debenture stock shall be for a less sum than one hundred dollars, if in currency of Canada, or than twenty pounds sterling, if in sterling money of Great Britain. 49 V., c. 75, s. 3, *part.*

Charges created thereby.

4. Such debenture stock shall, except as otherwise provided by this Act, constitute the first lien and charge upon the undertaking of the Company, and upon any extension thereof, and upon the property, franchises, plant and rolling stock thereof, acquired or to be hereafter acquired by the Company, and upon the tolls and revenues thereof, subject, however, in the first instance to the payment of any penalty imposed for non-compliance with the provisions of *The Railway Act* respecting returns to be made to the Minister, and after deduction of the working expenses of the railway, but always subsequent to and subject to the rights of any bonds upon the whole or any division of the said railway which are then outstanding and unpaid and have been created a first charge on the railway by any deed executed by the Company. 49 V., c. 75, s. 3, *part.*

Holders rights may be defined by deed.

5. The Company may execute a deed or instrument securing such debenture stock and declaring and defining the rights, privileges, ranking and remedies of the holders of such debenture stock, and may thereby fix the rate of interest on such debenture stock and the place and plan of payment of such interest; and among other things shall incorporate therein all by-laws declaring and regulating the rights and privileges to be enjoyed by the holders of such debenture stock. 49 V., c. 75, s. 3, *part.*

By-laws to be in deed.

And to remain unaltered.

6. Any such by-laws whether incorporated in any such deed or not, which are in force and applicable to such debenture stock at the time of the issue thereof, or of any part thereof, shall remain in force and shall not be altered or amended so long as any of such debenture stock remains unredeemed. 49 V., c. 75, s. 3, *part.*

Deposit of deed.

7. Every such deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given in the *Canada Gazette.* 49 V., c. 75, s. 3, *part.*

Issue of preference stock.

24. The directors, under the authority of the shareholders to them given at the annual general meeting or at any general meeting specially called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present in person or represented by proxy, may issue preference stock to an amount not exceeding in all, together with the "scheduled preference stock," five thousand four hundred dollars per mile of the Com-

Limit.

pany's railway constructed or under contract to be constructed, entitling the holders thereof, in priority to all other shareholders, to a non-cumulative dividend, payable thereon at such rate not exceeding five per cent per annum as the directors think fit, out of the net earnings of the Company, after the interest on the first mortgage bonds and on the debenture stock is paid. 49 V., c. 75, s. 1, *part.*

Dividend.

2. The holders of such preference stock shall not have the rights, privileges and qualifications of holders of capital stock, for voting at meetings of the Company or for being directors. 49 V., c. 75, s. 1, *part.*

Rights of holders.

25. The Company may enter into any agreement with any other railway company within the Province of Manitoba for purchasing or leasing the railway of the Company, or any part thereof, or the use thereof at any time or times, or for any period, to such other company, or for purchasing or leasing or for hiring from such other company any railway, or part thereof, or the use thereof, or for purchasing or leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway, or moveable property, of one or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof. 43 V. (Man.) c. 35, s. 15; 44 V. (Man.) c. 41, s. 4.

Agreements with other companies.

26. The Company may amalgamate with any other railway company and may accept and receive such company as forming part of the Company; and such amalgamation may be by deed, which however shall not have any force or effect uutil it has been submitted to the shareholders of both companies at meetings of such shareholders respectively, duly called for the purpose thereof, and approved by them. 43 V. (Man.) c. 35, s. 31.

Amalgamation with other companies.

27. By such deed of amalgamation it may be agreed that the amalgamating companies shall thereafter form one company under the name of "The Manitoba and North Western Railway Company of Canada" of which change of name notice shall be given by advertisement, published for one month in the *Canada Gazette*; and after such amalgamation, all debts due and owing by the companies parties to such amalgamation shall become due and owing by the amalgamated company in the same manner as if they had been originally contracted by it; and upon being approved of by the Governor in Council, all the assets and property of the companies parties to such amalgamation shall become vested in the amalgamated company, in the same manner and to the same extent as if they had been originally acquired by it, but subject to all liens, privileges and charges thereon; and by such deed the proportion of stock which shall be represented by each company shall be settled, and provision shall be made for giving

Conditions of amalgamation

Approval by Governor in Council.

Effect of amalgation.

Capital stock. the voting power to the stockholders of such of the companies as shall be entitled thereto, either by the retention of the stock originally issued to them, or by the conversion thereof, on terms which shall be agreed upon by the said deed, into stock of the amalgamated company; and by such deed also the

Directors. number of directors to constitute the board of directors of the amalgamated company shall be fixed, and the mode of appointing the first board of such directors shall be established, leaving subsequent boards of directors to be elected at the annual meetings of the amalgamated company, in the manner provided by law for the election of the directors of the Manitoba and North-Western Railway Company of Canada. 45 V., (Man.) c. 35, s. 32.

SCHEDULE ONE.

Acts of the Parliament of Canada and of the Legislature of Manitoba repealed by this Act.

Year.	Title.	Extent of Repeal.
	Acts of Manitoba.	
43 Vict., c. 35.	An Act to incorporate the Westbourne and North-Western Railway Company	The whole.
44 Vict., c. 41.	An Act to amend 43 Vic., cap. 35, intituled: "An Act to incorporate the Westbourne and North-Western Railway Company," and to legalize the by-laws of the Corporation of the Municipality of the Town of Portage La Prairie granting aid to the said company by the issue of debentures	The whole except section nine
	Acts of Canada.	
45 Vict., c. 80.	An Act respecting the Portage, Westbourne and North-Western Railway Company	The whole.
46 Vict., c. 68.	An Act to amend the several Acts incorporating the Portage, Westbourne and North-Western Railway Company, and to change the name thereof to the "Manitoba and North-Western Railway Company of Canada."	The whole.
47 Vict., c. 69.	An Act to amend the Acts relating to the Manitoba and North-Western Railway Company of Canada	The whole.
48-49 Vict., c. 86.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.
49 Vict., c. 75.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.
50-51 Vict., c. 79.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.
51 Vict., c. 86.	An Act to amend the Acts relating to the Manitoba and North-Western Railway Company of Canada	The whole.
53 Vic., c. 78.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.
55-56 Vict., c. 45.	An Act respecting the Manitoba and North-Western Railway Company of Canada	The whole.

SCHEDULE TWO.

Bonds, debenture stock and preference stock now existing and charged upon the railway, all prior issues having been cancelled and surrendered.

1. Bonds to the amount of £540,000 sterling, being the first lien and charge upon the first division of the Company's railway, being 180 miles thereof, commencing at Portage la Prairie, which bonds are secured by a mortgage on such first division, dated the 16th day of April, 1886.

2. Bonds to the amount of £34,500 sterling, being the first lien and charge upon the branch of the Company's railway, commencing at Binscarth, in the Province of Manitoba, and running to the northern or western boundary of Manitoba, at a point north of the main line, which bonds are secured by a mortgage on such branch line, dated the 17th day of February, 1887.

3. Debenture stock issued to the extent of £3,000 sterling per mile, in respect of 42 miles of the Company's railway, west of Langenburg, and constituting a first lien and charge upon the Company's railway and upon any extension thereof, and upon any plant and rolling stock acquired and to be acquired by the Company, and upon the tolls and revenues thereof, after deduction of the working expenses thereof, subsequent to and subject to the right of the said £540,000 sterling first mortgage bonds upon the first division of the railway mentioned in this schedule and which may be outstanding and unpaid, which said first mortgage bonds are a first charge upon the said first division as above set forth, and subsequent to and subject to the right of the said £34,500 sterling first mortgage bonds upon the Shell River branch, and which may be outstanding and unpaid, which said first mortgage bonds are a first charge upon the Shell River branch, as above set forth.

4. Preference stock issued to the extent of $415,000 in lieu of and upon the cancellation of all the second mortgage bonds issued under section two of chapter 86 of the Statutes of 1885.

SCHEDULE THREE.

FORM OF CONVEYANCE.

KNOW all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Manitoba and North-Western Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) (*insert the name or names of any party or parties*) in consideration of dollars paid to me (*or* us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land situated (*describe the land*), the same having been selected and laid out by the said Company for the purposes of the said railway, to hold the same with the appurtenances unto the said The Manitoba and North-Western Railway Company of Canada, their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals), this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of }
C. D. } A. B. (L.S.)

45 V., c. 80, s. 19 and schedule.

3rd Session, 7th Parliament, 56 Victoria, 1893

L

BILL.

An Act to consolidate and amend certain Acts relating to the Manitoba and North-Western Railway Company of Canada.

Received and read first time, Tuesday, 28th February, 1893.
Second reading, Tuesday, 7th March, 1893.

Hon. Mr. LOUGHEED.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act respecting the Trial of Juvenile Offenders.

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

1. Section 550 of *The Criminal Code* 1892 is hereby repealed and the following section substituted therefor :— Criminal Code, s. 550 amended.

"**550.** The trials of all persons apparently under the age of seventeen years shall take place without publicity, and separately and apart from the trials of other accused persons, and at suitable times to be designated and appointed for that purpose. Trial of minors.

"**2.** When any boy or girl is charged with any offence the court or justice shall issue a summons or notice in writing to the father of such boy or girl if living and resident within the place where the boy or girl was found, and, if not, then to the mother if she is living and so resident, and if there is no such father or mother, then to the lawful guardian, if there is one so resident, and if not then to the person with whom according to the statement of such boy or girl, or according to other information, he or she resides, and if there is no such person, then to some suitable person to be appointed by the court or justice to act in behalf of such boy or girl, requiring such father, mother, guardian or other person to appear at a time and place to be stated in the summons and show cause, if any there be, why such boy or girl, if convicted, should not be committed to some Reformatory, Reform School or Industrial School, or otherwise punished." Parent or guardian to be summoned to show cause why minor should not be committed.

3rd Session, 7th Parliament, 56 Victoria, 1893

M

BILL

An Act respecting the Trial of Juvenile Offenders.

Received and read a first time, Tuesday, 7th March, 1893.
Second reading, Friday, 10th March, 1893.

Hon. Mr. ALLAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act respecting the Speaker of the Senate.

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

1. Whenever the Speaker of the Senate, from illness or other cause, finds it necessary to leave the chair during any part of the sittings of the Senate on any day, he may call upon any Senator to take the chair and preside as Speaker during the remainder of such day, unless the Speaker himself resumes the chair before the close of the sittings for that day. Provision for the Speaker's illness and leaving the chair.

2. Whenever the Senate is informed by the Clerk at the table of the unavoidable absence of the Speaker, the Senate may appoint any Senator to act for the Speaker during such absence, and such Senator shall thereupon have and execute all the powers, privileges and duties of Speaker. Provision for unavoidable absence of the Speaker.

3. Every act done by any Senator, acting as aforesaid, shall have the same effect and validity as if the same had been done by the Speaker himself. Validity of acts done in such cases.

3rd Session, 7th Parliament, 56 Victoria, 1893

N

BILL.

An Act respecting the Speaker of the Senate.

Received and read first time, Wednesday, 8th March, 1893.
Second reading, Monday, 13th March, 1893.

Hon. Mr. ANGERS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

An Act to amend the Seamen's Act.

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

1. Section fifty-nine of *The Seamen's Act*, chapter seventy-four of the Revised Statutes, is hereby repealed and the following substituted therefor :—

"**59.** Every master of a ship registered in any of the said provinces shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages, and for the recovery of disbursements properly made by him on account of the ship and for liabilities properly incurred by him on account of the ship, as by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages ; and if, in any proceeding in any court possessing admiralty jurisdiction in any of the said provinces touching the claim of a master to wages, any right of set-off or counter claim is set up, such court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance which is found to be due."

Master to have same remedies for wages as seamen.

3rd Session, 7th Parliament, 56 Victoria, 1893

O

BILL.

An Act to amend the Seamen's Act.

Received and read a first time, Friday, 10th March, 1893.
Second reading, Tuesday, 14th March, 1893.

Hon. Mr. BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

An Act to amend the Inland Waters Seamen's Act.

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

1. *The Inland Waters Seamen's Act*, chapter seventy-five of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section thirty-five :—

"**35A.** The master of any ship subject to the provisions of this Act shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages, and for the recovery of disbursements properly made by him on account of the ship, and for liabilities properly incurred by him on account of the ship, as by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages ; and if, in any proceeding in any court possessing admiralty jurisdiction in any of the said provinces touching the claim of a master to wages, any right of set-off or counter claim is set up, such court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance which is found to be due."

Master to have same remedies for wages as seamen.

3rd Session, 7th Parliament, 56 Victoria, 1893

P

BILL

An Act to amend the Inland Waters Seamen's Act.

Received and read a first time Friday, 10th March, 1893.
Second reading, Tuesday, 14th March, 1893.

Hon. MR. BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act to incorporate "The Canadian Live Stock Insurance Association."

Preamble.

WHEREAS G. Frederick Fisher, Walter S. Fisher, Benjamin H. Torrens, and John M. Wiley, all of the city of Fredericton, and Arthur Glasier, of the parish of Lincoln, county of Sunbury, and province of New Brunswick, have by their petition prayed to be incorporated for the purpose of carrying on the business of insuring live stock and indemnifying the owners thereof against loss by the death thereof; 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:—

Corporation constituted.

1. The persons hereinbefore named, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The Canadian Live Stock Insurance Association" hereinafter called "the Company."

Corporate name.

Business.

2. The Company may carry on the business of insuring live stock and indemnifying the owners thereof against loss by the death thereof, from any cause whatever.

Head office.

3. The head office of the Company shall be in the city of Fredericton, but the Company may establish agencies or branches elsewhere throughout Canada.

Provisional directors.

4. The persons hereinbefore named shall be the first or provisional directors of the Company of whom a majority shall be a quorum.

Capital stock.

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

Increase of capital stock.

2. The directors may increase the amount of the capital stock from time to time to any amount not exceeding two hundred thousand dollars; but no such increase of stock shall be made unless the resolution of the board of directors authorising the same has first been confirmed by a majority of the shareholders present at either an annual general meeting of the Company, or at a special general meeting called for that purpose.

Commencement of business.

6. The Company shall not commence the business of insurance until ten per cent of the capital stock has been paid into some chartered bank in Canada on account of the Company.

Calls.

2. The remainder of the capital stock shall be paid in such instalments as a majority of the directors from time to time determine, not to exceed five per cent per call, and at periods of not less than three months interval; and no instalment shall be payable in less than thirty days after notice thereof has been given by advertisement in one newspaper published in the city of Fredericton and by circular addressed to each shareholder at his last known address.

Notice.

First meeting of company.

7. So soon as twenty five thousand dollars of the capital stock have been subscribed and ten per cent of that amount paid into some chartered bank in Canada the directors may call a general meeting of the shareholders at some place to be named in the city of Fredericton, giving at least ten days notice thereof by registered letter mailed to each shareholder at his address as then in the books of the Company, at which general meeting the shareholders present in person or represented by proxy shall elect three or more directors, who shall constitute the board of directors, and shall hold office until the annual general meeting in the year following their election, and a majority of the said directors shall form a quorum thereof.

Directors.

Quorum.

Qualification.

2. No person shall be qualified to be a director unless he is the holder of at least ten shares of the capital stock of the Company and has paid up all calls made thereon.

Annual general meeting.

8. The annual general meeting of shareholders for the election of directors, and other general purposes, shall be held on the first Tuesday in February in each year at the city of Fredericton, unless some other day be fixed by by-law for that purpose; and notice of the hour and place of such meeting shall be given in the manner required in the next preceding section, and by advertisement published at least twice within ten days prior thereto in some newspaper in the city of Fredericton.

Notice.

Powers to hold real estate and invest funds.

9. The Company may acquire and hold real estate not to exceed in value ten thousand dollars, and may invest its funds, or any part thereof in or lend on the security of the public securities of Canada or of any of the provinces thereof, or in the stocks of any chartered 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, as the directors elect, and may, from time to time, vary or sell the said securities or mortgages or pledge the same, as occasion requires.

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

10. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions contained in *The Insurance Act*.

R.S.C., c. 118 to apply.

11. Nothwithstanding anything contained in *The Companies Clauses Act*, chapter one hundred and eighteen of *The Revised Statutes of Canada*, the said Act, except sections eighteen and thirty-nine thereof, shall apply to the Company.

Exception.

3rd Session, 7th Parliament, 56 Victoria, 1893

Q

BILL.

An Act to incorporate The Canadian Live Stock Insurance Association.

Received and read a first time, Friday, 10 March, 1893.
Second reading, Tuesday, 14th March, 1893.

Hon. Mr. ALMON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act further to amend the Revised Statutes respecting Canned Goods.

Preamble.

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

R.S.C., c. 105, s. 2 amended.

1. Subsection one of section two of the *Act respecting Canned Goods*, chapter one hundred and five of the Revised Statutes, is hereby repealed and the following substituted therefor:—

Name and address of packer to be on label.

"2. Except in the case of goods packed previously to the first day of July, one thousand eight hundred and ninety-three, every package of canned goods sold or offered for sale in Canada, whether for consumption in or export from Canada, shall have attached thereto or imprinted or impressed thereon a label setting forth in legible characters the name and address of the person, firm or company by whom it was packed."

2. The said Act is hereby further amended by adding the following section thereto:—

Disposal of penalties.

"**5.** Upon any conviction under this Act, one moiety of the penalty shall belong to the person who laid the information."

3rd Session, 7th Parliament, 56 Victoria, 1893

R

BILL

An Act further to amend the Revised Statutes respecting Canned Goods.

Received and read a first time Thursday, 16th March, 1893.
Second reading, Tuesday, 21st March, 1893.

Hon. Mr. Bowell.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act further to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

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

1. The section substituted by section one of chapter nine of the Statutes of 1880 for section fifty-nine of *An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams*, chapter sixty-eight of the Consolidated Statutes of the late Province of Canada, is hereby repealed and the following substituted therefor:— 1880, c. 9, s. 1 and C.S.C., c. 68, s. 59, amended.

"**59.** The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz.: Proportionate rates of toll.

	$ cts.
Red and white pine, tamarac, spruce and hemlock, square or waney board, per thousand cubic feet....	15
Oak, elm or other hardwood, square or flatted, or waney board, per thousand cubic feet.....	22½
Sawlogs, 17 feet and under in length, per thousand feet, board measure.....	01
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 feet and under 30 feet long, per thousand feet, board measure.....	01¼
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 30 feet and upwards in length, per thousand feet, board measure.....	01½
Sawed lumber, per thousand feet, board measure.....	03
Staves, per thousand feet, board measure.....	15
Cords of wood, shingle bolts and other lumber, per cord of 128 cubic feet.....	02
Spars, per piece.....	03
Masts, per piece.....	05
Railway ties, other than cedar, in 8 or 16 feet lengths, per length of 8 feet.....	$\frac{1}{24}$
Cedar, round or flatted, 8 feet long, or under, per piece.....	$\frac{1}{32}$
Cedar, round or flatted, over 8 feet and under 17 feet long, per piece.....	$\frac{1}{16}$
Cedar, round or flatted, 17 feet and under 25 feet long, per piece.....	$\frac{3}{32}$
Cedar, round or flatted, 25 feet and under 35 feet long, per piece.....	$\frac{1}{6}$
Cedar, round or flatted, 35 feet and upwards in length, per piece.....	$\frac{1}{4}$

Mode of computation.

"2. The mode of computation with regard to such timber shall be that known as 'Scribner's rule.'"

C.S.C., c. 68, s. 61 amended.

2. Section sixty-one of the said chapter sixty-eight is hereby repealed and the following substituted therefor :—

Company may demand specification of timber.

"**61.** Every such Company may demand from the owner of any timber intended to be passed through any portion of the works of the Company, or from the person in charge of the same, a detailed specification of each kind of timber and of the destination of the same, and of the sections of the works through which it is intended to pass; and if no such specification is given when required or a false specification is given, the whole of such timber or such part of it as has been omitted by a false specification shall be liable to double toll."

Double toll for false specification.

3rd Session, 7th Parliament, 56 Victoria, 1893

S

BILL.

An Act further to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

Received and read a first time, Friday, 17th March, 1893.
Second reading, Monday, 20th March, 1893

Hon. Mr. BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act to amend The North-west Territories Act.

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

1. Section ninety-one of *The North-west Territories Act*, chapter fifty of the Revised Statutes of Canada, is hereby repealed, and the following is substituted therefor :— R.S.C., c. 50, s. 91 amended.

"**91.** The Governor in Council may from time to time by proclamation declare that the three sections next preceding, or any of them, or any portion or portions of the said sections or any of them, shall be repealed from and after the date named in such proclamation. The Governor in Council may also, at any time by proclamation declare that section seventy-one of this Act shall be repealed from and after the date named in such proclamation." Governor in Council may repeal ss. 88 to 91 inclusive or any portions of them. Also s. 71.

2. Section sixty-four of the said Act is hereby amended by adding thereto the following subsections :— S. 64 amended.

"2. The Governor in Council may appoint police magistrates in the Territories, and such police magistrates shall have all the powers and authorities now vested in two justices of the peace under any law of Canada, and shall exercise jurisdiction in and for such territory as is defined by the Order in Council appointing them respectively, or by any Order in Council amending the same. Appointment and powers of police magistrates.

"3. No person shall be appointed a police magistrate unless he has been admitted and has practised as au advocate, barrister or solicitor in one of the provinces of Canada, for a period of not less than three years." Qualifications for police magistrate.

3rd Session, 7th Parliament, 56 Victoria, 1893

T

BILL

An Act to amend The North-west Territories Act.

Received and read a first time, Monday, 20th March, 1893.
Second reading, Wednesday, 22nd March, 1893.

Hon. Mr. ANGERS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's Most Excellent Majesty
1893

BILL.

An Act further to amend the Railway Act.

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

1. Section five of chapter twenty-seven of the Statutes of 1892, is hereby repealed and the following section substituted for section one hundred and seventy-three of *The Railway Act*, chapter twenty-nine of the Statutes of 1888 :— Chapter 27, 1892, section 5 repealed and c. 29, 1888, section 173 further amended.

"**173.** The railway of any company shall not be crossed, intersected, joined or united by or with any other railway, nor shall any railway be intersected or crossed by any street railway, electric railway or tramway, whether constructed under Dominion or provincial or municipal authority or otherwise, unless the place and mode of the proposed crossing, intersection, or junction or union, and the mode of protection thereof, are first approved by the Railway Committee, on application therefor,—of which application ten clear days' notice in writing shall be given by the party or company desiring the approval, such notice to be sent by mail addressed to the president, general manager, managing director, secretary, or superintendent of the company whose railway is to be so crossed, intersected, joined or united ; and in the case of crossing by street railways, electric railways or tramways respectively the Railway Committee shall have the same powers in all respects as to the protection of such crossing and otherwise as are given the Railway Committee by this Act in regard to one railway crossing another." Crossing subject to approval of Railway Committee. Notice. Crossings by street railways, &c.

2. Sections two hundred and fifty-seven and two hundred and fifty-eight of *The Railway Act*, chapter twenty-nine of the Statutes of 1888, are hereby repealed and the following substituted therefor :— Chapter 29, 1888, ss. 257 and 258 amended.

"**257.** An officer shall be stationed at every point where two railways, or two tracks of the one railway (one or both being running tracks), cross each other at rail level, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear." Officer to be stationed at crossing.

"**258.** Every locomotive or railway engine, or train of cars, on any railway, shall, before it proceeds over any such crossing as in the next preceding section mentioned, be stopped for the space of at least one minute; but whenever there is in use at any such crossing an interlocking switch and signal system, or other device which, in the opinion of the Railway Committee, Trains to stop at crossing. Exception.

renders it safe to permit engines and trains to pass over such crossing without being brought to a stop, the Railway Committee may, by an order in writing, give permission for engines and trains to pass over such crossing without stopping, under such regulations as to speed and other matters as the Railway Committee deems proper."

Chapter 29, 1888 further amended.

3. The said Act is hereby amended by adding the following sections thereto, immediately after section two hundred and sixty-two :—

Weight of freight car to be marked thereon.

"**26** A. Every freight car shall have distinctly marked thereon the weight thereof in pounds and also the date on which such weight was ascertained; and such weight shall be verified by the company at intervals of not more than three months, and the marks on the car shall be changed accordingly."

Level of rails leading to track scale.

"**262**B. The top of the rail of every track scale track, for at least sixty feet at each end of the track scale, shall be on a level with the top of the rail on the track scale."

Sub-sections 306 and 307 of c. 29, 1888, not to apply to a certain electric railway.

4. The electric railway for the construction and operation of which power was given to the Niagara Falls Park and River Railway Company by the Act of the Legislature of Ontario, fifty-fifth Victoria, chapter ninety-six, is hereby declared not to be affected by sections three hundred and six and three hundred and seven of *The Railway Act;* and it is hereby further declared and enacted that the said electric railway shall not be deemed to be affected by any Act respecting railways hereafter passed, unless such Act is in express terms declared to extend thereto.

Nor any future Act respecting railways.

3rd Session, 7th Parliament, 56 Victoria, 1893

U

BILL

An Act further to amend the Railway Act.

Received and read a first time Monday, 20th March, 1893.
Second reading, Wednesday, 22nd March, 1893.

Hon. Mr. Bowell.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's Most Excellent Majesty
1893

An Act relating to the granting of subsidies in land to Railway Companies.

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

1. Notwithstanding anything contained in the *Dominion Lands Act*, the Governor in Council in all cases where authorized by any act of Parliament to grant a subsidy in land to a railway corporation is hereby empowered to grant such subsidy wholly or in part in tracts, each comprising a township or a fractional part of a township; but no such grant shall include any land reserved under the said Act for the Hudson's Bay Company unless and until the said Company have consented thereto, nor shall any such land include any lands reserved under the said Act as school lands, unless and until other public lands of equal extent and value as nearly as may be, have been set apart in lieu thereof: R.S.C. c. 54. Land subsidies may be granted in tracts. Hudson's Bay Co. lands and school lands.

2. Where any such grant includes lands reserved for the Hudson's Bay Company, the Governor in Council may grant to the said Company other lands equal in extent and value as nearly as may be in lieu thereof. Other lands may be granted to Hudson's Bay Co.

2. Section one of chapter twelve of the Statutes of 1886, and section four of chapter twenty- three of the Statutes of 1887, are hereby repealed. 1886, c. 12, s. 1 and 1887, c. 23, s. 4 repealed.

BILL.

An Act further to amend the General Inspection Act.

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

1. The section, numbered one hundred and ten, added to *The General Inspection Act*, chapter ninety-nine of the Revised Statutes, by section seven of chapter twenty-three of the Statutes of 1892, is hereby repealed and the following substituted therefor :— R.S.C., c. 99, s. 110 amended.

"**110.** No. 1 Inspected Canadian Apples shall consist of well-grown specimens of the variety named, of nearly uniform size, of good colour, free from scab, worm-holes and bruises, and properly packed. Qualities of apples.

"2. No. 2 Inspected Canadian Apples shall consist of specimens not entirely free from the defects mentioned in class No. 1, but which, on account of inequality of size, lack of colour, or other defects, could not be included in that class."

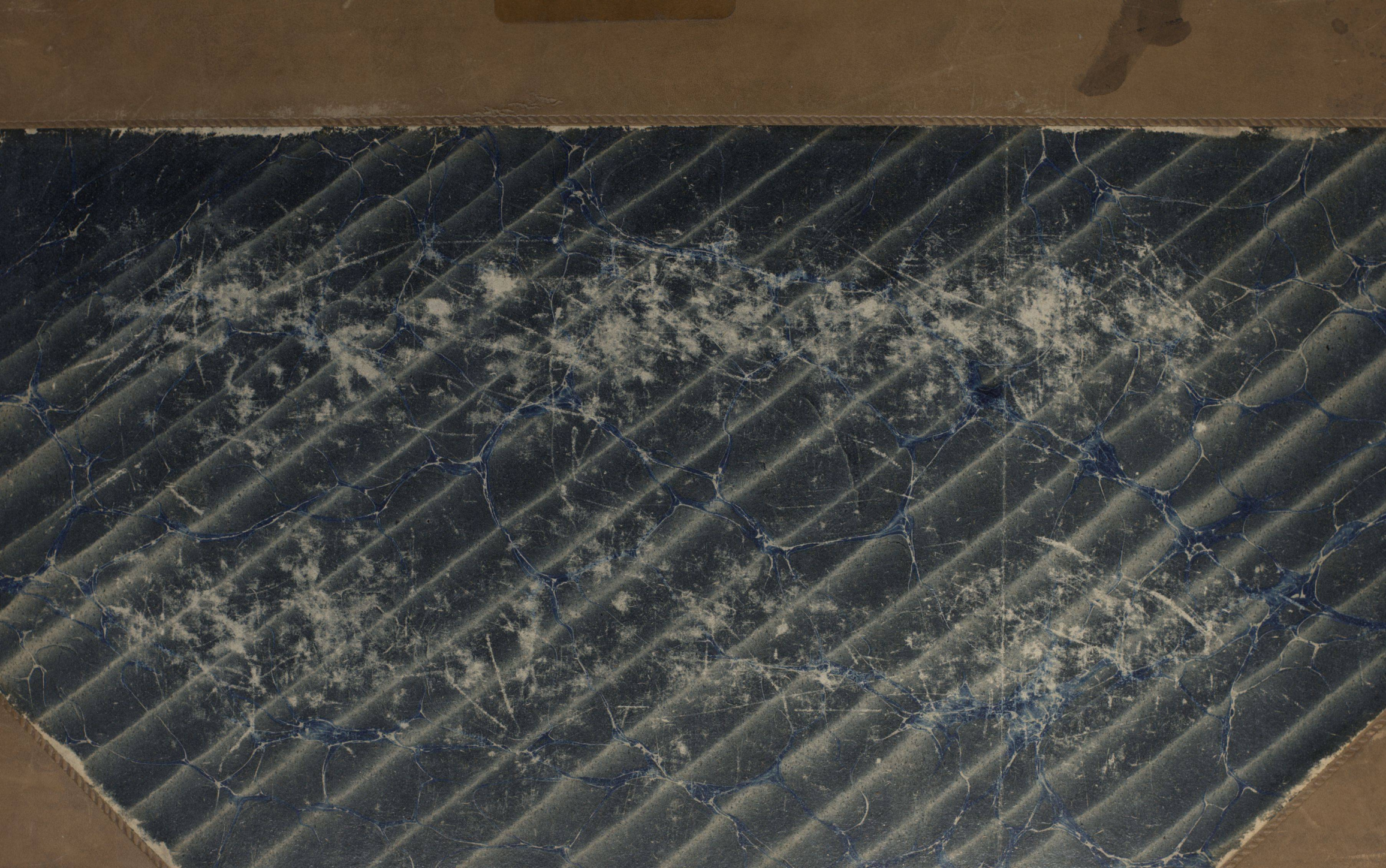
3rd Session, 7th Parliament, 56 Victoria, 1893

V

BILL.

An Act further to amend the General Inspection Act.

Received and read a first time, Wednesday, 22nd March, 1893.
Second reading, Thursday, 23rd March, 1893.

Hon. Mr. ANGERS.

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