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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE
FIFTY-SEVENTH AND FIFTY-EIGHTH YEARS OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE
FOURTH SESSION OF THE SEVENTH PARLIAMENT

*Begun and holden at Ottawa, on the Fifteenth day of March, and closed by
Prorogation on the Twenty-third day of July, 1894*



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

VOL. II.
LOCAL AND PRIVATE ACTS

OTTAWA
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1894



57-58 VICTORIA.

CHAP. 61.

An Act to incorporate the Alberta Southern Railway Company.

[Assented to 23rd July, 1894.]

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:—

Preamble.

1. John Lineham, Peter McCarthy, George K. Leeson, James Walker, Wesley F. Orr, John Ryan Costigan, all of the city of Calgary, and Donald Watson Davis, M.P., of the town of Macleod, in the district of Alberta, and Edmund A. Colquhoun of the city of Hamilton, in the province of Ontario, together with such other persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate, under the name of The Alberta Southern Railway Company, hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be at the city of Calgary.

Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on or near the line of the Canadian Pacific Railway at or near the city of Calgary, thence running in a southerly direction to a point on or near the Little Bow River, thence in a south-easterly direction following as near as conveniently may be the Little Bow River to a point near its confluence with the Belly River, and thence in a south-easterly direction to a point at or near where the international boundary is intersected by the Milk River; and may connect its railway with the railway system of the United States.

Line of railway described.

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

Provisional directors.

Capital stock and calls thereon.

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

Annual general meeting.

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

Number of directors.

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

Amount of bonds, etc., limited.

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

Agreement with another company.

9. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Rocky Mountain Railway and Coal Company, the Calgary and Edmonton Railway Company, the Alberta Railway and Coal Company or the Red Deer Valley Railway and Coal 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 two-thirds in value of the stock are present in person or represented by proxy, and that it has also been approved by the Governor in Council.

Proviso: subject to approval of shareholders and of Governor in Council.

Notice of application for approval.

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

1888, c. 29, s. 239.



57-58 VICTORIA.

CHAP. 62.

An Act respecting the Atlantic and North-west Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Atlantic and North-west Railway Company has by its petition represented that it commenced and completed a considerable portion of its railway within the time prescribed therefor by its Act of incorporation, and that it has also constructed an additional portion of its railway within the extension of time granted by chapter seventy-one of the Statutes of 1889, and it has prayed for a further extension of time within which it may complete the remainder of its railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1879, c. 65.

1889, c. 71.

1. The Atlantic and North-west Railway Company, hereinafter called "the Company," may complete the railway which by its Act of incorporation, being chapter sixty-five of the Statutes of 1879, it was authorized to construct, or any portion or portions thereof, within five years from the passing of this Act; Provided that as to so much thereof as is not completed within that period the powers of the Company shall cease and determine.

Time extended for construction.

2. The Company may enter into an agreement with the Canadian Pacific Railway Company, for conveying or leasing to such company its railway, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, 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

Agreement with another company.

Sanction of the shareholders and of the Governor in Council.

the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Notice of application for approval.

2. Such approval shall not be signified until after 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 covered by the agreement runs, and in which a newspaper is published.

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



57-58 VICTORIA.

CHAP. 63.

An Act respecting the Atlantic and Lake Superior Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Atlantic and Lake Superior Railway Company, incorporated by chapter thirty-nine of the Statutes of 1893, has by its petition prayed that certain agreements made and entered into for the purchase or lease of other railways hereinafter named be ratified and confirmed, and that certain additional powers hereinafter set forth be conferred on the Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.
1893, c. 39.

1. In this Act the expression “the Company” shall mean the Atlantic and Lake Superior Railway Company, and the expression “the said companies” shall mean the companies whose works are mentioned in section two of this Act.

Interpretation.

2. The agreements made and entered into by the Atlantic and Lake Superior Railway Company for the purchase or lease of the Baie des Chaleurs Railway, the Great Eastern Railway, the Ottawa Valley Railway, and the Montreal bridge, and which are set out in the schedules to this Act, are hereby confirmed and made valid, so far as the respective parties thereto are concerned, and shall in all courts and places be taken and be held to be legal, valid and binding in all respects whatsoever upon the respective parties thereto.

Agreements with certain companies confirmed.

2. Nothing in this Act or in the said agreements shall be held to relieve any of the said companies from any of their duties or liabilities, nor shall affect the rights or priorities of the holders of the bonds or debentures of the said companies, as such, with respect to the assets and property of the companies, which rights and priorities shall continue ; nor shall in any wise affect any suit or proceeding now pending either by or against any of the said companies, or any judgment existing, which may be prosecuted, continued or completed and enforced

Saving.

as if this Act had not been passed; nor to lessen or in any manner impair or prejudice the priorities, or any rights, securities, liens or privileges conferred by sections five and six of chapter ninety-seven of the Statutes of 1891.

Issue of debenture stock in lieu of securities authorized by section 9 of chapter 39 of 1893.

Proviso: subject to approval of shareholders.

Proviso: amount of debenture stock limited.

Issue of preferred stock.

Rights of holders.

Purchase of railways.

3. The directors of the Company may, when they deem expedient and subject to the provisions herein contained, create and issue perpetual or redeemable debenture stock wholly or partly in lieu of the bonds, debentures or other securities authorized to be issued under the provisions of section nine of the Act incorporating the Company, chapter thirty-nine of the Statutes of 1893, and may, by resolution, fix and define the amount and denomination of such debenture stock and the security thereof, if any, the rate of interest, the time and the place of payment of interest on such debenture stock, or of the principal thereof, the registration of the holders of such stock, the form and mode of transfer thereof, and all other particulars in reference thereto: Provided always that, before the issue of any such debenture stock, the nominal amount thereof shall be approved by a resolution passed at a special general meeting of the shareholders of the Company called for that purpose; and provided further that the total amount of debenture stock, bonds, debentures or other securities issued or to be issued under the provisions of this section, and of the said section nine, shall not exceed in all twenty-five thousand dollars per mile of the railways acquired, constructed or under contract to be constructed.

4. The Company may issue one-fourth of its capital stock as preferred stock on such terms and conditions as may be agreed upon by the ordinary shareholders of the Company at a special general meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy; and such preference stock shall entitle the holder thereof, in priority to all other shareholders, to a non-cumulative dividend of five per cent per annum out of the net earnings of the Company after the interest on the first mortgage bonds or debentures is paid.

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

5. The company may purchase any of the railways which it is authorized to purchase by agreement with the said companies and it may also purchase any of the outstanding bonds, shares or obligations of any of the said companies, and may pay for the same wholly or partly in cash, or wholly or partly in the shares, preference shares, debenture stock or bonds of the Company.

6. The Baie des Chaleurs, Great Eastern and Ottawa Valley railways shall be completed within three years, and the Montreal bridge within five years, from the passing of this Act; otherwise the powers granted for such construction shall cease and determine as respects so much of the said works as then remains uncompleted.

Time for construction of railways limited.

SCHEDULE A.

THIS AGREEMENT of sale made and entered into at Montreal on this sixteenth day of April in the year of Our Lord one thousand eight hundred and ninety-four by and between the Baie des Chaleurs Railway Company, a body politic and corporate, incorporated by Act of the Legislature of Quebec having its head office and chief place of business in the City of Montreal and herein acting and represented by James Cooper of the City of Montreal, its Vice President and Samuel J. Simpson of the said City its Secretary Treasurer, both duly authorized by a resolution of the Board of Directors of the said Company and hereinafter called the Chaleurs Company; and the Atlantic and Lake Superior Railway Company, a body politic and corporate incorporated by act of the Parliament of Canada and having its head office and chief place of business in the said City herein acting and represented by its President, the Honourable Joseph Rosaire Thibaudeau of the City of Montreal, and its Secretary, Edgar N. Armstrong of the said City duly authorized by a resolution of the Board of Directors of the said Company and hereinafter called the Atlantic Company.

Whereas the Atlantic Company has by its act of incorporation, 56 Victoria, Chap. 39, been authorized to purchase or lease from the Chaleurs Company the railway of the latter Company.

And whereas by the said Act 56 Victoria, Chap. 39, the Chaleurs Company has been authorized to sell or lease to the said Atlantic Company its railway and all its appurtenances and belongings.

And whereas at a special general meeting of the shareholders of the Chaleurs Company held at the head office of the Company on the twelfth day of March eighteen hundred and ninety-four it was resolved that the Directors be authorized to enter into an agreement with the Atlantic Company for the sale of the Company's railway, its franchises and all its appurtenances and belongings to the said Atlantic Company for and in consideration of the payment to the Chaleurs Company by the Atlantic Company of the sum of four hundred thousand dollars in cash; five hundred thousand dollars in the first mortgage bonds of the Atlantic Company and nine hundred thousand dollars in paid up shares of the Atlantic Company.

And whereas at a special general meeting of the shareholders of the Atlantic Company held on the tenth day of March eighteen hundred and ninety-four it was resolved that the

Directors be authorized and employed to enter into an agreement for the purchase of the railway of the Chaleurs Company and all its appurtenances and belongings for and in consideration of the payment of four hundred thousand dollars in cash ; five hundred thousand dollars in the first mortgage bonds of the Company, and nine hundred thousand dollars in paid up shares of the Atlantic Company.

And whereas at the meeting of the Directors of the Atlantic Company the President and Secretary were authorized to sign and execute an agreement with the Chaleurs Company on the foregoing terms.

And whereas at a meeting of the Directors of the Chaleurs Company held on the twenty-second day of March eighteen hundred and ninety-four the Vice-President and Secretary-Treasurer were authorized to sign and execute a deed of sale and transfer of the Company's railway, appurtenances and belongings to the Atlantic Company on the aforementioned terms.

Now therefore these presents witness :—

That the said Chaleurs Company has bargained, sold, aliened, transferred and conveyed to the said Atlantic Company the railway of the said Chaleurs Company as at present located and constructed from Metapedia to Caplin, a distance of about eighty (80) miles : together with all its appurtenances and belongings of whatsoever nature or kind, including all rolling stock and supplies, buildings, fences, bridges and other structures, rails and fastenings, ties and embankments, and also the franchises of the Company, together with all plans and profiles and estimates belonging to and in the use of said Chaleurs Company, and all Government subsidies voted or to be voted towards the construction of the Company's line. Said sale, conveyance and transfer is made for and in consideration of the payment to trustees to be named by the said Chaleurs Company of the sum of four hundred thousand dollars in cash and a further payment of five hundred thousand dollars, in the first mortgage bonds of the said Atlantic Company, said bonds to bear interest at the rate of five per cent per annum ; and a further payment of the sum of nine hundred thousand dollars in paid-up shares in the capital stock of the said Atlantic Company. The said payments of cash, bonds and shares shall be made within six months from the date hereof, failing which this agreement shall be null and void and of no effect and the said Atlantic Company hereby agrees to accept the said transfer and conveyance of the said railway of the Chaleurs Company, its appurtenances and belongings, together with its franchises and subsidies and to pay for the same the aforementioned sums in cash, bonds and paid-up shares of the Atlantic Company within six months from the date hereof, failing which this agreement shall be null and void and of no effect ; but this agreement shall not vest any ownership or convey any transfer of its property whatever in advance of the payment and acquittance of the said consideration price.

Both the parties to this Agreement bind and oblige themselves to sign and execute any other documents which may be required to give full force and effect to this Agreement.

Signed in duplicate at the City of Montreal the day, month and year first above mentioned.

THE BAIE DES CHALEURS RAILWAY COMPANY.

In the Presence of C. N. ARMSTRONG.	}	JAS. COOPER,
		<i>Vice-President.</i>
		S. J. SIMPSON,
		<i>Acting Secretary.</i>

ATLANTIC AND LAKE SUPERIOR RAILWAY COMPANY.

[L.S.]	J. R. THIBAUDEAU,
	<i>President.</i>
	EDGAR N. ARMSTRONG,
	<i>Secretary.</i>

SCHEDULE B.

THIS AGREEMENT made at the City of Montreal this sixteenth day of April in the year one thousand eight hundred and ninety-four by and between the Montreal Bridge Company, a body corporate and politic incorporated by Act of Parliament of Canada and having its head office and chief place of business in the City of Montreal hereto represented and acting by its president Henry Hogan and its secretary treasurer Robert Watson both of the said city, duly authorized, hereinafter called the Bridge Company; and the Atlantic and Lake Superior Railway Company, a body corporate and politic, incorporated by Act of Parliament of Canada having its head office and chief place of business in the said city and hereto represented and acting by its president the Honourable Joseph Rosaire Thibauudeau and its secretary Edgar N. Armstrong, both of the said city, duly authorized, hereinafter called the Atlantic Company.

Whereas by the Act 56 Victoria chapter 39 the said companies were authorized to enter into an agreement for the use by the Atlantic Company of the bridge and terminus of the Bridge Company.

And whereas by resolution of the directors of the Atlantic Company passed at a meeting held on the sixteenth day of April instant it was resolved that the company enter into an agreement with the Bridge Company for the use of their bridge and terminus on the terms hereinafter mentioned.

And whereas by resolution of the directors of the said Bridge Company passed at a meeting held on the said sixteenth day of April instant it was resolved that an agreement be entered into with the Atlantic Company on the terms hereinafter mentioned.

Now therefore this agreement witnesseth :—

The said Bridge Company undertakes to construct and complete within three years from the confirmation of this agree-

ment by the Governor General in Council or by Act of the Parliament of Canada a double track railway and highway bridge across the River St. Lawrence opposite the City of Montreal and a terminus in the central part of the said city which shall be reached by a double track elevated railway and will provide suitable accommodation for the transaction of the freight and passenger business of the said Atlantic Company at said station and it shall also connect the approaches to its bridge on either side of the River St. Lawrence with the lines of the said Atlantic Company to the satisfaction of said Atlantic Company, but the non-fulfilment of the above condition in the time specified shall not entitle the Atlantic Company to claim any damages from the Bridge Company.

The Bridge Company further agrees that all trains both freight and passenger of the Atlantic Company shall have free access to the said bridge and terminus and shall use the same at such times and in such manner as it may desire subject to such rules and regulations as may be made by the Bridge Company or by the Railway Committee of the Privy Council to regulate the traffic of said bridge and terminus.

No preference or advantage of any kind shall be given to any other railway company either in the running of its trains or in the use of the terminus facilities or in the tolls charged therefor.

In consideration of the use of said bridge and terminus the Atlantic Company agrees to pay to the Bridge Company the following tolls:—

For each and every sleeping, dining or parlour car and all first-class cars	\$3 00
For each and every second-class, colonist or emigrant car and for each baggage mail or express car	\$2 00
For each and every freight car loaded or empty	\$2 00
No charge shall be made for locomotives when hauling trains but for dead locomotives the charge shall be	\$5 00
For each snow plough or flanger or wrecking car, steamshovel, &c.....	\$5 00

The above charges will apply to all regular and special trains other than suburban trains.

In the case of suburban trains making more than two round trips per day no charge will be made excepting for the two first round trips.

Should the Bridge Company at any time make any lower charge than above stated to any other company it shall be bound to reduce the rate charged to the Atlantic Company to the same basis as that charged the other company.

All tolls shall be payable monthly and within fifteen days after the end of each month.

The Atlantic Company hereby agrees that should the amount of the tolls payable by it in any year during the term of this agreement

agreement not reach a total sum of one hundred thousand dollars it shall pay to the Bridge Company such sum in excess of the tolls paid as shall be necessary to make a total sum of one hundred thousand dollars for that year. The Atlantic Company shall have the right to retain any amount in excess of one hundred thousand dollars per annum which may be due to the Bridge Company to reimburse any payments previously made in excess of the tolls properly chargeable to the Atlantic Company.

All trains of the Atlantic Company while on the Bridge Company's property shall be under the direct control of the officials of the Bridge Company.

All the conditions of this agreement shall apply to any and all lines which the Atlantic Company may acquire by purchase or lease or which it may operate during the term of this agreement and the traffic of such lines shall be considered as part of the traffic of the Atlantic Company.

It is understood that the trains of the Atlantic Company shall be hauled by the locomotives of that company, but should the Bridge Company decide to haul all trains passing over its bridge an additional charge shall be made for such service, such charge shall be agreed upon between the two Companies or in the event of disagreement the rate shall be fixed by arbitration.

Nothing in this agreement shall in any way prevent the Bridge Company from giving running powers to Electric Car Companies running their cars on other tracks on their bridge, on such terms as they may judge proper.

The Bridge Company shall furnish such station accommodation at different points on its line between the terminus at Longueuil and Montreal, as may be necessary for the accommodation of the public. Should the Atlantic Company acquire any premises in the City of Montreal for the accommodation of its freight business or the storage or repair of its engines or cars or for the storage or distribution of fuel the Bridge Company shall provide such connection with its line as may be necessary to reach said premises. The Bridge Company shall also supply such siding accommodation as may be necessary for the proper carrying on of the Atlantic Company's business.

The aforementioned rates of tolls shall apply to all cars transferred from either side of the River St. Lawrence to the Central Station or any way station or siding or *vice versa* as well as to all cars transferred direct from one side of the river to the other without passing through the Central Station.

This agreement is made for the term of twenty years from the date of its sanction and approval by the Governor General in Council or by an Act of the Parliament of Canada.

Both the parties hereto bind and oblige themselves to sign and execute any further documents which may be necessary for giving full force and effect to this agreement.

Signed in duplicate at Montreal on the day, month and year first above written.

THE MONTREAL BRIDGE COMPANY.

In the presence of Sgd, C. N. ARMSTRONG.	}	[L.S.] H. HOGAN,
		President. ROBERT WATSON,
		Secretary-Treasurer.

ATLANTIC AND LAKE SUPERIOR RAILWAY COMPANY.

	J. R. THIBAUDEAU,
[L.S.]	President.
	EDGAR N. ARMSTRONG,
	Secretary.

SCHEDULE C.

THIS AGREEMENT made at Montreal this sixteenth day of April one thousand eight hundred and ninety-four by and between the Atlantic and Lake Superior Railway Company, a body corporate and politic incorporated by Act of the Parliament of Canada having its head office and chief place of business in the City of Montreal hereto represented and acting by its President the Honourable Joseph Rosaire Thibaudeau and its Secretary Edgar N. Armstrong, both duly authorized, and hereinafter called the Atlantic Company and Charles Newhouse Armstrong of the said City, Railway Contractor hereinafter called the Contractor—witnesseth;—

That whereas the Contractor has contracted with the Great Eastern Railway Company a body corporate and politic incorporated by Act of the Parliament of Canada and having its head office and chief place of business in the said City of Montreal and hereinafter called the Eastern Company for the construction of sixty miles of the railway of the Eastern Company.

And whereas the Contractor has expended a large sum in the execution of this contract and is entitled to receive from the said Eastern Company a large sum of money and is the chief creditor of the Eastern Company.

And whereas the said Contractor is the only owner and holder of the mortgage bonds issued by the Eastern Company.

And whereas the Contractor can control over two-thirds of capital stock of the Eastern Company.

And whereas the railway of the Eastern Company is now advertised to be sold at judicial sale.

And whereas the Atlantic Company is authorized by the Act 56 Victoria, chapter 39 to purchase the said Eastern Railway and whereas it is desirous of doing so and whereas the said Contractor is willing to enter into an agreement to sell and deliver to the Atlantic Company the said Railway and all its appurtenances and belongings.

Now this agreement witnesseth :—

The Contractor hereby agrees to sell and to deliver to the Atlantic Company within six months from the ratification of this agreement by the Governor General in Council or by an Act of the Parliament of Canada, the line of railway of the Eastern Company situate between Yamaska in the county of Yamaska, and St. Grégoire in the county of Nicolet, in such state and condition as it then may be and to give a legal and valid title to said property.

The Contractor further agrees to transfer to the Atlantic Company any and all claims he may have against the Eastern Company and all outstanding mortgage bonds of the Eastern Company and also two-thirds of the capital stock of the Eastern Company.

In consideration of and upon the delivery to the Atlantic Company by the Contractor of the said railway line, its appurtenances and belongings and the said claims, bonds and shares, the Atlantic Company agrees to pay to the Contractor the sum of one hundred and fifteen thousand dollars in cash, one hundred and fifty thousand dollars in first mortgage bonds of the Atlantic Company and four hundred and twenty thousand dollars in paid-up shares in the capital stock of the Atlantic Company.

Upon payment of the said cash, bonds and shares by the Atlantic Company, the Contractor agréés to transfer to the Atlantic Company or to any person named by it, his contract with the Eastern Company, or to cancel and discharge the said contract if the Atlantic Company demands it.

Both the parties to this agreement bind and oblige themselves to sign and execute any other documents that may be necessary to give full force and effect to this agreement.

Should this agreement not be sanctioned by the Governor General in Council or by Act of the Parliament of Canada within four months from the date hereof it shall be null and void and of no effect.

Signed in duplicate at Montreal the day, month and year first above mentioned.

ATLANTIC AND LAKE SUPERIOR RAILWAY COMPANY.

In the presence of A. DEWAR.	}	J. R. THIBAUDEAU,
		<i>President.</i>
		EDGAR N. ARMSTRONG,
		<i>Secretary.</i>
[L.S.]		C. N. ARMSTRONG.

SCHEDULE D.

THIS AGREEMENT AND DEED OF SALE AND CONVEYANCE, made and entered into at the city of Montreal, this sixteenth day of April, in the year one thousand eight hundred and ninety-four, by and between the Atlantic and Lake Superior Railway Company, a body corporate and politic, incorporated by Act of the Parliament of Canada, having its head office and chief place of business in the city of Montreal, hereto represented and acting by its President, the Honourable Joseph Rosaire Thibaudeau and its Secretary, Edgar N. Armstrong, duly authorized by resolution, and hereinafter called the Atlantic Company, and the Ottawa Valley Railway Company, a body corporate and politic, incorporated by Act of the Parliament of Canada and having its head office and chief place of business in the said city of Montreal, hereto represented and acting by its Vice-President, Archibald Campbell, and its Secretary-Treasurer, Robert Watson, both duly authorized by resolution, and hereafter called the Valley Company, showeth :—

Whereas by Act of the Parliament of Canada, 56 Victoria, Chapter 39, the Atlantic Company was authorized to purchase the railway of the Valley Company, together with its franchises, surveys, plans, material and other property, and whereas, by the said Act the said Valley Company was authorized to sell its railway, together with its franchises, surveys, plans, material and other property, on such terms as might be agreed upon by the shareholders of the respective companies.

And whereas, the shareholders of the Valley Company at a meeting duly called and held, on the eighth day of January last (1894), did authorize and empower the Vice-President and Secretary of said company to sign and execute a deed of sale and transfer of the Company's railway, together with its franchises, surveys, plans, material and other property, upon the terms and conditions hereinafter recited.

And whereas, the shareholders of the said Atlantic Company, at a meeting duly called and held on the sixteenth day of April instant, did authorize the President and Secretary of said company to sign and execute said deed of sale and transfer on account of said Atlantic Company.

Now these presents show :—

The said Valley Company does hereby sell, transfer, make over and convey to the said Atlantic Company hereto present and accepting the railway of the Company as it is now located and constructed, between the town of Lachute and the village of St. Andrew's, both in the county of Argenteuil and province of Quebec, a distance of about seven miles, together with all and every its appurtenances and attachments, and the franchises of the said company and all surveys, plans, material and other property.

And in consideration of said sale, transfer and conveyance, the said Atlantic Company hereby binds and obliges itself to deliver to said Valley Company first mortgage bonds of said Atlantic Company for one hundred and sixty-two thousand five hundred dollars, and also paid-up shares in the capital stock of the said Atlantic Company for the sum of one hundred and forty-five thousand dollars, and also the sum of fifty-two thousand five hundred dollars in cash; said payment of cash and delivery of bonds and shares shall be made by the Atlantic Company to the Valley Company within sixty days after this agreement shall have been confirmed by the Governor General in Council (as provided by section four, subsection three of the said Act, 56 Victoria, chapter 39), or shall have been ratified and confirmed by Act of Parliament of Canada. Should this agreement not be ratified by the Governor General in Council or by Act of the Parliament of Canada within six months from the date hereof, or should the said payment of cash and delivery of bonds and shares as above provided not be made within sixty days after the ratification of this agreement by the Governor General in Council or by Act of the Parliament of Canada, then this agreement shall be null and void and of no effect.

And the parties hereto bind and oblige themselves to sign and execute any further documents that may be necessary to give full force and effect to this agreement.

ATLANTIC AND LAKE SUPERIOR RAILWAY COMPANY.

Signed in presence of C. N. ARMSTRONG.	}	[L.S.]	J. R. THIBAUDEAU,
			EDGAR N. ARMSTRONG,
			<i>President.</i>
			<i>Secretary.</i>

THE OTTAWA VALLEY RAILWAY COMPANY.

	ARCH. CAMPBELL,
[L.S.]	<i>Vice-President.</i>
	ROBERT WATSON,
	<i>Secretary.</i>

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



57-58 VICTORIA

CHAP. 64.

An Act to incorporate the Boynton Bicycle Electric Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS a petition has been presented praying for the incorporation of a company to construct an electric 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 :—

1. David J. Kennelly of Louisburg, Jacob Miller and James B. Miller of Hants County, in the province of Nova Scotia, Arthur E. Kennelly of Philadelphia, in the state of Pennsylvania, and George A. Gordon of Livingston, in the state of Montana, together with such persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Boynton Bicycle Electric Railway Company," hereinafter called "the Company."

2. The head office of the Company shall be in the city of Montreal, in the province of Quebec.

3. The Company may :—

(a.) Lay out, construct and operate a railway on a single rail according to the Boynton bicycle electric railway system, from a point at or near the city of Winnipeg, thence by way of Toronto, Ottawa, Montreal and St. John, to the town of Louisburg, in the county of Cape Breton and province of Nova Scotia, with a branch from Montreal to Quebec ;

(b.) Acquire and use water powers and establish works for the supply of electrical power for the operation of the said railway ;

(c.) Acquire by license, purchase or otherwise any exclusive rights in letters patent, franchises or patent rights for the purposes of the works hereby authorized, and again dispose of the same ;

(d.) Erect and maintain docks, dock yards, wharfs, slips, piers and warehouses for the purposes of its business at any point on or in connection with their railway on navigable water

for the convenience and accommodation of vessels and elevators, and also acquire and work elevators, and acquire, own, 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.

Provisional directors.

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

Capital stock.

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

Annual general meeting.

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

Number of directors.

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

Bonding powers.

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

1888, c. 29.

9. *The Railway Act* shall 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.

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57-58 VICTORIA.

CHAP. 65.

An Act to revive and amend the Act to incorporate the Brandon and South-western Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Brandon and South-western Railway 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:—

Preamble.

1. The Act incorporating the Brandon and South-western Railway Company, being chapter eighty-six of the Statutes of 1890, is hereby revived and declared to be in force; and if the railway of the Company is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within one year, and if the undertaking is not completed within three years, from the first day of April 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 undertaking as then remains uncompleted.

1890, c. 86,
revived.
Time limited.

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57-58 VICTORIA.

CHAP. 66.

An Act respecting the Canada Southern Railway.

[Assented to 23rd July, 1894.]

WHEREAS the Canada Southern Railway Company has, by its petition, set forth that, since the first day of January, 1883, under an agreement bearing date the 12th day of December, 1882, made between the company and the Michigan Central Railroad Company, a corporation existing under the laws of the state of Michigan, the railway of the Canada Southern Railway Company has been operated by the Michigan Central Railroad Company; that on the faith of the said agreement important works have been executed and large expenditures of money made; that the said agreement is in the interest of the general public and of all persons affected thereby, as well as of the companies parties thereto; that by a judgment of the Court of Appeal for Ontario delivered on the 8th day of May, 1894, the effect of the said agreement as to the application of *The Railway Act* to the Michigan Central Railroad Company has been questioned; that the court in delivering the said judgment suggested that application should be made to Parliament at its present session, to confirm the said agreement; and whereas the Canada Southern Railway Company has by its petition prayed for the passing of the enactments hereinafter contained; and whereas the Michigan Central Railroad Company and the trustees of the mortgages securing the bonds on the Canada Southern Railway have petitioned to the same effect; 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 and declares as follows:—

Preamble.

1888, c. 29.

Agreement confirmed.

Declaration as to effect.

1. The agreement between the Canada Southern Railway Company and the Michigan Central Railroad Company, dated the 12th day of December, 1882, and set out in the schedule to this Act, is hereby confirmed and ratified and is declared to be and to have been legal, valid and binding on and since the said 12th day of December, 1882, and to have conferred on the Michigan Central Railroad Company, on and from the said date, power to operate the Canada Southern Railway according

according to the terms of the said agreement and subject to the same obligations and restrictions and with the same rights and privileges as those which the Canada Southern Railway Company was and is subject to and possessed and possesses in virtue of the various statutes relating to or affecting the Canada Southern Railway Company, including *The Railway Act* and its amendments.

1888, c. 29.

Saving clause as to pending actions.

2. Nothing in this Act contained shall affect or prejudice in any manner the rights or obligations of any party to any action or proceeding-at-law, pending on the 8th day of May, 1894.

Powers for another agreement.

3. After the expiration or other determination of the said agreement the Canada Southern Railway Company may enter into an agreement with the Michigan Central Railroad Company, either—

Renewal of present agreement.

(a.) for the renewal of the said agreement, subject, however, to the provisions of sections 238 and 239 of *The Railway Act*; or—

Agreement for conveyance or lease, etc.

(b.) for conveying or leasing to the Michigan Central Railroad Company, the railway of the Canada Southern Railway Company, in whole or in part, or any rights or powers possessed by the Canada Southern Railway Company, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with the Michigan Central Railroad 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 by shareholders.

Approval by Governor in Council.

Notice of application for approval.

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

1888, c. 29 and amendments to apply to new agreement.

4. *The Railway Act* and its amendments shall apply to the exercise by the Michigan Central Railroad Company of any powers conferred upon it by any agreement made under the authority of the next preceding section of this Act.

SCHEDULE.

AGREEMENT, made and concluded this 12th day of December, 1882, by and between the Canada Southern Railway Company, with the consent of two-thirds of its stockholders, for itself and the several roads which it controls, as hereinafter recited, party of the first part, and hereinafter called the "Canada Company," a corporation existing under the laws of the Dominion of Canada, and the Michigan Central Railroad Company, a corporation existing under the laws of the State of Michigan, hereinafter called the "Michigan Company," party of the second part.

Whereas, the said Canada Company is the proprietary owner of a main line of railroad between the Niagara River and the Detroit River, opposite Detroit, and of several branch lines of road appurtenant to said main line; and the said Company is also the owner of all the bonded indebtedness and of a controlling interest of the capital stock of the Canada Southern Bridge Company and of the Erie and Niagara Railway Company, and of substantially all of the bonded indebtedness and a majority of the stock of the Toledo, Canada Southern and Detroit Railway Company, and of the Michigan Midland and Canada Railroad Company, and through the ownership of such bonds and stock controls the several last mentioned Companies; and—

Whereas, the said Michigan Company is the proprietary owner, under its charter, of a line of railroad from the City of Detroit, in the State of Michigan, to Kensington, in the State of Illinois, and has permanent trackage rights from thence, over the road of the Illinois Central Railroad Company, into the City of Chicago; and said Company, under leases or operating agreements, controls the following railroads: The Michigan Air Line Railroad, including the branch from Niles, Michigan, to South Bend, Indiana; the Joliet and Northern Indiana Railroad, the Grand River Valley Railroad, the Kalamazoo and South Haven Railroad, and the Jackson, Lansing and Saginaw Railroad, and is the owner of all the capital stock of the Detroit and Bay City Railroad Company, and works the road of said last mentioned Company under a perpetual agreement, and has an interest in the St. Charles Air Line Railroad;

And whereas, the said companies, parties hereto, for the purpose of mutually benefiting the traffic over their lines, and for the economy of the working thereof, have resolved to make the arrangement hereinafter contained for the regulation and interchange of traffic and the working of traffic over the railways of the said companies, and for the division and apportionment of tolls, rates and charges, and for the management of the railways of the said companies, and the running and operation

operation thereof, and all railways in connection therewith, over which the said companies, or either of them, have control, as aforesaid.

Now, therefore, this agreement, made and entered into as aforesaid, witnesseth as follows, to wit :

I.

The said Canada Company, in consideration of the covenants and agreements by and on the part of the said Michigan Company hereinafter contained, does, on its part, covenant and agree :

First.—That it will, concurrently with the taking effect of this agreement, for the purpose of the working and management of the said roads, as hereinafter provided, transfer and deliver the possession and control of its main line of road hereinbefore described, together with the several lines of branch roads appurtenant thereto, and also all the plant, equipment and property of every kind and nature appurtenant to the said road, main line and branches, or acquired or held for use in connection therewith, including the transfer ferry boats and other property nominally owned by the said Canada Southern Bridge Company, which may be conveniently used in connection with the working and operation of the lines of railroad covered by this agreement to the said Michigan Company, and will, and does hereby, give to the said Michigan Company the right, at the date above named, to enter upon and take possession of the said road, main line and branches, and the said other property, and thereafter, during the continuance of this agreement, to retain possession thereof, and to maintain, work and operate the said road, in the manner in which it, the said Michigan Company, hereinafter covenants that it will maintain, work and operate the same ; Provided, however, that nothing herein contained shall have effect to transfer the ownership of any of the several lines of railway, or branches or appurtenances, or any of the property, real or personal, owned or controlled by the said Canada Company, or to preclude the said Canada Company or the said Bridge Company from disposing of any property owned by said Bridge Company, other than the aforesaid ferry boats and appurtenances.

Second.—That it will also, concurrently with the taking effect of this agreement, cause to be transferred to the said Michigan Company the control and management for the purpose of working and operating the several following roads, to wit :

The Erie and Niagara Railroad, the Michigan Midland and Canada Railroad, and the Toledo, Canada Southern and Detroit Railroad, and that during the continuance of this agreement it will, by the use of the shares of stock of the said several

companies owned and controlled by it, continue the said Michigan Company in the control and management of said several roads; and in case the road of the said Toledo, Canada Southern and Detroit Railway Company shall, during the continuance of this agreement, be sold in foreclosure of the mortgage resting thereon, it, the said Canada Company, will, if practicable, by the use of the bonds of said Company which it holds, cause said road to be purchased and the title thereof taken and held in such manner as to assure that the said road shall continue to be worked and operated under this agreement.

Third.—That it will, during the continuance of this agreement, keep up its corporate organization, and will from time to time, and in due time, perform all acts which it is or may be by law in that behalf required to perform, and will neither do, nor suffer to be done, any act by which its corporate existence, rights and franchises, or either of them, may become subject to forfeiture or impairment; and that it will not, during the continuance of this agreement, part with its interests in, and control of, the several corporations owning the railroads mentioned in the last above paragraph, which interest and control is now represented by its ownership of the bonds and shares of stock of said corporations as hereinbefore recited.

Fourth.—That its said proprietary road, main line and branches, and the property appurtenant thereto, the possession and control of which it is to so transfer to the said Michigan Company, and each and every part thereof, is free and clear from all encumbrances, except a certain mortgage executed to Augustus Schell and Cornelius Vanderbilt, as mortgagees in trust, to secure the payment of bonds to the aggregate amount of fourteen million dollars (\$14,000,000), and interest semi-annually thereon, to wit, January 1st and July 1st in each year, at the rate of five per cent per annum, the principal of which bonds will mature January 1st 1908. . And that if any other or further liens or encumbrances, not otherwise provided for, shall be found to exist thereon, or on any part thereof, the said Michigan Company may deduct any sum which it may be compelled to pay by reason thereof from the moneys which, by the terms of this agreement, it, the said Michigan Company, is to pay to it, the said Canada Company; and that the proceeds of any of the said bonds now remaining unissued shall be applied to the purposes designated in "The Canada Southern Arrangement Act 1878," passed by the Parliament of Canada, and otherwise designated as 41 Victoria, Chapter 27.

Fifth.—That it will, concurrently with the taking effect of this agreement, or as soon thereafter as practicable, cause to be executed its corporate negotiable bonds in such denomination, and made payable at such time subsequent to the date fixed for the termination of this agreement, as the Canada Company may determine, to the aggregate amount of six million dollars, bearing interest at a rate not to exceed five per cent

cent per annum, payable semi-annually, and secured by a second mortgage upon all its property executed to Augustus Schell and Cornelius Vanderbilt as mortgagees in trust, and will deposit said bonds with the Union Trust Company, and give to said Company authority to sell the same as hereinafter provided. And that it will cause the net proceeds of the sale of said bonds, except as hereinafter otherwise provided, to be expended for the purpose of making additions and improvements to its said railroad and property, the possession of which is to be hereunder given to said Michigan Company, as follows, to wit:

1st. Constructing a branch of said main line of road from some point on the same to the Niagara River.

2nd. Constructing or acquiring ownership of a bridge over the Niagara River, and necessary approaches thereto and connections with other roads, and providing terminal facilities for said road in the vicinity of said bridge.

3rd. Replacing Kettle Creek Bridge with a permanent double track structure of iron, stone or earthwork.

4th. Laying a second track on the main line of said road between such points as the said Michigan Company may from time to time determine to be necessary for the proper and economical working of the line.

5th. Extending existing branches and constructing new branches, as may be found desirable to reach or develop business.

6th. Increase of the equipment of the road of said Canada Company up to the following standard, to wit, 125 locomotives, 45 first class coaches, 30 second class coaches, 6 baggage, mail and express cars, 25 baggage cars, 3 dining cars, 2,600 box cars, 200 stock cars, 50 oil cars, 500 flat cars, 60 caboose cars, 100 coal cars.

7th. Such other additions and improvements as may from time to time be approved by both parties hereto. The said Canada Company, however, reserves the right to use sufficient of the proceeds of said bonds to pay any indebtedness which it may be held or found to owe the International Bridge Company or other creditors whose claims are now in dispute; and such further sum as may be necessary to carry out the purposes of the Canada Southern Arrangement Act, 1878, after the application to such purposes of the fourteen million of bonds authorized by said act; provided, however, that not to exceed one million dollars in amount of said bonds shall be so used.

Sixth.—That its fixed charges, in the nature of interest upon bonds and rental of leased lines, when the bonds which it has hereinbefore covenanted to issue have been so issued, shall not exceed the sum of one million dollars.

Seventh.—That it will, to the extent of its corporate powers, make any and all further and other assurances, conveyances and contracts which may be advised by counsel as necessary to protect the said Michigan Company in the possession of the

said railroads and other property hereby transferred, or intended so to be, and will, during the continuance of this agreement, ensure the Michigan Company in the quiet and peaceable possession and control thereof.

Provided, that the Canada Company shall not be liable for any breach of this covenant consequent upon any act of God, war, riots, strikes or other occurrences over which the Canada Company has no control.

II.

The said Michigan Company, in consideration of the foregoing covenants and agreements on the part of the said Canada Company, covenants as follows:—

First.—That it will enter into possession of the said railroad of the said Canada Company, and the property appurtenant thereto, when transferred as above provided, and will, during the continuance of this agreement, maintain, manage, work and operate the said roads as hereinafter provided, in like manner and in all respects as it would do if it were the owner thereof (but in the name of the Canada Southern Railway Company), with like charter or statutory rights, privileges, duties and obligations as the said Canada Company now has, and will observe and perform such duties and obligations in the same manner as said Company would be bound to do if this agreement were not made, and that it will neither do, nor omit to do, any act whereby the corporate rights, privileges or franchises of the said Canada Company may become subject to forfeiture or impairment.

Second.—That it will not, without the consent of said Canada Company in writing, change the location of any line or branch, or of any part of any line or branch, of either of the roads the possession of which is given to it hereunder by the said Canada Company, nor will it cease to operate any such line or branch without like consent; provided, that nothing herein contained shall be construed to compel the Michigan Company to maintain the crossings of the Detroit River at Grosse Isle after the completion of the line of the Canada Company from Essex Centre to a point on the Detroit River, opposite Detroit.

Third.—That it will, during the continuance of this agreement, pay, in due season, all taxes and assessments that may, after it so receives possession of said railroad and property, be levied or become chargeable thereon, or upon the said Canada Company, by reason of its ownership thereof; and that it will, from time to time, pay the interest upon the series of bonds issued by said Canada Company and hereinbefore mentioned as the coupons for such interest shall mature, and cause to be surrendered said coupons, cancelled, to the Treasurer of said Canada Company, and that it will also, in like manner, pay the interest upon any bonds that said Canada Company may hereafter issue, under the provision in that behalf herein contained, and also the interest upon such bonds as may hereafter

be issued by said Canada Company in renewal, or for the retirement of, said bonds herein mentioned, or any of them.

Fourth.—That it will assume and perform all existing contracts, leases and agreements of the Canada Company which relate to the management and operation of the roads covered by this agreement, and will create no liens or encumbrances upon said railroad or property, or any part thereof, by way of mortgage or otherwise, and will indemnify and save harmless the said Canada Company against all liability, actions, damages and losses which may in any manner arise from or on account of any act or omission of it, the said Michigan Company, its agents and employees; and upon the termination of this agreement, by default or otherwise, will return said road and property in as good condition, in all respects, as when received by it hereunder, and will also surrender to the Canada Company, in good condition, all betterments or improvements made, or new branches constructed, during the continuance of this agreement.

Fifth.—That it will cause to be maintained, worked and operated the said roads of the said Erie and Niagara, Michigan Midland and Canada, and Toledo, Canada Southern and Detroit Companies, in such manner as to comply in all respects with the laws and charters applicable thereto, and, so far as practicable, in connection with its own lines of road and the roads of said Canada Company, in such manner as to protect the rights and advance the interests of all parties concerned, and at the termination of this agreement will surrender charge thereof in like good condition as when received; provided, that if the earnings of the road of the Michigan Midland Company shall be insufficient for the expenses of its maintenance and operation, then such expense shall be paid out of the gross revenue hereinafter mentioned.

Sixth.—That it will at all times keep full, true and accurate accounts of all moneys received and disbursed in and about the premises, and will use and appropriate said moneys as hereinafter provided, and will, as hereinafter provided, render to said Canada Company a statement of such receipts and disbursements, and will permit the Board of Directors of the Canada Company, or such persons as they may appoint, full and ample inspection of all books of accounts and vouchers in any wise appertaining to the maintenance, management and operation of the roads covered by this agreement.

Seventh.—That the fixed charges, in the nature of interest upon bonded indebtedness and rental, payable on account of its main line and the several other lines of road controlled by it, as hereinbefore recited, amount to the sum of one million seven hundred and twenty-five thousand dollars, and no more.

III.

It is mutually agreed as follows:

First.—The Michigan Company shall manage and operate

all the roads and branches covered by this agreement, without discrimination or preference in favour of or against the roads and branches of either company, parties hereto, and shall, as far as practicable, and as is to the interest of both parties hereto, send over the roads and branches of the Canada Company all railway traffic, the route or direction of which it can control, and which is destined for points which can be reached by the roads of the Canada Company or its connections, and shall maintain and foster the existing south-western connection of the roads of the Canada Company, and all other business, whether through or local, of the Canada Company.

Second.—All gross earnings, revenues and receipts derived from the maintenance and operation of the roads covered by this agreement, in so far as the parties hereto are entitled to the benefit of the same, shall be appropriated as follows, to wit:

1st. To the payment of the cost of maintaining in like good condition, and of working and operating the roads of the two companies, including the maintenance and renewal of roadway, plant and equipment, and the payment of taxes and assessments, and the maintenance of organization of both companies.

2nd. To the payment of the fixed charges, to wit, interest on bonded debt, including the interest on the second mortgage bonds of the Canada Company, to be issued as herein provided, when so issued, and rental of leased lines, payable by both companies according to their respective covenants hereinbefore contained, and such further fixed charges, as may be hereafter created under this agreement.

3rd. The residue, if any, shall be divided between the two companies, parties hereto, in the proportion of $33\frac{1}{3}$ per cent to the said Canada Company, and of $66\frac{2}{3}$ per cent to the said Michigan Company.

The full term of twenty-one years under this agreement shall be divided into four periods, the first three of which shall consist of five years each, and the last of which shall consist of six years; and either of the companies, parties hereto, may, by giving notice in writing to the other party, at least two months before the expiration of each of said first three periods, call for a readjustment of the percentage of net earnings which each is to receive for the next period thereafter; and, in case the other party neglects or refuses to proceed to consider such readjustment, or the parties cannot agree, the percentage which each party shall receive during the said period shall be settled by arbitration, in the manner provided by the fourteenth clause of the third division of this agreement.

If the gross earnings and receipts in any year are insufficient to meet the payments provided for in the above clauses numbered first and second, then the said Michigan Company may pay and retain the amount of such deficiency out of future earnings and receipts.

Third.—The said Michigan Company shall cause separate accounts to be kept of the business of the said Erie and Niagara, Michigan Midland and Canada, and the Toledo, Canada Southern and Detroit Companies respectively, and also of the business of the Canada Southern Bridge Company, if any business shall be carried on in its name, or under its franchises, in such manner as to be able to make all necessary and proper reports of such business, and of the earnings and expenses of each of said companies; and any revenues which the said Canada Company shall be entitled to receive, on account of interest upon bonds or dividends upon the stock of either of said companies, which it, the said Canada Company, now owns, or which it may hereafter acquire under the Canada Southern Arrangement Act or otherwise with the proceeds of its said second mortgage bonds (which may be used for that purpose with the consent of the parties hereto), shall constitute a portion of the gross revenue to be appropriated as heretofore provided.

Fourth.—Operating expenses under this agreement shall be as said terms are defined by section 2 of the said Canada Southern Arrangement Act, 1878, and shall include custom-house expenses at the National boundary lines, and such other disbursements usually charged to operating expenses by railroad companies in Canada and the United States.

Fifth.—If the amount of the fixed charges now payable by either company as hereinbefore stated and covenanted shall at any time be reduced, the party whose fixed charges are so reduced shall receive the sole benefit of such reduction.

Sixth.—If the fixed charges of either party are increased for the purpose of permanent improvements, of a nature to increase, and made for the purpose of increasing, the earning capacity of the property, such increase of fixed charges shall be paid out of the gross revenue of the two companies; provided, however, that such increase of fixed charges shall not be so paid unless created with the assent of both parties hereto, and provided further, that nothing herein contained shall be construed to prevent the Michigan Company from promoting the construction of other lines of road, not competitive to the lines covered by this agreement, and aiding such construction by its credit.

Seventh.—The bonds which the said Canada Company has hereinbefore covenanted to execute and deposit with the Union Trust Company, shall be sold from time to time by said Trust Company, upon the joint request, in writing, of the parties hereto, and the proceeds thereof shall be placed by said Trust Company to the joint credit of the Treasurers of said parties, and shall be paid out only upon cheques or drafts of the Treasurer of the said Canada Company, countersigned by the Treasurer of said Michigan Company; and the additions and improvements, to the making of which

the said Canada Company has hereinbefore covenanted that the proceeds of said bonds shall be applied, shall be made as follows, to wit : the construction of said branch to Niagara River, and of said Kettle Creek Bridge, shall be entered upon presently, that is to say, as soon as money for that purpose can be realized from the sale of bonds as above provided, and the construction of the said bridge over the Niagara River as soon as the necessary authority in that behalf can be obtained. Said second track shall be laid, and additions to equipment obtained and branches constructed or extended, from time to time, upon the request of the said Michigan Company ; provided, that if any disagreement shall arise between the parties with reference to the time at which any of said improvements or additions shall be made, or with reference to any other question under this provision, the matter so in disagreement shall be submitted to, and determined by, arbitrators, under the general provisions upon that subject hereinafter contained.

Eighth.—If, after the said Canada Company's equipment has been increased, as hereinbefore provided, an increase of equipment shall become necessary, such increase may be made and paid for from gross earnings, and such increase of equipment shall be apportioned between the two companies, as owners, in the same proportion as net earnings are to be divided between said companies under this agreement ; provided, that such equipment shall not be so increased and paid for out of the earnings of any one year to an amount to exceed two hundred and fifty thousand dollars, without the consent of the Directors of said Canada Company, or by determination of arbitrators that such increase is necessary.

Ninth.—Terminal facilities for the Toledo, Canada Southern and Detroit Company may be acquired in the name of said company, and payment therefor made from its separate earnings, and said Canada Company will cause the necessary corporate action in that regard to be taken by said Toledo, Canada Southern and Detroit Company, on request of said Michigan Company.

Tenth.—If the said Michigan Company shall in any manner be deprived of the control of either of the roads included in this agreement, the percentage of the net revenue of the party now having control of, and placing the same under, this agreement, shall be proportionately reduced, as the parties hereto may agree ; and, failing such agreement, the amount of such reduction shall be determined by arbitration, under the general provisions in that behalf hereinafter contained.

Eleventh.—Any floating indebtedness of the said companies, parties hereto, respectively, existing at the time this agreement takes effect, shall, unless other provision be made therefor, be paid by said Michigan Company out of current receipts, and the amount of each Company's indebtedness so paid shall be charged against and deducted from the net earnings to

which it may become entitled ; provided, that no such indebtedness of the Canada Company shall be paid, except upon certificate and by direction of its Treasurer. Any such existing indebtedness of either of the other companies in this agreement mentioned, shall be paid out of the earnings of such companies, and in the event of the earnings of such Company's roads not being sufficient to pay such existing debt, then the Michigan Company may pay the same out of the gross revenues of the roads covered by this agreement, and charge the amount against the future earnings of the Company whose debt is so paid. All traffic earnings, due either of the companies mentioned herein, unpaid at the date of this agreement, shall be collected by said Michigan Company, and carried to the credit of the Company entitled to the same.

Twelfth.—The fiscal year under this agreement shall begin on the 1st day of January, and shall end on the 31st day of December, and the Michigan Company shall render accounts semi-annually before the 1st of March and the 1st of September in each year ; such accounts shall show in detail the gross earnings of the lines of each company, the operating expenses in detail, the fixed charges paid, and any other information necessary to a true understanding of the accounts for the preceding half fiscal year, and shall also, on such 1st day of March and September in each year, pay to the Treasurer of the Canada Company the amount of the net earnings to which it is entitled under the terms of this agreement.

Thirteenth.—An inventory and appraisalment shall be made, and attached hereto, of the locomotives, cars and other movable property owned and used in connection with the said railroads of the said Canada Company at the time this agreement goes into operation, with a statement of the condition of the same, and at the termination of this agreement the said Michigan Company shall return to said Canada Company the property designated in such inventory and in like condition, or an equivalent in like property, or shall pay the value thereof.

Fourteenth.—In case any disagreement shall arise between the parties hereto in reference to the proper construction of this instrument, or with reference to the rights, privileges or obligations of either party thereunder, the Directors or Executive Committee of each party shall, from time to time, as may be necessary, choose one person (disinterested between the parties), and the two persons so chosen shall choose a third, and the said three persons shall, on reasonable notice in writing to the parties herein, determine any such matter of disagreement ; and the parties hereto shall abide by and comply with any decision so made by said three persons, or a majority of them. In case either party shall neglect or refuse to choose a person to act as aforesaid, after twenty days' notice in writing from the other party to make such choice, the party giving such notice may choose two disinterested persons, and the two

so chosen shall choose the third to act with them. And if, by any award made by the decision of arbitrators at any time chosen and acting hereunder, the said Canada Company is required to do any act, or to pay or expend any sum of money, and said company shall refuse or neglect to comply with such decision for thirty days after it is required to comply therewith, said Michigan Company may do such act or make the required payment or expenditure, and retain the amount thereof out of the first moneys which thereafter may become payable to said Canada Company; and any award made hereunder shall be enforceable in the courts of the state of Michigan or of the province of Ontario.

Fifteenth.—This agreement shall take effect on the 1st day of January, 1883, and shall continue for the term of twenty-one years, and shall bind the successors and assigns of the respective parties hereto; provided, however, that if either of the said parties shall make default, in any substantial and material respect, in the performance of the covenants and agreements on its part herein contained, and such default shall continue for more than three months after demand of performance by the other party, such other party may, at its option, declare this agreement rescinded; and, in case the default shall be on the part of said Michigan Company, and such option shall be exercised by said Canada Company, it may re-enter upon and take possession of all and singular the said roads and property hereby transferred, together with any additions and betterments which have been made thereto, and may also recover from said Michigan Company all moneys then due from it hereunder; and in case said default is on the part of said Canada Company, and said option is exercised by said Michigan Company, it may surrender the possession of the roads and property received hereunder, including additions and betterments, and thereupon all of its obligations in the premises shall cease; or in case of such default by either party, the other party, instead of declaring this agreement rescinded, may have its proper action in the courts to enforce its provisions, or to recover damages for their violation; provided, however, that this agreement is to be construed liberally and in such manner as to operate equitably between the parties for the accomplishment of the purposes intended, and neither party shall have the right to declare the same rescinded on account of any alleged default of the other party, unless such default is admitted, or has been determined to exist by arbitrators chosen under the provision on that subject hereinbefore contained, and the party so in default has neglected for thirty days after such admission or determination to make good such default.

In Witness Whereof, the parties hereto have caused this agreement to be executed.

Under their respective corporate seals, and attested as to the Canada Southern Railway Company, by the respective signa-

tures of Cornelius Vanderbilt, vice-president, and Nicol Kingsmill, secretary.

THE CANADA SOUTHERN RAILWAY COMPANY.

In the presence of (Sig.) ADAM CROOKS, of the city of Toronto.	}	(Sig.) C. VANDERBILT, <i>Vice-President.</i>
		(Sig.) NICOL KINGSMILL, <i>Secretary.</i>

As to the Michigan Central Railroad Company, attested by the respective signatures of William H. Vanderbilt, President, and Frederick W. Vanderbilt, Acting Secretary.

In the presence of (Sig.) ADAM CROOKS, of the city of Toronto.	}	(Sig.) W. H. VANDERBILT, <i>President.</i>
		(Sig.) F. W. VANDERBILT, <i>Acting Secretary.</i>

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



57-58 VICTORIA.

CHAP. 67.

An Act to incorporate the Cariboo Railway Company.

[Assented to 23rd July, 1894.]

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

Preamble.

1. Elliott T. Galt and W. D. Barclay, of Lethbridge, Alberta; Harry Abbott, John M. Browning, and David Oppenheimer, all of Vancouver, British Columbia; John Irving, of Victoria, British Columbia; Donald D. Mann, of Montreal, Quebec, and Alexander Ferguson, of Ottawa, Ontario; together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Cariboo Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The works hereinafter mentioned are hereby declared to be works for the general advantage of Canada.

Work for general advantage of Canada.

3. The head office of the Company shall be in the city of Vancouver, or such other place in Great Britain or Canada as the directors from time to time determine by by-law.

Head office.

4. The Company may lay out, construct and operate a railway of a gauge of not less than three feet, from a point on the main line of the Canadian Pacific Railway at or near Kamloops or Ashcroft, or between Ashcroft and Kamloops, to a point at or near Barkerville in the Cariboo District in the province of British Columbia, with power to extend it to some point on the Fraser River north of the mouth of the Quesnelle River.

Narrow gauge railway.

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

Provisional directors.

6. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time

Capital stock and calls thereon.

time as they deem necessary ; but no one call shall exceed ten per cent on the shares subscribed.

First meeting
of sharehold-
ers.

Notice there-
of.

1888, c. 29, s.
36.

7. Notwithstanding the provision contained in section thirty-six of *The Railway Act*, the provisional directors may call the meeting provided for by that section by giving two weeks' notice thereof in one daily newspaper published in the city of Vancouver and by mailing postpaid by registered letter to the last known address of each shareholder a notice of such meeting.

Annual gen-
eral meeting.

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

Number of
directors.

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

2. The number of elected directors may be increased to not more than nine by by-law passed by the shareholders at any annual general or special meeting duly called for that purpose.

Proxies.

10. The directors may vote and act by proxy, but such proxies shall be held by directors only ; no director shall hold more than two proxies ; and no meeting of directors shall be competent to transact business unless at least two directors are present thereat in person ; but if the number of directors is increased to nine, as provided in the next preceding section, no meeting of directors shall be competent to transact business unless at least four directors are present thereat in person.

2. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting.

Amount of
bonds, etc.,
limited.

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

Agreement
with another
company.

12. The Company may enter into an agreement with the Cariboo Railway Company, a corporation incorporated by the legislature of the province of British Columbia, for acquiring by purchase or otherwise or for taking on lease the railway of the said last mentioned company in whole or in part and all its rights, powers, surveys, plans, works, plant, material, machinery, franchises and other property to it belonging or any of them or any portion thereof and may also 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, franchises and other property to it belonging, or for an amalgamation with such company, in either case on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit: Provided that every such agreement in either case has been first 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 agreements.

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 electoral districts through which the railway of the Company hereby incorporated runs and in which a newspaper is published. Notice of application.

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





57-58 VICTORIA.

CHAP. 68.

An Act respecting the Cobourg, Northumberland and Pacific Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Cobourg, Northumberland and Pacific Railway Company has by its petition prayed that an Act be passed to extend the time for the commencement and completion of its line of railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
1889, c. 62 ;
1891, c. 90 ;
1892, c. 38.

1. The times for the commencement and completion of the railway of the Cobourg, Northumberland and Pacific Railway Company are hereby extended for two years and four years respectively from the ninth day of July, one thousand eight hundred and ninety-four; and if the railway is not commenced and completed within the times so fixed, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Times for construction extended.

2. Section nine of the Act incorporating the Company, being chapter sixty-two of the Statutes of 1889, is hereby amended by adding thereto the following subsection:—

1889, c. 62, s. 9 amended.

“3. Notwithstanding anything in this section, the sanction of the shareholders to a lease of the line and works of the Company, or an agreement for such a lease, to the Canadian Pacific Railway Company, may be given in writing by every shareholder in the Company, without the calling of a special general meeting; and in that case the Governor in Council may give his approval to the lease or agreement for a lease without the publication of the notices required by this section.”

Consent in writing of shareholders without calling of meeting and notices.



57-58 VICTORIA.

CHAP. 69.

An Act to authorize the purchase of the Yarmouth and Annapolis Railway by the Windsor and Annapolis Railway Company, Limited, and to change the name of the latter Company to the Dominion Atlantic Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Western Counties Railway Company was duly incorporated by an Act of the legislature of Nova Scotia, passed in the thirty-third year of Her Majesty's reign, chapter eighty-one, for the purpose, among others, of constructing and operating a railway from Yarmouth to Annapolis, and the said Act was subsequently amended by various Acts of the said legislature; and whereas the Western Counties Railway Company built and operated the said railway, or a portion thereof, under the said Acts; and whereas by an Act of the Parliament of Canada, fiftieth and fifty-first Victoria, chapter seventy-seven, the Western Counties Railway and all lines of railway at the date of the passing of such Act or thereafter owned by the said Company, were declared to be works for the general advantage of Canada, and it was declared that all such railways should thereafter be subject to the legislative authority of the Parliament of Canada, subject as therein mentioned; and whereas by an Act of the said Parliament, fifty-sixth Victoria, chapter sixty-three, the name of the Western Counties Railway Company was changed to the Yarmouth and Annapolis Railway Company; and whereas the Windsor and Annapolis Railway Company, Limited, (hereinafter called the Windsor Company), was on the first day of March, one thousand eight hundred and sixty-seven, registered in England under the provisions of the statute of the United Kingdom called *The Companies Act, 1862*, with a memorandum and articles of association, and having for its objects, among other things, the acquisition and working of the Windsor and Annapolis Railway in the province of Nova Scotia, and any branch or extension thereof, and other railways in the said province; and whereas by an Act of the Legislature of the province of Nova Scotia, being chapter thirty-six of the Acts of one thousand

Preamble.
N.S., 33 V., c. 81.
Can., 1887, c. 77.
Can., 1893, c. 63.
N.S., 1867, c. 36.

43 sand

N. S., 1869,
c. 23.

N. S., 1867,
c. 36.

N. S., 1893,
chapters 141,
142, 143.

B. N. A. Act,
1867, ss. 91-92.

sand eight hundred and sixty-seven, the Windsor and Annapolis Railway Company was incorporated in that province, and by another Act of the same legislature, being chapter twenty-three of the Acts of one thousand eight hundred and sixty-nine, the said memorandum and articles of association of the Windsor Company and any alterations, additions and amendments thereto were made binding upon the Windsor and Annapolis Railway Company and incorporated into the before-mentioned Act of the same legislature, chapter thirty-six of the Acts of one thousand eight hundred and sixty-seven; and whereas the Yarmouth and Annapolis Railway Company, with the consent of the firms, party of the second part to the agreement in the schedule hereto, is desirous of selling to the Windsor Company, and the Windsor Company is desirous of purchasing the undertaking known as the Yarmouth and Annapolis Railway, with its property and other effects as mentioned in the said agreement, for the considerations and upon the terms and conditions therein set forth; and whereas by three several Acts, being chapters one hundred and forty-one, one hundred and forty-two and one hundred and forty-three of the legislature of Nova Scotia, passed on the twenty-eighth day of April, one thousand eight hundred and ninety-three, more particularly referred to in the recitals of the said agreement in the schedule hereto, the Windsor Company and the Yarmouth and Annapolis Railway Company were, so far as the said provincial legislature had authority, respectively empowered, upon being authorized thereto by their respective shareholders as in such Acts mentioned, to carry out such purchase and sale on the terms in such Acts set forth, being the terms in the agreement in the schedule hereto; and whereas, at a special general meeting of the shareholders of the Yarmouth and Annapolis Railway Company, held on the seventh and eighth days of September, one thousand eight hundred and ninety-three, the said sale was duly authorized as required by the said Acts; and whereas at an extraordinary general meeting of the shareholders of the Windsor Company, held on the twenty-sixth day of January, one thousand eight hundred and ninety-four, and on the ninth day of February, one thousand eight hundred and ninety-four, and called for that purpose, a resolution was, as required by the said Acts, passed by a vote of the majority in amount of its shareholders present, personally or by proxy, authorizing the said purchase to be made in terms of the scheduled agreement; and whereas, having regard to the provisions of *The British North America Act, 1867*, sections ninety-one and ninety-two, and the events which have happened, doubts have arisen whether such sale and purchase can be effected without the sanction of the Parliament of Canada; and whereas it is considered desirable to make the said Windsor and Annapolis Railway subject to the legislative authority of the Parliament of Canada, and to grant to the said the Yarmouth and Annapolis Railway Company and the Windsor Company respectively the right and power to make

make the said sale and purchase on the terms contained in the agreement in the schedule hereto ; and whereas the Windsor Company has by its petition prayed that the said railway from Windsor to Annapolis now owned by it may be declared to be works for the general advantage of Canada, and that the agreement set forth in the schedule to this Act be confirmed and the powers hereinafter mentioned may be conferred upon the Windsor Company, and the name of the railways from Windsor to Annapolis and from Annapolis to Yarmouth may be changed, and the said railways from the completion of the said sale and purchase may be jointly known and operated as the Dominion Atlantic Railway, and that it shall be lawful for the Windsor Company to change its name to the Dominion Atlantic 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, declares and enacts as follows :—

1. In this Act the expression “ Windsor Company ” means the Windsor and Annapolis Railway Company, Limited, and “ Yarmouth Company ” means the Yarmouth and Annapolis Railway Company. Interpretation.

2. The Windsor and Annapolis Railway and all lines of railway now or hereafter owned by the Windsor Company, are hereby declared to be works for the general advantage of Canada, and all such railways shall hereafter be subject to the legislative authority of the Parliament of Canada. Declaratory.

3. The Yarmouth Company may sell, and the Windsor Company purchase for the considerations and upon the terms and conditions in the agreement in the schedule hereto set forth all and singular the undertaking known as the Yarmouth and Annapolis Railway, and all the property of the Yarmouth Company, with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances. Sale of railway authorized.

4. The agreement set forth in the schedule to this Act is hereby ratified and confirmed and declared to be valid and binding on the parties thereto. Agreement confirmed.

5. The Yarmouth Company may, to the extent set forth in the agreement in the schedule hereto, take and receive in payment of the whole or any portion of the consideration for its undertaking and other property and premises, ordinary shares, preference shares, bonds or debenture stock of the Windsor Company, now issued or hereafter issued under proper authority in that behalf. Payment of consideration may be made in stock of Windsor Company.

6. To enable the Windsor Company to pay the consideration in the said agreement mentioned, it is hereby empowered, Windsor Company may issue debentures.

ture stock and
increase its
share capital.

so far as the Parliament of Canada has authority to grant and authorize the same, to create and issue £500,000 sterling, four per cent new debenture stock, and to increase its share capital up to £455,500 sterling by the addition of preference and ordinary shares of the nature, number and amount, and to be distributed as in the said agreement mentioned, with power to further increase its ordinary share capital by the addition thereto of 2,225 ordinary shares of £20 sterling each.

Yarmouth
Company to
execute deed
of conveyance
of railway.

7. For completing the said sale and transfer as provided by the said agreement, the Yarmouth Company shall execute and deliver a deed or deeds of conveyance of all the said railway undertaking and property to the Windsor Company, and such deed or deeds shall be sealed with the common seal of the Yarmouth Company and signed by the hand of its president and shall have the effect, subject to the provisions of sections nine and ten of this Act, of absolutely conveying to and vesting in the said Windsor Company the Yarmouth and Annapolis Railway and the undertaking known as the Yarmouth and Annapolis Railway, with its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances, and thereupon the Windsor Company shall become liable to maintain and operate the said Yarmouth and Annapolis Railway to the same extent as the Yarmouth Company is now liable to maintain and operate the same: Provided that the Windsor Company shall not by reason of anything herein contained be otherwise liable for any obligation or liability of the Yarmouth Company; and provided further that the title and right to all the aforesaid property of the Yarmouth Company, its said undertaking, the said railway with all its lands and other the premises so acquired by the Windsor Company under or by reason of such deed or deeds of conveyance as aforesaid, shall not, nor shall the title or right to any part or portion thereof so acquired, be defeated, impaired or in any wise affected by reason of the construction of the said Yarmouth and Annapolis Railway, formerly the Western Counties Railway, not having been commenced and vigorously prosecuted or completed within the time specified by the Acts of the legislature of Nova Scotia incorporating the said Western Counties Railway Company, now the Yarmouth Company, and any Acts amending the same, nor by reason of the Yarmouth and Annapolis Railway not having been finished and put in operation within the period fixed by such Acts or at any time, nor by reason of any omission or failure to do or finish any works required to be done under the provisions of the Act of the Parliament of Canada, fiftieth and fifty-first Victoria, chapter twenty-five, intituled *An Act to confirm a certain agreement between Her Majesty and the Western Counties Railway Company and for other purposes*, or under the agreement thereby confirmed, or under the said Act of the Parliament of the Dominion of Canada, fiftieth and fifty-first Victoria, chapter

Effect of deed.

Proviso.

Proviso.

Can., 1887,
c. 25.

seventy-seven, or any agreements with the Dominion Government, nor by any other failure of the Yarmouth Company to discharge the obligations imposed on it by the said Acts and agreements or any of them or any amending Acts.

Can., 1887,
c. 77.

8. The Windsor and Annapolis Railway, as now existing and being operated, and the Yarmouth and Annapolis Railway to be purchased by the Windsor Company as hereby authorized, shall, from and after the completion of such purchase, be jointly known and operated as the Dominion Atlantic Railway, and thenceforth the Windsor Company shall be incorporated in Canada under the name of "The Dominion Atlantic Railway Company," and such company shall be entitled to all the property, rights and privileges and subject to all obligations of the Windsor Company, including all property, rights, privileges and obligations acquired or imposed by such purchase as aforesaid, with power to sue and be sued as the Dominion Atlantic Railway Company, and shall otherwise be entitled to all the benefits of and subject to the obligations imposed as well by the Act of the legislature of Nova Scotia, thirtieth Victoria, chapter thirty-six, incorporating the Windsor Company, and the Acts in amendment thereof, as by all such schemes of arrangement and contracts made by the Windsor Company in the same manner as if the words "The Dominion Atlantic Railway Company" had been inserted in such Acts, schemes and contracts wherever the words "The Windsor and Annapolis Railway Company" occur; provided that nothing herein contained shall be construed to confer upon the Dominion Atlantic Railway Company any right or privilege to or in respect of the drawback of customs or import duties other or greater than such as the Windsor and Annapolis Railway Company would have been entitled to if this Act had not been passed.

Corporate
name and
powers of
Windsor Com-
pany on com-
pletion of pur-
chase.

N.S., 30 V.
c. 36.

Proviso.

9. After the sale and purchase hereby authorized is completed the name of the Yarmouth and Annapolis Railway, as hitherto applied to the railway so sold and purchased, may be dropped and the use thereof discontinued, but so that thereby no right or liability of the Yarmouth Company shall be in any way impaired or affected; nor shall any suit or proceeding now pending or judgment existing either by, in favour of, or against the Yarmouth Company be in any way affected, but the same may be prosecuted or continued, completed and enforced as if this Act had not been passed.

Existing
rights of Yar-
mouth Com-
pany saved.

10. Nothing in this Act shall in any way impair or affect any charge, lien or claim now pending, subsisting or outstanding upon or against the Yarmouth Company or its railway or assets.

Rights saved.

11. So much and such parts of the Acts of the Parliament of Canada, fiftieth and fifty-first Victoria, chapters twenty-five

Certain in-
consistent enact-
ments repeal-
ed.

and seventy-seven as are inconsistent with this Act are hereby repealed.

Sections 8,
9 and 10 of c.
63, 1893, and
s. 13 of c. 77,
1887 to apply.

12. The powers conferred upon the Yarmouth and Annapolis Railway Company by sections eight, nine and ten of chapter sixty-three of the Statutes of 1893, and by section thirteen, chapter seventy-seven, of the Statutes of 1887, shall hereafter be held and enjoyed by, and are hereby conferred upon the Windsor Company, and this section shall not be held to restrict in any way the powers and privileges conferred upon the last named company by the acquisition of the Yarmouth and Annapolis Railway hereby authorized.

Interpreta-
tion.

13. All references hereinbefore or in the agreement in the schedule hereto contained to any sum of money and amounts of money are hereby declared to be and mean sterling money of Great Britain, and all references to pounds and pounds per cent in this Act or the said agreement shall be deemed to be pounds sterling.

SCHEDULE.

MEMORANDUM of Agreement made this twelfth day of October, 1893, between The Yarmouth and Annapolis Railway Company (hereinafter referred to as the "Yarmouth Company") of the first part; Arthur Anderson and Company, Brunton Bourke and Company, James Capel and Company, William Gramshaw and Company, Linton Clarke and Company and Wedd Jefferson and Company, all of the Stock Exchange, London, stock brokers (hereinafter referred to as "The Syndicate") of the second part; The Windsor and Annapolis Railway Company, Limited, having its registered office at No. 6, Great Winchester Street, London, England, (hereinafter referred to as the "Windsor Company") of the third part; and William Sopper, of 4 Tokenhouse Buildings, in the City of London, stockbroker, and Robert Drummond Balfour, of 5 Throgmorton Street, in the said city, stockbroker, of the fourth part.

Whereas by an Act of the Legislature of Nova Scotia, Cap. 81 of the Acts of 1870, the Western Counties Railway Company was incorporated for the purpose of constructing a Railway from Annapolis to Yarmouth in the province of Nova Scotia for the conveyance and transportation of Her Majesty's mails and passengers and freight and generally for the transaction of all business connected therewith or necessarily or usually performed on or by railways and for other the objects in such Act mentioned. And whereas various Acts of the Nova Scotia Legislature were from time to time passed affecting the Company so incorporated, and by an Act of the Parliament of Canada (50 and 51 Vict., Cap. 77) the Western

Counties Railway and all lines of Railway then or thereafter owned by the Western Counties Railway Company were declared to be works for the general advantage of Canada. And it was also declared that all such railways should thereafter be subject to the Legislative Authority of the Parliament of Canada but so that the provisions of any Act of the Legislature of Nova Scotia theretofore passed authorizing the construction and running of any such railways or of any Acts amending the same and the powers and privileges thereby given should remain in force so far as the same were not inconsistent with the Act now in recital. And whereas by another Act of the Parliament of Canada being the 56th Vict. Cap. 63, the name of the Western Counties Railway Company was changed to the Yarmouth and Annapolis Railway Company and an Agreement dated the 31st day of January, 1893, and made between the Western Counties Railway Company of the one part and the syndicate of the other part as set forth in the schedule thereto was ratified and confirmed and declared to be valid and binding on the parties thereto. And whereas the Windsor Company was on the 1st March, 1867, registered in England under the provisions of the Statute of the United Kingdom called the Companies Act, 1862, with a memorandum and articles of Association, and having for its objects among other things the acquisition and working of the Windsor and Annapolis Railway in the province of Nova Scotia and any branch or extension thereof or other railway or railways in the said province. And whereas by an Act of the Legislature of the province of Nova Scotia passed the 7th May, 1867, being Chapter 36 of the Acts of 1867, the Windsor and Annapolis Railway Company was incorporated in that province and by another Act of the same Legislature passed the 10th June, 1869, being Chap. 23 of the Acts of 1869, the said memorandum and articles of Association of the Windsor Company and any alterations, additions and amendments thereto were made binding on the Windsor and Annapolis Railway Company and incorporated into the said Act. And whereas the Capital of the Windsor Company was originally the sum of £500,000, divided into 25,000 shares of £20 each with power with the assent of the shareholders in general meeting to issue any portion thereof as preference shares and by special resolutions duly passed on the 27th September, 1882, and confirmed on the 18th day of October following, the capital of the Windsor Company was reduced by the cancellation of the then issued 15,075 ordinary shares and 9,925 like shares then unissued, and by the same resolution 11,025 new £5 per cent preference shares of £20 each and 5,025 ordinary shares of £20 each were created so that the capital of the Windsor Company after such reduction and issue became and now is £321,000, divided into the said 11,025 preference and 5,025 ordinary shares. And whereas with the consent of the syndicate, negotiations have been entered into

between the Yarmouth Company and the Windsor Company for the sale by the Yarmouth Company and purchase by the Windsor Company of the undertaking now known as the Yarmouth and Annapolis Railway Company, with its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock and appurtenances, and all other its property hereinafter mentioned. And whereas by an Act of the Legislature of Nova Scotia passed on the 28th April, 1893, intituled "An Act to amend the Act 30 Victoria, Chapter 36, entitled 'An Act to incorporate the Windsor and Annapolis Railway Company' and the Acts in amendment thereof and to authorize the purchase of the Western Counties Railway, now called the Yarmouth and Annapolis Railway by the Windsor and Annapolis Railway Company, Limited, and for other purposes" the Windsor Company is empowered upon being authorized so to do by a vote of the majority in amount of its shareholders present personally or by proxy at any general meeting or at any special meeting of such shareholders called for that purpose and for the consideration thereafter and hereinafter stated to purchase the Yarmouth and Annapolis Railway as therein described and to carry such purchase into effect and otherwise as therein appears. And whereas the sale of the undertaking known as the Yarmouth and Annapolis Railway and all the property of the Yarmouth Company and the transfer thereof to the Windsor Company has so far as the Legislature of the province of Nova Scotia has authority to grant the right to sell and to authorize such transfer and subject to the vote of the majority in amount of the shareholders of the Yarmouth Company at any general or special meeting of the said Company called for that purpose been authorized by an Act of the Legislature of Nova Scotia, passed on the 28th day of April, 1893, and intituled "An Act to authorize the sale of the Yarmouth and Annapolis Railway (formerly the Western Counties Railway) in the province of Nova Scotia to the Windsor and Annapolis Railway Company Limited" and by another Act of the same legislature passed on the same 28th day of April, 1893, amending such last mentioned Act in manner appearing in the said Act and thereby the Yarmouth Company was empowered to receive in payment of the whole or any portion of the purchase-money of its said property, ordinary shares, preference shares, bonds or debenture stock in the Windsor Company then issued or which might thereafter be issued under proper authority in that behalf. And whereas having regard to the provisions of the British North America Act, 1867, Sections 91 and 92, and in view of the events which have happened, doubts have arisen whether such sale can be effected by the Yarmouth Company without the sanction of the Parliament of Canada. And whereas the syndicate who claim to be encumbrancers upon the Yarmouth and Annapolis Railway and the undertaking and property of the Yarmouth

Company being desirous that such sale should be carried into effect have agreed to join herein for the purposes hereinafter appearing.

Now it is hereby agreed between and among the parties hereto:—

1. The Yarmouth Company shall subject as hereinafter mentioned sell, and the Windsor Company shall purchase all and singular the undertaking known as the Yarmouth and Annapolis Railway, formerly the Western Counties Railway and all the property of the Yarmouth Company with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances, and all property and rights of every kind to which the Yarmouth Company now is or may hereafter become entitled, all which are to be conveyed to the Windsor Company free from all encumbrances and subject only to the rents and incidents of tenure affecting any parts of such property.

2. The title of the Yarmouth Company to the property agreed to be sold is to be shown to the satisfaction of the legal advisers of the Windsor Company and satisfactory evidence is to be furnished of the discharge of all Government dues and encumbrances of every kind and of all rates, taxes and outgoings up to the completion of the purchase.

3. The price is to be £265,000 to be paid or satisfied by the issue or allotment by the Windsor Company to the said William Sopper and Robert Drummond Balfour in trust for the Yarmouth Company of (1) £130,000 debenture stock of the Windsor Company bearing £4 per cent interest of (2) £50,000 in 2,500 £5 per cent preference shares of £20 each fully paid up in the Windsor Company and of (3) £85,000 in 4,250 ordinary shares of £20 each fully paid up in the Windsor Company numbered 5,026 to 9,275 both inclusive and so that the proceeds thereof after the payment of necessary expenses shall be applied by the said William Sopper and Robert Drummond Balfour or the survivor of them in or towards satisfaction of the claims of creditors of the Yarmouth Company as by the said Act of the Nova Scotia Legislature passed on the 28th day of April 1893 and being the first of the Acts of that date hereinbefore recited is provided.

4. The Windsor Company shall forthwith proceed to obtain all necessary assents and authorities and the due passing and confirmation of all proper resolutions of the Windsor Company for the creation of a new £4 per cent debenture stock to the amount of £500,000 and for the increase of its share capital up to £455,500 by the addition to its present nominal share capital of 2,475 fully paid preference shares of £20 each entitled to a dividend of £5 per cent to rank in all respects with the 11,025 preference shares already authorized thus making up the preference share capital to £270,000 in 13,500 shares of £20 each, and also by the addition of 4,250 fully paid new ordinary shares of £20 each to rank except as hereinafter provided in

all respects with the 5,025 ordinary shares already authorized, thus making up the ordinary share capital to £185,500 in 9,275 shares of £20 each. The said 4,250 new ordinary shares of £20 each to be numbered 5,026 to 9,275 both inclusive shall be created so that in the event of the Windsor Company going into liquidation within six calendar months after the completion of the sale the holders of the existing 5,025 ordinary shares of £20 each numbered 1 to 5,025 both inclusive shall be entitled to participate in the assets of the company distributable amongst the ordinary shareholders, and have the same distributed amongst them pro rata in the proportion which 145 bears to 230 and the holders of the said 4,250 new ordinary shares numbered 5,026 to 9,275 both inclusive shall be entitled to participate in such assets and have the same distributed amongst them pro rata in the proportion which 85 bears to the said 230 but if the Windsor Company shall not go into liquidation within the aforesaid period of six calendar months then the said 4,250 new ordinary shares shall rank in all respects *pari passu* with the existing 5,025 ordinary shares numbered 1 to 5,025.

5. So much of the £500,000 £4 per cent debenture stock as may be required for that purpose shall be applied in redemption of the existing debentures and debenture stocks of the Windsor Company and in payment of the £130,000 debenture stock part of the price above mentioned. The Windsor Company, with the assent of its members and by its directors and officers, will use its and their best endeavours to arrange with the holders of the existing debentures and debenture stocks for the getting in thereof on such terms as may be mutually agreed upon, and so that subject as hereinafter mentioned and after all the holders of the existing "B" debenture stock and £6 per cent debentures shall have agreed to accept the new debenture stock in lieu of their present holdings or after such debenture stock and £6 per cent debentures shall otherwise have been got in the purchase may be completed whether all the holders of the "A" debenture stock of the Windsor Company (guaranteed or unguaranteed) have or have not agreed to accept the new debenture stock instead of the "A" debenture stock held by them, or otherwise have agreed for the redemption of their "A" debenture stock. Provided always, and it is hereby specially agreed, that in any event the purchase shall be completed not later than forty-two days after the Act mentioned in the next following article shall have received the Royal Assent, and as well before as after the completion of the purchase the Windsor Company, its directors and officers, shall use its and their best endeavours to get in at as early a date as practicable all the "A" debenture stock to the intent that the new 4 per cent debenture stock hereby agreed to be created shall be the only outstanding debenture stock of the Windsor Company.

6. The Windsor Company will at its own cost promote a Bill in the next session of the Parliament of Canada for enabling

the sale and purchase of the undertaking of the Yarmouth Company to be carried out, the Yarmouth Company and the syndicate at their respective costs hereby agreeing to render all such assistance as may be reasonably required.

7. Subject to the passing into law of the Canadian Bill mentioned in the last preceding article, the sale shall be completed on the 31st day of January, 1894, if the said Bill shall at least forty-two days previous thereto have received the Royal Assent, but if otherwise the sale shall be completed on the forty-second day after such assent shall have been given, not counting the day on which such assent shall be given. Such completion shall take place at London, England (at the offices of Messrs. Bircham & Company, 50 Old Broad Street, Solicitors of the Windsor Company), when the Yarmouth Company shall duly convey to the Windsor Company the lands, rights and franchises in accordance with law, and hand over to the duly appointed agents of the Windsor Company all other the premises agreed to be sold.

8. The Windsor Company shall before the day for completion prepare and execute certificates of debenture stock, and of the shares to be issued as payment for the purchase hereby agreed, and shall insert in such certificates the names of the said William Sopper and Robert Drummond Balfour as Trustees for the Yarmouth Company; Provided that before the allotment of any such fully paid-up shares the Windsor Company shall cause a sufficient agreement within the meaning of section 25 of the Companies' Act, 1867, to be registered with the Registrar of joint stock companies in London, England.

9. Possession of the undertaking of the Yarmouth Company and of all the lands, rights, privileges or other the premises hereinbefore agreed to be sold shall be given to the Windsor Company upon the completion of the purchase, and the Yarmouth Company shall in the meantime work and operate the Yarmouth and Annapolis Railway in as full and effectual a manner as the same is now being worked and shall maintain all its stations, equipments, rolling stock and other the premises in a good state of repair so far as the earnings of the line for the time being are sufficient for that purpose.

10. The Syndicate and every member thereof will if required by the Windsor Company or by the Yarmouth Company upon the completion of the purchase, release or surrender all rights and claims which under the said agreement of the 31st day of January 1893 the Syndicate or any member thereof may have against the undertaking of the Yarmouth Company or any part of the premises hereby agreed to be sold.

11. It is lastly declared and agreed by and between the parties hereto as follows:

(a.) That this agreement is conditional upon the approval hereof by the requisite majority of the shareholders of the Windsor Company at a meeting or meetings thereof duly and legally held for such purpose and confirmed in such way or manner as may be requisite or necessary.

(b.) That this agreement and everything herein contained and the sale to the Windsor Company hereby contemplated is and are conditional upon the obtaining from the Parliament of Canada of legislative authority enabling the Yarmouth Company to carry the same into operation and effect and the said foregoing agreement of sale shall not be carried out until such legislative authority has first been obtained.

(c.) That this agreement is executed by the said Yarmouth Company in pursuance of a certain resolution passed by its shareholders at a Special General Meeting held on the seventh and eighth days of September 1893 and under the authority of a resolution of the Board of Directors of said Yarmouth Company duly passed on the ninth day of October 1893 in order to give effect to the said resolution so passed by its said shareholders.

12. Each of the parties hereto shall bear and pay its own costs of and relating to this agreement.

In witness whereof the said Yarmouth and Annapolis Railway Company party of the first part hath hereunto set its corporate seal by the hands of its President and Secretary and Frank Killam the President and James Wentworth Bingay the Secretary thereof have respectively subscribed the same and the said parties hereto of the second and fourth parts have hereunto their respective hands and seals subscribed and set, and the said Windsor and Annapolis Railway Company Limited, party of the third part hath hereunto set its corporate seal and otherwise duly executed the same as a deed of said corporation the day and year first above written.

Signed sealed and delivered by the said Yarmouth and Annapolis Railway Company and subscribed by the said Frank Killam and James Wentworth Bingay in my presence. <i>Quod Attestor</i> GEORGE BINGAY, Notary Public, Nova Scotia.	}	The Yarmouth and Anna- polis Railway Company. (Seal of the Yarmouth and Annapolis Rail- way Company.) FRANK KILLAM, <i>President.</i> JAS. WENT. BINGAY, <i>Secretary.</i>
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Signed, sealed and delivered by the said William Sopper and Robert Drummond Balfour, in the presence of L. ROBINSON, 5 Throgmorton Street, E.C., Clerk to Messrs. James Capel & Co.	}	W. SOPPER. [L.S.] R. D. BALFOUR. [L.S.]
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Signed sealed and delivered by
 the said Arthur Anderson
 and Co., Brunton Bourke and
 Co., James Capel and Co.,
 William Gramshaw and Co.,
 Linton Clarke and Co., and
 Wedd Jefferson and Co., in
 the presence of
 C. J. WHITAKER and
 ARTHUR F. FARISH
 both of 57½ Old Broad Street,
 in the City of London, afore-
 said.

ARTHUR ANDERSON & Co. [L.S.]
 BRUNTON BOURKE & Co. [L.S.]
 JAMES CAPEL & Co. [L.S.]
 WM. GRAMSHAW & Co. [L.S.]
 LINTON CLARKE & Co. [L.S.]
 WEDD JEFFERSON & Co. [L.S.]

The Common Seal of the Wind-
 sor and Annapolis Railway
 Company (Limited) was here-
 unto affixed in the presence of
 FRANCIS TOTHILL,
President.
 CHARLES FITCH KEMP,
Director.
 W. R. CAMPBELL,
General Manager & Secretary.

(Seal of the Windsor and
 Annapolis Railway Com-
 pany.)

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





57-58 VICTORIA.

CHAP. 70.

An Act to incorporate the Duluth, Nepigon and James's Bay Railway Company.

[Assented to 23rd July, 1894.]

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

Preamble.

1. Edward J. Powell and David J. Whitney, of the city of London; Cyrus Carroll, Richard Brierly, Adolphus Farewell and Joseph Powell, all of the city of Hamilton; Walter A. Butchart, William Cross, D. Fred. Butchart and A. J. Smith, all of the city of Toronto, 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 Duluth, Nepigon and James's Bay Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point at or near Nepigon on Nepigon Bay, Lake Superior, thence in a north-easterly direction east of Lake Nepigon to a point on the Albany River between Martin's Falls and the confluence of the Kenogami and Albany Rivers, thence across the Albany River, and thence to a point on James's Bay at or near the mouth of the Albany River, with a branch or branches to points on James's Bay at or near the mouths of the Attahowahoisat and Equan Rivers, Keewatin District, or such other point on the west shore of James's Bay as will afford a deep water harbour; and the Company may, for the purpose of building its line of railway, divide it into three sections, the first section

Line of railway described.

tion to run from Nepigon to a point on the east shore of Lake Nepigon, the second section from the aforesaid point on Lake Nepigon to the Albany River, and the third section from the Albany River to James's Bay.

Power to purchase vessels.

2. The Company may construct, purchase or otherwise acquire, charter, obtain, control, navigate and keep in repair steamers and other vessels to ply between ports in Canada and between ports in Canada and ports outside of Canada, and carry and convey passengers and freight and carry on a general transportation service in connection with the said railway, and may sell and dispose of such vessels.

Wharfs, etc.

3. The Company may construct, purchase, lease or otherwise acquire and hold wharfs, docks, elevators and warehouses in connection with the said railway.

Power to generate electricity or to operate railway by electricity.

4. The Company may acquire and utilize water and steam-power for the purpose of generating electricity for lighting and motor purposes in connection with its railway or any branch or part thereof; and may operate the said railway or any branch or part thereof by electricity.

Telegraph and telephone lines.

5. The Company may construct, equip, acquire and operate telegraph and telephone lines beyond the said railway to any point on James's Bay, Hudson's Bay and Hudson's Straits, and may lay submarine lines for telegraph and telephone connection between such points.

Company may enter upon public roads.

6. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the Company may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality, or other place, for the purpose of constructing, erecting, equipping, working and maintaining its line or lines of telegraph and telephone upon, along, across, over and under the same; and may erect, equip and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by telegraph and telephone; and may stretch wires and other telegraphic and telephonic contrivances thereon; and, as often as the Company, its agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say:—

May erect poles.

And open public roads.

Travel, etc., not to be obstructed.

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges, or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building erected in the vicinity;

Height of wires, etc.

(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 ;

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

(d.) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred ; Cutting poles or wires in case of fire.

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

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

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or other official as the council appoints, and shall be done in such manner as the council directs ; the council may also direct and designate the places where the poles are to be erected in such municipality ; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company ; Approval of municipality.

(h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act ; Carrying wires under ground.

(i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified ; Workmen to wear badges.

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

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

1888, c. 29, sections 107 to 111.

apply to the subject-matter of this section and to the obtaining of such land and determining the compensation therefor.

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 and calls thereon.

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

For the first section.

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

For the second section.

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

For the third section.

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

Annual general meeting.

7. The annual general meeting of the shareholders shall be held on the first Monday in November in each year.

Number of directors.

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

Issue of bonds, etc., limited.

9. The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches, and eight thousand dollars per mile additional debentures for each mile double tracked, and such bonds, debentures or other securities may only be issued in proportion to the length of railway constructed or under contract to be constructed, or double tracked.

Issue of additional bonds.

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

according to the terms and intention of such resolution; and each such resolution shall indicate by some general description the vessel or vessels with respect to which it authorizes bonds to be so issued as aforesaid and whether the same are then acquired or are to be thereafter acquired by the Company.

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

Secured by mortgage.

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

Rank of bond-holders.

13. The Company may enter into an agreement with the Canadian Pacific Railway Company, or the Winnipeg and Atlantic Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any right or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, vessels, wharfs, elevators, warehouses and other property or right to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and

Agreements with other companies.

Sanction of agreements.

subject to such restrictions as to the directors seem fit : Provided that each such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders, duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that each 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 electoral districts through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.

Power to purchase other railways.

14. The Company may acquire by purchase or lease in whole or in part the railway and works, capital stock, assets, rights, privileges, property and franchises of the Winnipeg and Atlantic Railway Company upon such terms and conditions as are agreed upon by the directors of the said companies : Provided that no such agreement shall be valid until it has first been ratified by two-thirds of the votes at special general meetings of the shareholders of each company, duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and until it has been approved of by the Railway Committee.

Duplicate of deed of purchase to be filed with Secretary of State.

15. A duplicate of each agreement, conveyance or lease referred to in section fourteen of this Act, duly ratified and approved, shall be filed in the office of the Secretary of State at Ottawa, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Gazette* containing such notice shall be *primâ facie* evidence of the requisites of this Act having been complied with.

Erection of elevators, etc.

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

Undertaking for general advantage of Canada.

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



57-58 VICTORIA.

CHAP. 71.

An Act to incorporate the Edmonton Street Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a street railway in the town of Edmonton, 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:—

Preamble

1. Matthew McCauley, John A. McDougall, Colin Ferrie Strang, Joseph Henri Picard, Charles William Sutter, James Ross, and Cornelius Gallagher, all of the town of Edmonton, in the district of Alberta, together with such persons as become shareholders of the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Edmonton Street Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be in the town of Edmonton aforesaid.

Head office.

3. The Company may lay out, construct and operate a single or double track street railway, with all necessary switches, side-tracks and turnouts for the passage of cars, carriages and other vehicles, upon and along the streets and lanes of the town of Edmonton, and in, over and along roads or lands acquired for the purpose outside the town of Edmonton as the Company deems expedient, but not extending beyond ten 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, deems expedient; and may establish works to supply electricity for such power; and may also construct, erect and maintain all necessary buildings, machinery, etc.

Street railway may be constructed.

Motive power.

Buildings, machinery, etc.

Ferry and ice
railway.

Construction
of railway
over bridge.

Consent of
municipality.

machinery, appliances and conveniences for the purposes of such electrical railway and works, including the erection of poles upon any and all streets and roads upon which the Company deems it expedient to run its railway for the carrying on of its business; and also may construct and operate a ferry or ferries across the Saskatchewan River for the purposes of the said railway during the summer, and may lay a track across the Saskatchewan River upon the ice during the winter, if the same is deemed expedient; and, with the consent of the Minister of Public Works, may construct and operate the railway over and along any bridge which may be erected across the Saskatchewan River and which may be under the management of the Minister of Public Works; but the Company shall not exercise any of the powers hereby conferred upon it in, over and upon any parts of the streets and lanes of the town of Edmonton without first obtaining the consent and agreement thereto of the municipal council of the said town.

Provisional
directors.

4. The persons named in the first section of this Act shall be the first or provisional directors of the Company.

Capital stock
and calls
thereon.

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 gener-
al meeting.

6. The annual general meeting of the shareholders shall be held on the first Monday in September 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 Edmonton.

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 not less than three nor more than nine 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.

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. Approval of shareholders.

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 at a special general meeting duly called for considering the by-law,— Borrowing powers.

(a.) Borrow money upon the credit of the Company, and issue bonds, debentures or other securities for any sums borrowed at such prices as are deemed necessary or expedient; but no such debentures shall be for a less sum than one hundred dollars;

(b.) Hypothecate or pledge the real or personal property of the Company to secure any sums borrowed by the Company; but the amount borrowed shall not, at any time, be greater than seventy-five per cent of the actual paid-up stock of the Company; but the limitation made by this section shall not apply to commercial paper discounted by the Company. Limitation of borrowing powers.

11. The Company may enter upon and acquire any lands situate outside the present boundaries of the town of Edmonton which may be proper for the purposes of the railway,—such lands not being more than one chain in width when required for right of way, nor more than one acre in extent in any one place when required for the erection of buildings of any kind; and the Company shall in the exercise of the powers by this section granted do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers; and such compensation, in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act*; and the powers of expropriation of the Company shall be exercised subject to the provisions of *The Railway Act*. Expropriation of lands.

12. 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 for the vehicles of the said Company. Company's tracks not to be obstructed.

13. 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 Fare on cars.

to leave the car when requested to do so by the conductor or driver, shall on summary conviction thereof before a justice of the peace be liable to a fine of not less than ten dollars.

Corporation of Edmonton may agree with company.

14. The municipal council of the town of Edmonton and of any municipality through which the said railway shall be constructed 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 running the cars, the amount of fares to be paid by passengers and the rates to be paid on freight, the time in which the works are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers.

By-laws to carry out agreement.

15. The municipal council of the town of Edmonton or of any other municipality through which the said railway passes may pass by-laws, and amend and repeal the same, for the purpose of carrying into effect any such agreement; and such by-laws may contain all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience to such by-laws, and also for facilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway passes.

Agreements with other companies.

16. The Company may, with the consent of the municipal council of the town of Edmonton first had and obtained, enter into agreements with any person or company having right and authority to construct or operate street railways in the said town or in the district of Alberta adjacent to the town, or with the Calgary and Edmonton Railway Company, for conveying or leasing to such person or company the street 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, plants, material, machinery and other property to it belonging, or for an amalgamation with such company, or for leasing, hiring or purchasing the 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 street railway of the Company.

Sanction of shareholders.

17. 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 considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Approval of
Governor in
Council.

2. 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 Edmonton.

Notice of ap-
plication for
approval.

18. *The Companies Clauses Act*, excepting sections eighteen and thirty-nine thereof, shall apply to the Company. R.S.C., c. 118.

19. Excepting as hereinabove provided, *The Railway Act* 1888, c. 29. shall not apply to the Company.

20. The exercise of the powers conferred by this Act shall be subject to any municipal ordinance of the North-west Territories in force from time to time in relation to street railways. Ordinances of N.W.T.

21. This Act may be cited as *The Edmonton Street Railway Act*, 1894. Short title.

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





57-58 VICTORIA.

CHAP. 72.

An Act to incorporate the Elgin and Havelock Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS, under and by virtue of a certain decree of the ^{Preamble.} Supreme Court in Equity of the province of New Brunswick, all the right, title and interest of the "Elgin, Petitcodiac and Havelock Railway Company" in and to all and singular the continuous railway and right of way as located, constructed and completed, situated in the province of New Brunswick, and extending from, at or near Elgin Corner in the parish of Elgin and county of Albert to Petitcodiac (a point on the European and North American Railway, otherwise called the Intercolonial Railway) and from thence to a point in the parish of Havelock, and county of King's, a total distance of twenty-six and one-half miles, together with all the railways, rights of ways, sidings, tracks, depots, depot grounds, station houses, car houses, freight houses, and wood and water houses or tanks, and all buildings held and acquired and constructed for use in connection with the said line of railway or the business thereof, and all the land and grounds on which the same may stand or be connected with, and also all locomotives, engines, cars, tenders, and all other equipments and rolling stock, and all machinery, tools, implements, fuel and material for the constructing, repairing, operating and maintaining or replacing said line of railway or its appurtenances or any part of the same, between the terminal points aforesaid, and also all the property, rights, liberties, franchises, privileges, easements, buildings, appurtenances, and equipments as to the said line of railway between the said terminal points and all other rights and things of whatever nature necessary to build, continue, hold and operate the said line of railway, was sold and conveyed to C. E. Baring Young; and whereas the conveyance under the said decree of the said Elgin, Petitcodiac and Havelock Railway to the said C. E. Baring Young is duly registered in the counties of King's, Westmoreland and Albert of New Brunswick, through which the said line of railway runs; and whereas, since the convey-

ance of the said line of railway to the said C. E. Baring Young, he has been operating the said line of railway under a letter or license from the Minister of Railways and Canals; and whereas a petition has been presented praying for the incorporation of a company for the purpose of acquiring and purchasing the said line of railway from the said C. E. Baring Young and to hold and operate such railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. C. E. Baring Young, A. S. Gedge, De Lisle Grassie, W. Hanes, and D. Wellby, all 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 Elgin and Havelock Railway Company," hereinafter called "the Company."

Corporate name.

Work for general advantage of Canada.

2. The Elgin and Havelock Railway is hereby declared to be a work for the general advantage of Canada.

Head office.

3. The head office of the Company shall be in London, England, or in such other place in Great Britain or in Canada as the directors from time to time determine by by-law.

Power to purchase railway.

4. The Company may purchase, lease or otherwise acquire, upon such terms and conditions as the directors (provisional or elected) and the said C. E. Baring Young agree upon, the said railway line and all the property, rights, liberties, franchises, privileges, easements, buildings, appurtenances, plant, rolling stock, and materials, to the said line of railway between the said terminal points appertaining or belonging, and may hold and operate the same; and for the purpose of such purchase the said directors may make and issue to the said C. E. Baring Young or his nominee or nominees, as paid-up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for the said railway line, rights, liberties, franchises, privileges, easements, buildings, appurtenances, plant, rolling stock, and materials; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Subject to sanction of shareholders.

5. Such agreement for purchase or lease shall not be valid until it has been first sanctioned by two-thirds of the votes at a special general meeting duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock subscribed for are present in person or represented by proxy; and a certified copy of such agreement shall, within three months from the passing of this Act, be filed in the office of the Secretary of State.

Copy of agreement to be deposited with Secretary of State.

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

Provisional directors.

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

Capital stock and calls thereon.

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

Annual general meeting.

9. 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.

Number of directors.

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

1888, c. 29.

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57-58 VICTORIA.

CHAP. 73.

An Act respecting the Erie and Huron Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS a petition has been presented by the Erie and Huron Railway Company praying that an Act may be passed extending the time for the commencement and completion of the lines of railway authorized by section one of chapter fifty-nine of the Statutes of 1890, and for other purposes as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1890, c. 59.

1890, c. 59, s. 6, repealed.

Extension of time.

Interest on bonds

Power as to elevators, docks and steamboats.

1. Section six of chapter fifty-nine of the Statutes of 1890 is hereby repealed, and it is hereby enacted that the lines of railway authorized to be constructed by section one of the said Act shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers as to such construction granted by the said Act and by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

2. The bonds, debentures or other securities authorized to be issued by section three of the said Act may bear interest at a rate not exceeding six per cent per annum, payable half-yearly, and may be made payable at such times and places, and in sterling money of Great Britain or lawful money of Canada, as the directors of the Company think proper.

3. The Company may construct, or acquire by purchase, lease or otherwise, and operate elevators and docks, and also steamboats for the purpose of carrying engines, cars and other things, and freight and passengers, across Lake Erie for the interchange of traffic with any line or lines of railway in the state of Ohio.





57-58 VICTORIA.

CHAP. 74.

An Act to incorporate the Gleichen, Beaver Lake and Victoria Railway Company.

[Assented to 23rd July, 1894.]

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:—

Preamble.

1. Victor Joseph Beaupré, Denys Francis Knight, John Tate Lunn, Joseph Disbury, James Lemuel Olmstead, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Gleichen, Beaver Lake and Victoria Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be at Gleichen, in the district of Alberta, in the North-west Territories of Canada.

Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Gleichen in the district of Alberta aforesaid, thence to run in a northerly direction and west of the Hand Hills in the said district, and thence in a northerly direction and east of Buffalo Lake and Beaver Lake in the said district, and thence in a northerly direction to a point at or near the settlement of Victoria in the said district of Alberta.

Line of railway described.

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

Provisional directors.

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

Capital stock and calls thereon.

Annual general meeting.

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

Number of directors.

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

Amount of bonds, etc., limited.

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

Agreement with C.P.R. Co.

9. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company 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 is first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the approval of the Governor in Council

Sanction of agreement.

Notice of application.

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

1888, c. 29, s. 239.

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



57-58 VICTORIA.

CHAP. 75.

An Act respecting the Guelph Junction Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS a petition has been presented praying that an Act be passed extending the time for the construction of a portion of the Guelph Junction Railway as 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 Guelph Junction Railway Company may proceed to construct the extension authorized by chapter fifty-nine of the Statutes of 1887, provided that the said extension is commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted in respect thereof shall cease and be null and void as regards so much of the undertaking as then remains uncompleted.

Time for construction extended.
Chapter 59 of 1887.

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





57-58 VICTORIA.

CHAP. 76.

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

[Assented to 23rd July, 1894.]

WHEREAS the Lake Erie and Detroit River Railway Company, the London and Port Stanley Railway Company and the Corporation of the City of London have by their respective petitions represented that a certain lease was on the first day of December, one thousand eight hundred and ninety-three, made by the London and Port Stanley Railway Company to the Lake Erie and Detroit River Railway Company of the line of the London and Port Stanley Railway, and that it was agreed that the said lease should be confirmed by legislation, and have prayed for the passing of an Act for that purpose and to authorize the Lake Erie and Detroit River Railway Company to enter into that lease and into other leases or agreements with the London and Port Stanley Railway Company; and whereas the said London and Port Stanley Railway Company has by its petition represented that it is necessary that the London and Port Stanley Railway Company should have power to issue its mortgage bonds or debentures to an amount not exceeding one hundred and ten thousand dollars for the purpose of providing moneys with which to renew the bridges, trestles, and large culverts which are now wooden or partly so, mentioned in the twenty-fourth paragraph of the said lease, and has further represented that the mortgage bonds, debentures and stock of the Company formerly held and owned by the Corporation of the City of St. Thomas have been purchased and are now held by the Municipal Corporation of the City of London, and has prayed for the passing of an Act authorizing and empowering it to issue mortgage bonds and debentures to an amount not exceeding the sum of one hundred and ten thousand dollars, and it is expedient to grant the prayer of the said petitions so far as it is within the legislative authority of the Parliament of Canada to do so: Therefore

Preamble.

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

Lease confirmed.

1. The said lease and agreement, bearing date the first day of December, one thousand eight hundred and ninety-three, between the London and Port Stanley Railway Company, the Lake Erie and Detroit River Railway Company and the Corporation of the City of London, a copy whereof (except the pamphlet marked "A" attached thereto) is set forth in the schedule to this Act, is hereby confirmed and declared, so far as it is within the legislative authority of the Parliament of Canada to do so, to be binding upon the several parties thereto according to the terms thereof.

Authority to make lease.

2. The said Lake Erie and Detroit River Railway Company is hereby authorized to make and enter into the said lease and agreement, and 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 other agreement with the London and Port Stanley Railway Company for the leasing of that company's railway for such term and on such conditions as are agreed upon between the two companies, or for the working of that company's railway, or for running powers over it on such terms and conditions as are agreed upon between the said two companies, or for leasing or hiring from that company any portion of its railway or the use thereof, and generally to make any agreement with that company, if so lawfully authorized, touching the use by one or the other or by both of the said companies 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 company to the other and the compensation therefor: Provided always that any such lease or agreement shall be first sanctioned by two-thirds of the votes at a special general meeting of the shareholders, duly called for the purpose of considering it, 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.

Notice of application.

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 a newspaper in each of the counties through which the railway of the London and Port Stanley Railway Company runs and in which a newspaper is published.

1888, c. 29, s. 239.

Borrowing powers.

3. The said London and Port Stanley Railway Company may borrow from the Corporation of the City of London such sum, not exceeding one hundred and ten thousand dollars, as is necessary to provide the means to pay for the renewal of the

bridges

bridges and large culverts on the London and Port Stanley Railway, which are now wooden or partly so, in the manner and times provided by the said lease and agreement; and the said London and Port Stanley Railway Company shall be bound to secure to the Corporation of the City of London the moneys advanced by it for the purposes aforesaid, and the interest thereon, by issuing and delivering to the Corporation of the city of London first preferential bonds or debentures of the London and Port Stanley Railway Company to be made payable in ten years from the date of their issue, and to bear interest at the rate of six per cent per annum, payable half yearly, from such date; and such bonds or debentures shall, without formal conveyance or registry, form and be, subject to the existing mortgage bonds or debentures of the said London and Port Stanley Railway Company now held by the Corporation of the City of London, a first preferential charge on the said railway, and the franchise, tolls, revenues and other property of the said London and Port Stanley Railway Company now owned or possessed or hereafter owned or possessed by it; but with respect to the debentures by this section authorized to be issued, such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act* respecting returns to be made to the minister, and next to the payment of the working expenditure of the railway.

SCHEDULE.

THIS INDENTURE made the first day of December, A.D. 1893, between The London and Port Stanley Railway Company, of the first part, The Lake Erie and Detroit River Railway Company, of the second part, and the Corporation of the City of London, of the third part.

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, and such of the appurtenances thereto as are the property of and in the possession of the said parties of the first part, to the parties of the second part, for the period of twenty years from the first day of January, 1894, 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, of so much of the rents hereby reserved for the first two years of the said term of twenty years, 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 13 hereof, 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 shall not in any event exceed the sum of \$9,000. 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 13 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 13.

3. (a.) The said parties of the second part shall, at their own expense, in the first place, within twelve months from the date hereof, build on the property of the said parties of the first part in the City of St. Thomas, at some place to be agreed upon between the said parties of the first and second parts, a combined frame passenger depot and freight shed, at a cost not to exceed twenty-five hundred dollars, and a water tank or stand pipe and on the property of the said parties of the first part in the Village of Port Stanley, at some place to be agreed upon

between the said parties of the first and second parts, a frame warehouse thirty-five feet by sixty feet, at a cost not to exceed one thousand dollars, and shall be reimbursed therefor by the said parties of the first part by the application by the said parties of the second part, of so much of the rent hereby reserved for the first two years of the said term of twenty years, as shall be necessary to recoup them the amount of the said expenditure, provided 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 expenditure as shall have, before the same shall be made, been either agreed to by the said parties of the first part as necessary for the purposes aforesaid or determined by arbitration, under the provisions of paragraph 13 of this indenture, to be necessary expenditure for such purposes, and that no deduction shall be made from the rent as hereinbefore provided in respect of any such expenditure unless the same shall have been so agreed or have been determined by arbitration to be necessary 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 13.

4. 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 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.

5. 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, 3a, 25 and 34 hereof, the clear yearly rent or sum of ten thousand dollars during the said term of twenty years, by equal quarterly payments of two thousand five hundred dollars each on the first days of January, April, July and October, in each year during the said term of twenty years, and should in any year during the said term of twenty years the gross earnings and receipts from all sources of the said Railway exceed the sum of eighty 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 earnings and receipts exceed the sum of eighty thousand dollars, ten per cent of the said gross earnings and receipts, in excess of the said sum of eighty 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

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 March in each year during the said term to inspect the books and accounts of the said parties of the second part having any entry or memorandum relating to the traffic or business done over any part of the said London and Port Stanley Railway, 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 Walkerville, in the County of Essex, and shall also on demand furnish or pay for the necessary expenses from time to time of the said auditor or other officer in travelling to and from Walkerville aforesaid.

6. In estimating the gross earnings and receipts under the next preceding paragraph hereof where freight or passengers have been carried over the railway of the said parties of the second part, or a railway now or at any time during the said term under their control, or over which they have or shall have running powers, or in respect of which they have or shall have traffic arrangements, and over the said The London and Port Stanley Railway, or any part thereof, a fair and just proportion of the whole charge therefor for the entire route shall be credited as part of the earnings and receipts of the said The London and Port Stanley Railway, and if the said parties of the first and second parts differ as to what is a fair and just proportion thereof, the same shall be determined by arbitration under the provisions of the said paragraph 13.

7. 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.

8. 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 each way 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 former lessees of the said The London and Port Stanley Railway, did during the last year of their lease stop if a passenger for such station be on board, or if the train be flagged at such station. It is understood and hereby declared that a train composed partly of freight cars, but properly equipped with first-class cars for passenger business shall, if run on a regular schedule and at a

speed of not less than twenty miles an hour, including stops, be deemed a passenger train within the meaning of this paragraph.

9. 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.

10. That semi-weekly excursion trains from London to Port Stanley and return on same day will be run on Wednesday and Saturday 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 of 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 termini referred to in paragraph 18 hereof without extra charge.

11. 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 on excursion trains shall be not inferior to what are now known as first-class closed excursion cars, and shall be substantially built both as regards the body, trucks, gear, brakes, etc., and fitted with revolving or fixed seats of a comfortable design, with centre aisle, movable glass, and slat or blind protection from sun, rain or dust, also with lamps, closets, water-tank and other necessary appurtenances.

12. 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 14 hereof.

13. 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 any Judge of the High Court of Justice other than a local Judge.

14. 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 railways which do now or which, during the continuance of this agreement, may intersect or cross or connect with The London and Port Stanley Railway or enter the said city of London, shall have reasonable and the usual running powers for their traffic over the line of the London and Port Stanley Railway between St. Thomas and London and *vice versa* during the said term of twenty years, or until the 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 13 hereof, and the said parties of the second part shall as far as practicable provide and keep for the said other railways proper and sufficient sidings for loading and unloading.

15. The said parties of the second part further covenant with the said parties of the first part, that during 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, lumber, grain, and other like commodities will not exceed seven dollars per carload of 24,000 pounds, and that carloads exceeding 24,000 pounds shall, for such excess over 24,000 pounds, bear a proportionate rate to the said rate, and that the actual cost only for handling at the wharf at Port Stanley between cars and vessel, and *vice versa*, shall be added if done by the said parties of the second part, who shall do the said handling if requested so to do; and that (except as provided by the next succeeding paragraph hereof) the rate for freight from Port Stanley to London and *vice versa* in car lots for all other commodities or articles than those above referred to shall be in just and fair proportion to the above rate and that the actual cost only for handling at the wharf at Port Stanley between cars and vessels and *vice versa* shall be added if done by the said parties of the

second part, who shall do the same if requested so to do, and that the rate for freight for all commodities or articles in quantities less than car lots shall be fair and reasonable, having regard to the classification hereinafter referred to and shall include all handling between cars and vessels and *vice versa* at Port Stanley without charge therefor and, in case the parties hereto of the first and second parts shall differ as to the rates for the said other commodities or articles in car lots or as to the rates for commodities or articles in quantities less than car lots the same shall be determined by arbitration between the said parties of the first and second parts in the manner provided by paragraph 13 hereof. And the said parties of the second part further covenant 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 Nine Pamphlet hereto annexed and marked with the letter "A," subject however, to the powers of the Governor in Council under section 226 of The Railway Act.

16. The said parties of the second part further covenant with the said parties of the first part that they will, during the said term of twenty years, carry from London to Port Stanley for forwarding to any place in Canada or export and *vice versa* the goods, wares and merchandise manufactured by any manufacturer, in the said city of London, or ordered or procured by him for such manufacture, at a rate not to exceed four and a-half cents per 100 pounds in car-load lots, with the additional charge of the actual cost for handling at the wharf at Port Stanley, between cars and vessels and *vice versa*, if done by the said parties of the second part, who shall do the same if requested so to do, the minimum car-load weight to be 24,000 pounds.

17. The said parties of the second part further covenant with the said parties of the first part that they will pay *back* or *advance* charges on all freight offered at Port Stanley and provide for the prompt handling of the same to the destination of the goods.

18. The said parties of the second part covenant with the said parties of the first part that the said parties of the second part will, so soon as the necessary right of way therefor has been provided by the said parties of the first part (which it is optional with them to provide) if the same be provided within ten years from the date hereof, at their own cost and charges 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 at Port Stanley, and will thereafter carry passengers on excursion trains to the said beach, and until such tracks are laid that they will convey the excursion passengers and run their excursion trains to and from the docks at the beach at Port Stanley aforesaid without extra charge, and in the event of the said tracks being laid to the said beach

as aforesaid, the same and all materials used in the construction of the same shall at the end or sooner determination of the said term of twenty years, be the property of the said parties of the first part.

19. The said parties of the second part further covenant with the said parties of the first part that, during the continuance of the said term of twenty years, a daily train, Sundays excepted, shall be put on and shall leave Port Stanley so as to arrive and shall arrive at London between 7.45 and 8.45 in the forenoon, and that the said parties of the second part will sell commutation tickets, not transferable, good for twenty-six single trips between London and Port Stanley, and *vice versa*, to be used within three months from the date of issue, and good for the members of a family and their servants, to such parties as may desire to purchase the same, at a cost not to exceed thirty-five cents per trip, and will also sell fifty-two-trip commutation tickets, not transferable, good for fifty-two single trips between London and Port Stanley, and *vice versa*, to be used within three months from date of issue, and good for the members of a family and their servants, at a cost not to exceed twenty-five cents per trip. The members of a family and servants not to exceed 6 persons, who may be named in the ticket.

19. (a.) The said parties of the second part further covenant with the said parties of the first part that, during the continuance of the said term of twenty years, they will sell commutation tickets, not transferable, good for twenty-six single trips between any station on the line of The London and Port Stanley Railway and the said city of London, to be used within three months from the date of issue, good only for scholars or pupils, not over eighteen years of age, attending any public school, high school, collegiate institute, or other institute of learning at the said city of London, to such parties as may desire to purchase the same, at a cost not to exceed three-quarters of a cent per mile; and will also sell fifty-two trip commutation tickets, not transferable, good for fifty-two single trips between any station on the line of The London and Port Stanley Railway and the said city of London, to be used within three months from the date of issue, good only for scholars or pupils, not over eighteen years of age, attending any public school, high school, collegiate institute, or other institute of learning at the said city of London, to such parties as may desire to purchase the same, at a cost not to exceed one-half a cent per mile.

20. The said parties of the second part covenant with the said parties of the first part that they will, during the said term, issue return tickets good on Saturdays only from stations on the said railway outside of the city of London, to the city of London and return on the same day at the price of a single fare with ten cents added.

21. The said parties of the second part further covenant with the said parties of the first part that, during the said term, they

they will sell tickets from London to Port Stanley on Saturdays, good to return on the following Monday, at single fare for the round trip.

22. It is hereby agreed by and between the parties hereto, that it shall be lawful for the said parties of the first part and their successors and all persons authorized by them, at any reasonable times during the said term, upon seven days' notice being given to the said parties of the second part, of their intention so to do, by being mailed in a registered letter posted at the post office in the said city of London addressed to the said parties of the second part at Walkerville aforesaid, to enter the said demised premises, or any part thereof, to examine the condition of the same, and that the said parties of the second part will furnish to the said parties of the first part, for the purposes aforesaid, on demand, a hand car and the necessary employees to man the same; the expense thereof to be paid by the said parties of the first part.

23. The said parties of the second part further covenant with the said parties of the first part that their headquarters and offices for the working of the said The London and Port Stanley Railway shall, during the said term of twenty years, be and continue in the said city of London, and that as many employees of the said parties of the second part as can consistently with the proper working of the said railway be located at and reside in the said city of London, shall be located at and reside in the said city.

24. The said parties of the first part covenant with the said parties of the second part, that the said parties of the first part will, at their own expense, whenever the said parties of the second part shall deem it necessary, and request the said parties of the first part so to do by a notice in writing, to be given not earlier than three months from the date hereof, renew in wood, iron, steel, stone, embankment or otherwise, within six months after the receipt of the said written request, if such written request be given within the first six calendar months of the year, but within nine months after the receipt of the said written request if such written request be given within the last six months of the calendar year, the bridges, trestles and large culverts on the said line of railway, which are now wooden or partly so (the material to be used in such renewal to be at the option of the said parties of the first part), the plans for such renewal and the manner of carrying out the same, having regard to the working of the railway during construction, shall be settled and determined by two engineers, one to be chosen by each of the parties hereto of the first and second parts, and such two engineers shall, before proceeding to settle and determine the same, appoint a third engineer to act with them in the event of their disagreement, the decision of the two engineers so first chosen, if they agree, or, in the event of their disagreement, the decision of the three engineers, or of any two of them, shall be
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conclusive

conclusive on both the said parties. In case either of the parties of the first and second parts shall neglect or fail to appoint an engineer within ten days after the request in writing by the other party, then the engineer appointed by such other party may proceed alone and his decision shall be conclusive on both the said parties. The decision shall be rendered within one month after the appointment of the third engineer, and, in the further event of the two engineers appointed as aforesaid being unable or failing to agree upon a third for one week after the appointment of the one who was last appointed, then such third engineer shall be chosen and appointed as in the like event in the case of arbitration is provided in paragraph 13 hereof. The parties of the first part will also, when required so to do by the said parties of the second part by notice in writing, but not earlier than nine months from the date hereof, alter and strengthen the spans of the bridges over the Thames River and Kettle Creek so as to provide ample space above the cars for the employees of the parties of the second part and comply with the provisions of "The Railway Act" in that behalf. The works provided for under the first part of this paragraph shall be in accordance with the decision of the said engineers, and all the works provided for by this paragraph shall be so done and carried out as to interfere as little as possible with the traffic on the said railway.

25. Provided that the parties of the second part exercise due care and diligence to guard against fire and, for that purpose, keep constantly on the bridges, trestles and culverts in this paragraph referred to water in barrels and, in the case of the two bridges lying to the north and south of St. Thomas, do examine the same after the passage of every train, if any bridge, trestle or large culvert mentioned in paragraph 24 hereof shall have been renewed in wood, and if such renewed structure shall be damaged or destroyed by fire without the act, neglect or default of the parties of the second part, the same shall be forthwith restored by the parties of the first part and, unless they commence such restoration within five days after such fire, the parties of the second part may restore such structure to the same condition as before such fire, as nearly as may be, and shall be entitled to retain the necessary expenditure therefor out of the rents hereby reserved which shall accrue due next after such expenditure.

26. And the said parties of the second part covenant with the said parties of the first part, that the said parties of the second part will pay to the said parties of the first part, as additional rental, four and one-half per centum, per annum, on the amount so expended by the said parties of the first part under paragraph 24 hereof from time to time, such interest to run from the times of the respective payments made by the said parties of the first part, for the purposes aforesaid, and to be payable from such times, quarterly, in the same manner and at the same times as the rent is payable, as hereinbefore provided, until the end of the said term.

27. The said parties of the second part covenant with the said parties of the first part, that they will on demand from time to time pay as additional rent to the said parties of the first part all insurance premiums which the said parties of the first part may or shall, during the continuance of the said term, pay for insuring and keeping insured the passenger stations, round-houses and freight sheds which are now or may or shall, during the said term, be erected on the property of the said parties of the first part.

28. 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, although no formal demand shall have been made therefor, 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 successors 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 re-enter and the same to have, acquire, re-possess and enjoy as of their former estate, anything herein contained to the contrary notwithstanding.

29. The said parties of the first part covenant with the said parties of the second part, their successors, and assigns, that they, paying the rent hereby reserved and observing and performing the covenants and conditions herein contained and on their part to be observed and performed, 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 the lands or property of the parties of the first part (if any) 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. Throughout this indenture the mention of the said parties is intended to include their successors and assigns unless such meaning is inconsistent with the context.

32. The said parties of the first part covenant with the said parties of the second part that the said parties of the first part will forthwith provide the said parties of the second part with temporary terminal facilities in the said city of London by the joint use with the Michigan Central Railway Company, or the sole use, at the option of the said parties of the first part, of the terminal facilities of the London and South Eastern Railway Company.

33. The said parties of the first part further covenant with the said parties of the second part, that the said parties of the first part will provide, within one year from the date hereof, permanent terminal facilities for the said parties of the second part, as follows:—

(a.) By the use of the terminal facilities 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 25th day of April, A.D. 1870, and by the erection, by the said parties of the first part of a brick engine house with three stalls, having a frontage of forty feet and a depth of sixty-four feet and a back of seventy-seven feet, with height of back twenty-two feet and of front twenty-six feet; a turntable at least fifty-one feet long; a stand-pipe or water tank convenient to the engine house; a coal dock twenty feet by fifty feet with a back four feet high; track scales of 50 tons capacity; a brick freight house thirty-five feet by one hundred and fifty feet with a ten-foot platform, on the property of the said parties of the first part in the said city of London.

(b.) Or by the joint use with the Michigan Central Railway Company, or any other company, or the sole use (at the option of the said parties of the first part) of the terminal facilities of the London and South Eastern Railway Company.

(c.) Or by a passenger station to be erected by the said parties of the first part on either side of Bathurst Street, in the said city of London, west of Wellington Street, and by the erection by the said parties of the first part of a brick engine house with three stalls, having a frontage of forty feet and a depth of sixty-four feet and a back of seventy-seven feet, with height of back twenty-two feet and of front twenty-six feet; a turntable at least fifty-one feet long, a stand-pipe or water tank convenient to the engine house; a coal dock twenty feet by fifty feet with a back four feet high; track scales of fifty tons capacity; a brick freight house thirty-five feet by one hundred and fifty feet with a ten-foot platform, on the property of the said parties of the first part in the said city of London.

(d.) Or by allowing to the said parties of the second part a reduction of one thousand dollars per annum from the rent hereby reserved, if the said parties of the second part be able to make satisfactory arrangements with the London and South Eastern Railway Company for the use of the terminal facilities of the London and South Eastern Railway Company (the said parties of the first part to elect during the said year which of the said terminal facilities numbered *a*, *b*, *c* and *d* they will provide).

34. The said parties of the first part covenant with the said parties of the second part that, in the event of the destruction or damage by fire during the said term of any of the said buildings or erections on the property of the said parties of the first part so insured as aforesaid, they will, with as little delay as possible, repair or rebuild the same as may be necessary, and

unless they commence such repairs or rebuilding within fifteen days after such fire, the parties of the second part may repair or rebuild the same as may be necessary and shall be entitled to retain the necessary expenditure therefor out of the rents hereby reserved, which shall accrue due next after such expenditure.

35. Except as otherwise herein provided it is further agreed by and between the parties hereto that the said parties of the second part shall, at the end of the said term, be at liberty to remove any *additional sidings* (if any) laid by them, doing no unnecessary damage to the property of the said parties of the first part.

36. In order to provide the means to make the expenditures in the 24th paragraph hereof mentioned, it is agreed that application shall be made by the parties of the third part to the Legislature of the Province of Ontario at the next session thereof, for an Act to authorize and require the parties of the third part to issue Debentures to raise moneys for the purposes in such paragraph mentioned and to provide such means when requisite, and unless such Act be then passed, this agreement shall immediately cease and become void.

37. The said parties of the third part hereby assent to this indenture and agree with said parties of the second part that, so long during the said term as the said parties of the second part shall promptly pay the rent hereby reserved and duly and faithfully perform on their part all the terms, covenants and agreements contained in this indenture, the said parties of the third part will not seek to enforce the payment of the Mortgage Bonds and Debentures of the said The London and Port Stanley Railway Company held by them to the detriment of the said parties of the second part.

38. In consideration of the corporation of the city of London 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 successors 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 corporation in respect of the mortgage bonds held by them against The London and Port Stanley Railway Company so as to prevent the said corporation 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 successors or assigns, in performing the covenants and agreements on their part contained in this indenture.

39. This indenture is made subject to the same being sanctioned by the necessary number and proportion of the shareholders of The London and Port Stanley Railway Company in accordance with the provisions of the Act of the Parliament of Canada passed in the 56th year of Her Majesty's Reigu and

intituled "An Act respecting The London and Port Stanley Railway Company" and subject also to the approval of the Governor of the Dominion of Canada in Council and of the Parliament of Canada, and shall not go into effect until the necessary authority to enter into and carry out the same shall have been obtained.

40. The said parties of the first and second parts agree each with the other by all proper and lawful means to join in and aid in procuring such approval of the Governor General in Council and such legislation as aforesaid and to sign and present petitions for these purposes, the expenses of obtaining from the Parliament of Canada legislation approving of this indenture to be borne and paid by the said parties of the second part.

In witness whereof the parties of the first and second parts have caused to be affixed their respective corporate seals and their Presidents have set their hands and the parties of the third part have caused to be affixed their corporate seal and the Mayor has set his hand the day and year first above written.

Signed, sealed and
delivered in the
presence of (in
triplicate)

ARTHUR E. PETERS.

E. T. ESSERY,
President L. & P. S. R. Co.
WM. C. COO,
Secretary L. & P. S. R. Co.

[SEAL.]

THE LAKE ERIE AND DETROIT RIVER RAILWAY COMPANY.

S. A. KING,
Vice President.

G. J. LEGGATT,
Secretary,
[SEAL.]

WM. ROBINS.

E. T. ESSERY,
Mayor.
[SEAL.]

ARTHUR E. PETERS.



57-58 VICTORIA.

CHAP. 77.

An Act to incorporate the Lake Megantic Railway Company.

[Assented to 23rd July, 1894.]

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:—

Preamble.

1. Rufus Henry Pope, M.P., William W. Bailey, Alden Learned, and Colin Noble, all of the town of Cookshire, in the county of Compton, province of Quebec, and Lockhart Willard, of the village of Sawyerville, in the said county, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Lake Megantic Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be in the village of Lake Megantic, in the said county of Compton, or in such other place in Canada as is fixed by by-law of the Company.

Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point of junction with the Quebec Central Railway at Lake Megantic, thence along the east side of the said lake to a point on the international boundary line at or near Dead River or at or near Indian Stream so called.

Line of railway described.

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

Provisional directors.

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

Capital stock and calls thereon.

Annual general meeting.

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

Number of directors.

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

Amount of bonds, etc., limited.

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

Agreements with other companies.

9. The Company may enter into an agreement with the Quebec Central Railway Company, the Concord and Montreal Railroad Company, the Boston and Maine Railroad Company or the Maine Central 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 the shareholders.

And of the Governor in Council.

Notice of application for approval.

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



57-58 VICTORIA.

CHAP. 78.

An Act to again revive and further amend the Act to incorporate the Lindsay, Bobcaygeon and Pontypool Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Lindsay, Bobcaygeon and Pontypool Railway Company, hereinafter called "the 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 :—

Preamble.

1. Subject to the provisions of this Act, the Act incorporating the Lindsay, Bobcaygeon and Pontypool Railway Company, being chapter fifty-five of the Statutes of 1890, is hereby revived and declared to be in force ; and the time for the commencement of the railway and its 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 a period of two years from the passing of this Act ; and if such expenditure is not so made, and if the railway is not completed within five years from the passing of this Act, then the powers granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Chapter 55 of 1890, revived.

1892, c. 42.

Time limited.

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





57-58 VICTORIA.

CHAP. 79.

An Act respecting the Manitoba and North-western
Railway Company of Canada.

[Assented to 23rd July, 1894.]

WHEREAS the Manitoba and North-western Railway Com-
pany of Canada has by its petition prayed for an amend-
ment as hereinafter set forth to *The Manitoba and North-* Preamble
western Railway Company's Act, 1893, and it is expedient to
grant the prayer of the said petition : Therefore Her Majesty,
by and with the advice and consent of the Senate and House
of Commons of Canada, enacts as follows :—

1. Subsection three of section nine of *The Manitoba and* 1893, c. 52.
North-western Railway Company's Act, 1893, is hereby repealed
and the following substituted therefor :—

“**3.** The work on the extensions authorized by this section
shall be completed within nine years from the passing of this
Act and the Company shall complete during the year eighteen
hundred and ninety-six and also during each calendar year
thereafter such a portion of its railway not exceeding twenty
miles as is from time to time prescribed by the Governor in
Council, otherwise the Company's powers under this section
shall cease as regards so much of the said extensions as then
remains uncompleted.”

Time for com-
pletion of rail-
way.

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most Excellent Majesty.





57-58 VICTORIA.

CHAP. 80.

An Act respecting the Medicine Hat Railway and Coal Company.

[Assented to 23rd July, 1894.]

WHEREAS the Medicine Hat Railway and Coal Company Preamble. has by its petition prayed that the time limited for the completion of its railway may be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The time limited by section one of chapter seventy-nine of the Statutes of 1891 for the completion of the railway of the Medicine Hat Railway and Coal Company is hereby extended to the first day of January, one thousand eight hundred and ninety-eight; and if the railway is not then completed, then the powers granted by the Acts relating to the Company and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction extended. Chapter 79 of 1891.

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





57-58 VICTORIA.

CHAP. 81.

An Act to incorporate the Metis, Matane and Gaspé Railway Company.

[Assented to 23rd July, 1894.]

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

Preamble.

1. The Hon. Mr. Justice George Irvine, the Hon. Evan John Price, the Hon. John Sharples, Arthur J. Turcotte, and William King, all of the city of Quebec; Napoléon Riou, of Trois Pistoles; George L. Pelletier, of Matane; Charles Bertrand, of l'Ile Verte; P. E. Grandbois, M.D., of Fraserville; Louis Taché, of Rimouski; J. E. Larrivée, of Sandy Bay, and L. N. Langlais, of St. Octave de Metis, all in the province of Quebec, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Metis, Matane and Gaspé Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be in the city of Quebec, or at such other place in the province of Quebec as a majority of the shareholders at any annual or general meeting determine.

Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from some point on the Intercolonial Railway between Ste. Flavie and Little Metis Station, in the county of Rimouski, in the province of Quebec, to tide water in the parish of Matane, in the said county, thence to tide water in Gaspé Basin at or near Point St. Peter or Douglstown, in the county of Gaspé; and the undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Line of railway described.

Declaratory.

Provisional directors. **4.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

Capital stock and calls thereon. **5.** The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time, as they deem necessary; but no one call shall exceed ten per cent on the shares subscribed.

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

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

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

Agreement with another company. **9.** The Company may enter into an agreement with the Government of Canada, the Baie des Chaleurs Railway Company, or the Gaspesia Railway Company, for conveying or leasing to such government 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 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 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 agreements. **2.** Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.

Notice of application.



57-58 VICTORIA.

CHAP. 82.

An Act to amend the Acts relating to the Moncton and Prince Edward Island Railway and Ferry Company.

[Assented to 23rd July, 1894.]

WHEREAS the Moncton and Prince Edward Island Railway and Ferry Company have, by their petition, prayed for the passing of an Act to extend the time limited for the commencement and completion of their undertaking, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Section one of chapter fifty-four of the Statutes of 1893 is hereby amended by striking out thereof all the words from “force,” in line four to the end of the section, and by adding the following as subsection two:—

56 V., c. 54,
s. 1 amended.

“2. The time fixed by section eighty-nine of *The Railway Act*, for the commencement of the undertaking and the expenditure of fifteen per cent of the capital stock is hereby extended till the first day of October, eighteen hundred and ninety-six; and the time fixed by the said section for finishing the undertaking and putting it into operation is hereby extended till the first day of October, eighteen hundred and ninety-eight; and if such expenditure is not so made and the undertaking is not so completed on the said dates, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.”

Time for commencing and finishing extended.

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



57-58 VICTORIA.

CHAP. 83.

An Act respecting the Montreal Island Belt Line Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Montreal Island Belt Line Railway Com- Preamble.
pany was incorporated by an Act of the legislature of Q. 56 V., c. 70.
Quebec, fifty-sixth Victoria, chapter seventy; and whereas the
railway of the said Company is a work for the general advantage of Canada, and the said Company has by its petition prayed that an Act be passed declaring it a body politic and corporate under the legislative control of the Parliament of Canada; and whereas by the said petition the said Company has prayed for an extension of the powers conferred upon it by the said Act of the legislature of Quebec, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. The undertaking of the Montreal Island Belt Line Railway Company, a company incorporated by chapter seventy of the Statutes of the province of Quebec of 1893, and hereinafter called “the Company,” is hereby declared to be a work for the general advantage of Canada. Declaratory.

2. The Company as now organized and constituted under the said Act of the province of Quebec is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Railway Act* of Canada shall apply to the Company and its undertaking instead of the said Act of the province of Quebec and the *Railway Act* of Quebec: Provided, that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the said Acts of the province of Quebec at the time of the passing of this Act,—to all of which rights and privileges the Company shall be entitled and to all of which liabilities the Company shall be subject. Declaratory.

3. The Company may lay out, construct and operate a Description of railway.
railway of the gauge of four feet eight and one-half inches, from

from a point in or near the city of Montreal, passing through the municipalities of Maisonneuve, Longue Pointe, Pointe aux Trembles, Rivière des Prairies, Sault au Récollet, L'Abord à Plouffe, Saint Laurent, Ste. Geneviève, Ste. Anne, Pointe Claire, Dorval, Lachine, Côte St. Paul, St. Henri and Ste. Cunégonde, returning to some point in or near the city of Montreal aforesaid, with two branches on the said island of Montreal connecting the north shore with the south shore of the said island, that is to say: one of such branches shall commence at some point at or near Sault au Récollet and extend across the said island to some point at or near Maisonneuve, and the other of such branches shall commence at some point in the parish of Saint Laurent and extend across the said island to some point in the parish of Saint Gabriel.

Elevated railway in Montreal.

2. In the city of Montreal, and in order to traverse the said city from the east to the west, the Company may lay out, construct and operate an elevated railway,—the route of the said railway on the line of any street or streets, or river front, to be subject to the approval of the city council.

And in Ste. Cunégonde and St. Henri.

3. In the towns of Ste. Cunégonde and St. Henri and in order to traverse them from east to west, the Company may extend and continue the construction and operation of the said elevated railway, by a route to be determined by the councils of Ste. Cunégonde and St. Henri; and in case of disagreement between the said councils and the Company, the route shall be determined by the Railway Committee of the Privy Council, as provided by section eleven of *The Railway Act*.

Height of elevated railway.

4. The said elevated railway shall be erected at a height of not less than twenty feet from the surface of the said streets; and within the city of Montreal the mode of constructing the said elevated railway and the manner of operating it shall be subject to the approval of the city council of the said city of Montreal.

Exercise of powers to be subject to 1888, c. 29, s. 183.

5. The exercise of the powers granted the Company under this section shall be subject to the provisions contained in section one hundred and eighty-three of *The Railway Act*.

Compensation for damage, c. 29 of 1888.

6. The Company shall make full compensation to all persons interested for all damage caused to the lands abutting upon the streets along which such elevated railway may be constructed, whether any portion of such lands is taken for the purposes of the railway or not. Such compensation, in case of disagreement, shall be settled in the same manner as provided for determining compensation under the provisions of *The Railway Act*: Provided, however, that the Company shall not proceed with the construction of its elevated railway along any street opposite the lands of any proprietor abutting on any such street, until payment or legal tender of the compensation awarded or agreed upon with respect to the damage, if any, caused to such lands, to the persons entitled to receive the same, or until payment into court of the amount of such compensation in manner provided by *The Railway Act*, or unless the

Company has obtained a judge's warrant therefor, under sections one hundred and sixty-three and one hundred and sixty-four of *The Railway Act*; and provided, further, that this subsection shall apply only to lands in the city of Montreal and in the towns of Ste. Cunégonde and St. Henri; elsewhere, along the route of the said railway, the Company shall be subject to the ordinary provisions of *The Railway Act*.

7. Nothing in this Act shall be so construed as to deprive the city of Montreal of the right to levy from the Company a money consideration for any franchises granted to the Company by the said city. Right.

4. After twenty-five miles of its main line have been constructed and put in operation, the Company may construct and operate the following extensions or branches:— Branches.

(a.) A branch from a point on the said belt line at the north-eastern extremity of the said island of Montreal, crossing by means of a bridge the Rivière des Prairies and traversing the county of L'Assomption passing at or near the town of L'Assomption in the same county, and thence traversing the county of Montcalm to a point in the said county of Montcalm at or near the village of Rawdon, or at or near the village of Montcalm, to connect with the Great Northern Railway, the said branch to be known as the Rawdon, or Montcalm extension, as the case may be; Rawdon branch.

(b.) A branch from a point on the said belt line within the limits of the parish of Sault au Récollet, of the parish of St. Laurent or of the parish of Ste. Geneviève, crossing by a bridge the Rivière des Prairies and traversing the counties of Laval and Two Mountains westward to a point in the county of Argenteuil on the said Great Northern Railway, to connect with the said railway,—the said branch to be known as the Grenville extension; Grenville branch.

(c.) A branch from a point at Ste. Anne de Bellevue, on the said belt line, crossing the Ottawa River by a bridge and passing through the counties of Vaudreuil and Soulanges to a point at the village of Coteau Landing on the line of the Canada Atlantic Railway to connect with the said railway,—the said branch to be known as the Coteau Landing extension. Coteau Landing branch.

5. The capital stock of the company shall be five million dollars, and the directors may make calls from time to time as they deem expedient; but no one call shall exceed ten per cent of the stock subscribed. Capital stock and calls thereon.

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

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

Qualification
of directors.

8. No person shall be elected a director of the Company unless he is the holder of at least fifty shares in the capital stock of the Company on which all calls due have been paid.

First meeting
of shareholders.

9. So soon as ten per cent on the present subscribed capital of five hundred thousand dollars shall have been paid into some chartered bank in Canada, the provisional directors of the company who now hold office as such under the provisions of the said Act of the legislature of the province of Quebec, shall call a meeting of the shareholders of the Company, at the head office of the Company, for any day they deem expedient, giving notice thereof in at least one daily newspaper in the English, and one daily newspaper in the French language, published in the city of Montreal, and in the *Canada Gazette*, for not less than two weeks; and at such meeting shareholders having paid not less than ten per cent of the amount of their subscribed shares, shall elect from amongst the shareholders duly qualified as aforesaid, the number of directors set out in section seven of this Act.

And election
of directors.

2. The Company shall not commence the construction of the railway hereby authorized until at least two hundred and fifty thousand dollars of capital stock have been paid in cash into a chartered bank in Canada, to be appropriated only for the purposes of the company under this Act.

Bridges over
the Ottawa
River.

10. The Company may also lay out, construct, complete, maintain, work, manage and use bridges in connection with its railway for railway and other purposes, with the necessary approaches over the Ottawa River, and over the Rivière des Prairies at the points indicated in section four of this Act: Provided that nothing in this Act shall interfere with the rights and privileges belonging to the proprietors of bridges as granted by the Statutes fourth William IV., chapter thirty, and tenth and eleventh Victoria, chapter ninety-seven.

4 Wm. IV., c.
30, 10-11 V.,
c. 97.

Lights on
bridges.

2. From sundown until sunrise, during the season of navigation, suitable lights shall always be maintained by the Company on the piers of the bridges to guide vessels approaching the same from either direction.

Plans of
bridges to be
submitted to
Governor in
Council.

11. The Company shall not commence the said bridges, or any of them, or any work thereunto appertaining until it has submitted to the Governor in Council plans of each such bridge and of all the intended works thereunto appertaining, nor until the plans and site of each 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.

12. If the said bridges or any of them are constructed or arranged for the use of foot passengers and carriages, or either, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved, and may be amended and modified from time to time, by the Governor in Council; but the Company may, at any time, reduce the said tolls; and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridges.

Tolls on bridges to be approved by Governor in Council.

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

Equal rights in passage of bridges to all railway trains.

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

Disputes settled by railway committee.

15. The bridges and extensions of the said belt line railway shall be commenced within four years and completed within six years from the passing of this Act; otherwise the powers granted for the construction thereof shall be void and of no effect.

Time limited for construction of bridges and extensions.

16. The Company may, subject to the proviso in section eighteen contained, erect and maintain docks, dockyards, wharfs, slips, piers, and warehouses, at any point on or in connection with its 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, wharfs, etc.

Vessels, elevators, etc.

17. The Company may, subject to the proviso in section eighteen contained, 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

Permission to erect store-houses, elevators, etc., on land of company.

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 erection of elevators, etc., subject to consent of Harbour Commissioners.

18. The Company shall not erect and maintain, or grant to any person or corporation the right to erect on ground belonging to the Company, docks, dockyards, wharfs, slips, piers, warehouses or elevators on any lands that are under the jurisdiction of the harbour commissioners of Montreal, without the consent and approval expressed in writing of such commissioners, with the approval of the Governor in Council.

Telegraph and telephone lines.

19. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches, and may 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.

Company may enter upon public roads.

20. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the Company may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality, or other place, for the purpose of constructing, erecting, equipping, working and maintaining its line or lines of telegraph and telephone upon, along, across, over and under the same ; and may erect, equip and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by telegraph and telephone ; and may stretch wires and other telegraphic and telephonic contrivances thereon ; and, as often as the Company, its agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say :—

May erect poles.

(a.) The Company shall not in the construction or operation of its telegraph or telephone lines interfere with the public right of travelling on or using such public roads, highways, streets, bridges, or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building erected in the vicinity ;

And open public roads.

Travel, etc., not to be obstructed.

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more than one line of poles along any street or road, without the consent of the municipal council having jurisdiction over the roads or streets of the municipality ;

Height of wires.

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

(d.) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred ; Cutting poles or wires in case of fire.

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

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

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the supervision of such engineer or other person as the council appoints for that purpose, and shall be done in such manner as the council directs ; the council may also direct and designate the places where the poles are to be erected in such municipality ; and the surface of the 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, and the Company shall not be entitled to damages therefor ; Carrying wires under ground.

(i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified ; Workmen to wear badges.

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

(k.) If in the removal of buildings or if in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby ; Removal of wires and poles.

and such notice may be given either at the office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, then either at the said head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles require to be removed.

Arrangement with any other telegraph or telephone company.

21. 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.

Undertaking may be divided into sections.

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

(a.) The main line section, more particularly known as the Montreal Island Belt Line Railway ;

(b.) The Rawdon extension ;

(c.) The Grenville extension ;

(d.) The Coteau Landing extension ;

(e.) The bridges on the Rivière des Prairies and on the Ottawa River, which shall be designated and known as the "bridge section" ;

(f.) The elevated railway, which shall be designated and known as the "Montreal elevated railway section."

Issue of bonds, etc., limited.

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

Issue of bonds, etc., for elevated railway and bridges.

24. The company may issue bonds, debentures or other securities to the extent of two millions of dollars for its elevated railway, and to the extent of three hundred thousand dollars for each bridge mentioned in this Act, which shall be called "elevated railway bonds" or "bridge bonds," as the case may be ; and such bonds shall, in like manner, be secured by a deed of mortgage specifying the security therefor ; and such deed may provide that all tolls and revenues derived from the use of such bridges or such elevated railway by other corporations or persons shall be specially charged and pledged as security for such bonds.

Power to issue bonds, etc., on line or sections.

25. The Company may issue the bonds, debentures, and other securities authorized to be issued by this Act separately with respect to each of the said sections, or as to certain sections combined, or on the whole line of the railway of the Company ; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four

of *The Railway Act*, form a first charge upon and be limited to the particular section or sections in respect to which respectively they are issued and upon the rents and revenues thereof and upon all the property of the Company belonging to such section or sections. 1888, c. 29, s. 94.

26. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the St. Lawrence and Adirondack Railway Company, the Canada Atlantic Railway Company, the Great Northern Railway Company, the Atlantic and Lake Superior Railway Company, the Montreal Bridge Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Montreal Street Railway Company and the Montreal Park and Island Railway Company, for conveying or leasing its railway to 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. Agreement with another company. Proviso: sanction of shareholders and Governor in Council.

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

27. If the construction of the main line of the railway authorized by this Act is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within two years after the passing of this Act, or if the whole of the undertaking is not finished and put in operation in seven years from the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted. Time for construction.





57-58 VICTORIA.

CHAP. 84.

An Act respecting the Montreal Park and Island Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Montreal Park and Island Railway Company was incorporated by an Act of the legislature of the province of Quebec, being chapter seventy-four of the Statutes of 1885, which Act was amended by other Acts of the same legislature, namely chapter eighty-five of the Statutes of 1886, and chapter sixty-five of the Statutes of 1893; and whereas the Company by its petition has prayed that an Act be passed declaring it a body corporate within the jurisdiction of the Parliament of Canada, and conferring on it certain other powers hereinafter mentioned; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.

Que., 1885, c. 74, 1886, c. 85; 1893, c. 65.

1. The undertaking of the Montreal Park and Island Railway Company, a company incorporated as above mentioned and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Declaratory.

2. The Company as now organized and constituted under the said Acts of the province of Quebec is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Railway Act of Canada* shall apply to the Company and its undertaking instead of the said Acts of the province of Quebec and the *Railway Act of Quebec*: Provided, that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the said Acts of the province of Quebec prior to the time of the passing of this Act,—to all of which rights and privileges the Company shall continue to be entitled and to all of which liabilities the Company shall continue to be subject.

Declaratory.

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

Capital stock.

hundred dollars each, with the right to increase such capital to one million dollars when a majority in value of the shareholders shall so decide.

Capital stock authorized by Quebec Acts.

4. The capital stock of the Company as authorized by the legislature of Quebec shall be deemed to be the same as the capital stock mentioned in section three of this Act, and no right or claim to any share or shares thereof shall be prejudiced by anything contained in this Act.

Head office.

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

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the third Thursday in September in each year.

Number of directors.

7. At such meeting the shareholders 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; and the Company may by by-law increase the number of directors to nine or reduce the same to five.

Description of railway on island of Montreal.

8. The Company may lay out, construct, make, put in operation and run, by means of steam, electricity or otherwise, one or more railways or tramways, either on the surface of the soil or as elevated roads, from certain points in the city of Montreal to the summit of Mount Royal Park and to the various municipalities situated on the island of Montreal, provided that such railway shall not follow, or, within a distance of one arpent, run alongside of the turnpike roads on the island of Montreal, without having first obtained the consent of the trustees of such turnpike roads, and provided also that the Company shall not make use of any of the streets of the city of Montreal or of the Mount Royal Park roads without having first obtained the consent of the council of the said city.

Description of railway beyond the island.

9. The Company may also lay out, construct, operate, manage and run, by means of steam, electricity, or other approved motive power, one or more railways or tramways of standard gauge with single or double track, and all the switches, sidings and appurtenances common thereto, in, over and throughout the counties of Laval, Terrebonne, Two Mountains and L'Assomption, on the north shore of the River St. Lawrence, and the counties of Chambly and Laprairie, on the south shore of the said river, and upon, over and across St. Helen's and St. Paul's islands in the said River St. Lawrence, facing the city of Montreal.

Arrangement with companies bridging the St. Lawrence.

10. The Company may, for the purpose of connecting with and using, maintaining and operating its railway on St. Helen's island, enter into arrangements with the Montreal

Bridge Company or with any other incorporated company bridging the St. Lawrence and touching the said island, for the use, lease or enjoyment of the bridge of any such company, approaches and terminals for the purpose of connecting its lines of railway on both sides of the said River St. Lawrence; and may unite with the said company or any other incorporated company bridging the said St. Lawrence, or reaching St. Helen's and St. Paul's islands, 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 or lease thereof.

11. The Company may likewise enter into an arrangement, lease or contract with any company or corporation owning and operating a bridge or bridges across the River des Prairies and its branches, and may unite with such corporation for the use, maintenance and management of the same, or of the Company's lines; and may likewise enter into similar contract with like corporations on the south shore of the River St. Lawrence; or the Company may construct or maintain, use and operate such bridges as may be necessary for the continuance and connection of its lines on either side of the River St. Lawrence: Provided that each such agreement mentioned in this and in the next preceding section 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.

Or bridging the River des Prairies.

Or other like companies.

Power to build bridges.

Subject to sanction of shareholders and 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 each of the counties through which the railway of the Company hereby incorporated runs and in which a newspaper is published.

Notice of application for approval.

1888, c. 29, s. 39.

12. From sundown until sunrise, during the season of navigation, suitable lights shall always be maintained by the Company on the piers of the bridges to guide vessels approaching the same from either direction.

Lights on bridges.

13. The Company shall not commence the said bridges, or any of them, or any work thereto appertaining, until it has submitted to the Governor in Council plans of each such bridge and of all the intended works thereunto appertaining, nor until the plans and site of each 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,

Plans of bridges to be submitted to Governor in Council.

altered, or any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes.

Equal rights in passage of bridges to all railway trains.

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

Disputes settled by railway committee.

15. In case of any disagreement as to the rights of any railway company whose business or trains pass over the bridges or any of them, 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*.

Agreement with Montreal City Passenger Railway Company.

16. The Montreal Park and Island Railway Company may enter into an agreement with the Montreal City Passenger Railway Company for the use by either of such companies or by both companies at the same time of the railway of the other company or of any part thereof, or of any station, cars or other property of either of such companies or of both of them or with reference to any service which may be rendered by one of such companies to the other, with reference to the price or compensation to be paid for such services, or for the construction of one or more branch railways, or of one or more tramways, to facilitate the connection between the railways of the two companies.

2. Every such agreement made according to law by the Company shall be binding, subject, however, to any statute now in force respecting the powers and obligations of the Montreal City Passenger Railway Company.

Bonding powers.

17. The Company may make and issue, in the manner provided by and subject to the provisions of *The Railway Act*, bonds not exceeding in the whole fifteen thousand dollars per mile of single track of its railway, constructed or under contract to be constructed, and may secure such bonds in the manner provided by *The Railway Act*: Provided, that the total amount of the bonds issued or to be issued shall not, in any case, exceed the said sum per mile.



57-58 VICTORIA.

CHAP. 85.

An Act respecting the Montreal and Ottawa Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Montreal and Ottawa Railway Company Preamble.
has by its petition represented that it has commenced and completed a considerable portion of its railway within the time prescribed therefor by its Act of incorporation, as amended by chapter ninety-six of the Statutes of 1891, and has prayed 1884, c. 84.
1891, c. 96.
for a further extension of time within which it may complete the remainder of its railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The Montreal and Ottawa Railway Company may complete the railway, which by its Act of incorporation, chapter eighty-four of the Statutes of 1884, as amended by chapter ninety-six of the Statutes of 1891, it was authorized to construct, or any portion or portions thereof, within five years from the passing of this Act: Provided that as to so much thereof as is not completed within that period the powers of the Company shall cease and determine; and provided also that unless the Company expends on the construction of the portion or portions commencing at and extending westerly from Point Fortune at least one hundred thousand dollars within eighteen months after the passing of this Act, the authority hereby given shall cease at the expiration of that period, and that unless the Company expends on such construction at least a further sum of one hundred thousand dollars, making in the aggregate two hundred thousand dollars, within thirty months after the passing of this Act, the authority hereby given shall cease at the expiration of that period,—such expenditures to be exclusive of the amounts of all parliamentary and municipal bonuses voted in aid of the said railway, and to be proved to the satisfaction of an engineer to be appointed by the Minister of Railways and Canals, and to be made wholly outside the limits of the city of Ottawa. Time to construct railway extended.
Proviso.
Proviso: expenditure within certain periods.

Contract for
completion of
railway.

2. Any other railway company to which the Company has leased its line or any part thereof may enter into a binding contract with any corporation or person for completing or aiding in the completion thereof.

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



57-58 VICTORIA.

CHAP. 86.

An Act to confirm an agreement between the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company, and an agreement between the said companies and the Corporation of the City of Ottawa, and to unite the said companies under the name of "The Ottawa Electric Railway Company."

[Assented to 23rd July, 1894.]

WHEREAS the Ottawa City Passenger Railway Company, incorporated by an Act of the parliament of the late province of Canada, and the Ottawa Electric Street Railway Company, incorporated by letters patent issued by the Lieutenant-Governor in Council of the province of Ontario pursuant to the provisions of *The Street Railway Act* and *The Ontario Joint Stock Companies Letters Patent Act*, have by their petitions represented that they have, under the provisions of the several Acts relating to the said companies and the said letters patent respectively, entered into an agreement for the sale of the franchises, property and assets of the Ottawa Electric Street Railway Company to the Ottawa City Passenger Railway Company and for the amalgamation and union of the said two companies as one company, conditionally upon the said agreement being ratified and confirmed by Act of the Parliament of Canada (which agreement is set out in schedule "A" to this Act) and have prayed that an Act be passed to ratify and confirm the said agreement;—and whereas the said companies have also joined in an agreement with the Corporation of the city of Ottawa for the construction, maintenance and operation of the various lines of street railway within the city of Ottawa in the said agreement mentioned and described, upon the terms and conditions mentioned and set forth in the said agreement with the city of Ottawa, which agreement is set out in schedule "B" to this Act;—and whereas by one of the terms of the said agreement the Corporation of the city of Ottawa covenanted and agreed with the said companies to consent to the amalgamation of the said companies, and also to join with them in applying for the legislation, either by the Parli-
ment

ment of Canada or by the Legislative Assembly of Ontario, which should be required for the purpose of rendering the said agreement valid and binding upon all the parties thereto ;— and whereas the said Corporation of the city of Ottawa have by their petition prayed that the said last mentioned agreement should be ratified and confirmed ;—and whereas the said Ottawa City Passenger Railway Company has also prayed for certain amendments to its Act of incorporation and to the Acts amending the same ;—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, declares and enacts as follows :—

• Agreement between the companies ratified.

1. The agreement between the two companies, hereinbefore mentioned, bearing date the twenty-sixth day of March, 1894, and set out in schedule “ A ” to this Act, is hereby ratified and confirmed, and the union thereby effected is hereby declared to be valid and operative on, from and after the first day of June, A.D. 1894, if this Act shall have received the assent of the Governor General on or before that date, and if not, then upon the first day of the month next after the date of such assent : Provided that nothing in this Act or in the said agreement shall be held to relieve either of the said companies from any contract or liability, but the united company shall be liable for all debts, duties and obligations of each of the companies so united ; and no proceedings of any nature, either by or against the said companies so united, or either of them, shall be abated or discontinued by reason of the said union or of this Act, but shall be continued to their termination as if the said union had not been effected.

Proviso.

Agreement with corporation ratified.

2. The agreement between the said companies and the Corporation of the city of Ottawa, bearing date the twenty-eighth day of June, A.D. 1893, and set out in schedule “ B ” to this Act, is hereby ratified and confirmed.

Powers vested in united company.

3. The franchises, powers and privileges heretofore or hereby granted to or conferred upon the said companies, or either of them, and which are hereby authorized to be transferred to the said united company, shall be exercised and enjoyed by the said united company, subject to the terms, provisos and conditions contained in the said agreement with the Corporation of the city of Ottawa.

1892, c. 53, s. 4 repealed.

Capital stock.

4. Section four of chapter fifty-three of the Statutes of 1892 is hereby repealed, and the following substituted therefor :—

“ **4.** The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each ; but the amount thereof may be further increased by the Company, subject to the provisions contained in section thirty-seven of *The Railway Act.* ”

5. Of the capital stock authorized by this Act, the united Issue of stock. company may issue paid-up stock to the amount of six hundred and twenty-five thousand six hundred dollars in six thousand two hundred and fifty-six shares of one hundred dollars per share, and may issue five thousand of the said shares to the present shareholders of the Ottawa Electric Street Railway Company, for the purchase of their property, franchises and assets, being the actual amount of the paid-up stock of the said company, in exchange for the shares held by them, and may also issue one thousand two hundred and fifty-six of the said shares to the present shareholders of the Ottawa City Passenger Railway Company, being the actual amount of the paid-up stock of the said company, in exchange for the shares held by them, as provided in the said agreement in schedule "A" to this Act, and the said shares shall be issued as fully paid-up and unassessable without application or allotment to the present shareholders of each of the said companies, as aforesaid, who shall thereupon surrender the existing shares in the said companies, as provided in the said agreement; the balance of the capital stock of the Company authorized by this Act, namely, the sum of three hundred and seventy-four thousand four hundred dollars, shall at the date when this Act takes effect be wholly unissued and unpaid and be at the disposal of the united company, to be issued from time to time as it finds expedient for the purposes of the Company.

6. The name of the Ottawa City Passenger Railway Company is hereby changed from "The Ottawa City Passenger Railway Company" to "The Ottawa Electric Railway Company," New corporate name of united 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 Existing rights, etc., not affected. affect any suit or proceeding now pending or judgment existing either by or in favour of, or against the said company, which, notwithstanding such change in the name of the company, may be prosecuted or continued, completed and enforced as if this Act had not been passed.

7. The lines of street railway constructed by the said companies, or either of them, are hereby declared to be works Declaratory. for the general advantage of Canada, and the said "The Ottawa Electric Railway Company" is hereby declared to be a body corporate subject to the legislative authority of the Parliament of Canada.

8. The Ottawa Electric Railway Company may run and operate postal cars upon its line of railway, and may transport and carry the mails and other goods and packages intrusted to it by the Post Office Department, and may for that purpose enter into any agreement or agreements with the Post Office Department. Postal car service.

By-laws of
new company.

9. The by-laws of the Ottawa Electric Street Railway Company in force at the date fixed for the coming into operation of this Act shall be the by-laws of the united company, until amended or repealed; and all meetings which may be called and held thereafter and all other acts and proceedings which may thereafter be had and taken by the united company in accordance with the said by-laws, until such by-laws are amended or repealed, are hereby declared to be valid and binding, as if the said by-laws had been duly enacted by the united company.

Commence-
ment of Act.

10. This Act shall come into force and take effect on, from and after the first day of June, A.D. 1894, if it shall have received the assent of the Governor General on or before that date, and, if not, then upon the first day of the month next after the date of such assent.

Existing
powers not to
be impaired.

11. Nothing in this Act shall in any respect impair any of the powers which the said Ottawa City Passenger Railway Company shall have immediately prior to the date appointed for this Act to take effect.

Ottawa Elec-
tric Street
Railway Co.
to cease busi-
ness.

12. After the date appointed for this Act to take effect, the Ottawa Electric Street Railway Company shall not carry on any business and shall not exercise its corporate powers or make use of its corporate name for any purpose whatever, except to support and carry into effect the said agreements set forth in schedules "A" and "B" to this Act; and after all conveyances, assignments, transfers, acts, deeds, endorsements and releases necessary or proper to carry the said agreements into effect have been duly done, made and executed by it, the said Ottawa Electric Street Railway Company may be wound up under *The Joint Stock Companies Winding-up Act* of the province of Ontario.

SCHEDULE A.

THIS AGREEMENT made the twenty-sixth day of March, A.D. 1894, between The Ottawa City Passenger Company (hereinafter called "The Passenger Company"), of the first part; and The Ottawa Electric Street Railway Company (Limited) (hereinafter called "The Electric Company"), of the second part.

Whereas by virtue of an Act of the Province of Canada, being 29-30 Victoria, Chapter 106, the said The Ottawa City Passenger Railway Company was duly incorporated with the powers therein mentioned:

And whereas the said Act of incorporation has been amended by an Act of the Legislature of the Province of Ontario, being 31 Victoria, Chapter 45, and also by an Act of the Parliament of the Dominion of Canada, being 55-56 Victoria, Chapter 53:

¶ And whereas The Ottawa Electric Street Railway Company was on the 13th day of February, A.D. 1891, duly incorporated by letters patent issued by the Lieutenant-Governor in Council of the Province of Ontario pursuant to the provisions of "The Street Railway Act" and "The Ontario Joint Stock Companies Letters Patent Act," with the powers, privileges and franchises in the said letters patent mentioned :

And whereas The Passenger Company is empowered under section eleven of the said Act 55-56 Victoria, Chapter 53, of the Parliament of Canada to amalgamate and consolidate its stock, property, business and franchises with those of any other Company incorporated or chartered for all or any of the like purposes and duly authorized thereto, and have also power to acquire from any other person or company, all or any of the business which the Company is empowered to carry on, and to pay the seller or sellers the price thereof in fully paid-up shares of the Company :

And whereas The Electric Company has applied to the Legislature of the Province of Ontario for a special Act to authorize them to sell, convey and assign its franchises, property and assets to The Passenger Company, and to amalgamate with The Passenger Company and to enter into any agreement or agreements with the said Company incident to such sale or amalgamation, and the said Act has been duly passed by the said Legislature at the session thereof now being held in this present fifty-seventh year of Her Majesty's reign, but has not yet received the assent of His Honour the Lieutenant-Governor :

And whereas the said The Electric Company is desirous of selling to the said The Passenger Company, and the said The Passenger Company is desirous of purchasing the franchises, property, assets and undertaking of The Electric Company and to amalgamate and unite together as one Company, under the charter of The Passenger Company, upon the terms and conditions mentioned and set forth in this agreement, but subject to confirmation by Act of parliament as hereinafter provided :

And whereas this agreement has been submitted to the shareholders of the said The Passenger Company at a special general meeting, duly called for the purpose of considering the same, and held on the twenty-sixth day of March, A.D. 1894, and has been adopted and sanctioned by more than two-thirds of all the votes of the shareholders of the said company present in person, or represented by proxy, at the said meeting :

And whereas this agreement has also been submitted to the shareholders of The Electric Company at a special general meeting, duly called for the purpose of considering the same, and held on the twenty-sixth day of March, A.D. 1894, and has been adopted and sanctioned by more than two-thirds of all the votes of the shareholders of the said company present in person, or represented by proxy, at the said meeting :

Now this indenture witnesseth, that the parties of the first and second parts, respectively, do mutually covenant and agree with each other in manner following :

1. The said The Electric Company hereby agrees, subject as hereinafter mentioned, to sell, and The Passenger Company, subject as hereinafter mentioned, agrees to purchase all and singular the undertaking of the said The Electric Company, and all the property of the said company with all its lands, franchises, powers, rights, privileges, equipment, stations, plant, rolling stock, materials, stores and appurtenances and all property and rights of every kind to which The Electric Company is or may hereafter become entitled, and the said property is hereby conveyed, assigned, transferred and set over by the said The Electric Company to the said The Passenger Company, free from all charges and encumbrances, except the current rent payable in respect of leasehold property and the current rates and taxes.

But the said Passenger Company shall assume and pay all the outstanding accounts owing, salaries, wages, bills payable, balances due to the banks or to any other corporation or person for money lent, or other obligations of the Electric Company as the same shall exist, on the day herein appointed for this agreement to take effect.

2. The price of the said property shall be the sum of five hundred thousand dollars (\$500,000.00), being the amount of the capital stock of The Electric Company, and The Passenger Company shall pay the same by issuing five thousand (5,000) shares of stock of the par value of \$100 per share in exchange for the shares now held by the present shareholders of The Electric Company.

3. The authorized capital stock of The Passenger Company shall be increased to the sum of \$1,000,000.00, of which the sum of \$625,600 shall be fully paid up on the date appointed for this agreement to take effect, namely, the sum of \$500,000 to be issued, fully paid up and unassessable to the shareholders of The Electric Company, in exchange for the paid-up shares held by them in The Electric Company, for the purchase of their property, franchises and assets, being the actual amount of the paid-up stock of the said company, and \$125,600 being the actual amount of the paid-up stock of The Passenger Company, and the remainder of the said authorized capital stock, when increased, namely, the sum of \$374,400, shall be wholly unissued and unpaid at the disposal of the said united company, to be issued as they may find it expedient for the purposes of the said company.

4. The several persons, firms and corporations, who shall, at the date hereinafter appointed for this agreement to take effect, be the shareholders of The Passenger Company and of The Electric Company respectively, shall be the shareholders of the said United Company, the shareholders of The Electric Company being respectively entitled to one share in the United Company

for each share held by them or any of them at the said date, and the shareholders of The Passenger Company being respectively entitled to one share in the United Company for every five shares held by them, or any of them, and the said shareholders shall be entitled forthwith, on and after the said date, to present their share certificates to the United Company, and upon delivery up and cancellation thereof to receive certificates for fully paid-up shares in the United Company for the proper amount, in the case of shareholders in The Passenger Company holding less than five shares, or a number of shares which is not a multiple of five, such shareholders will have to arrange among themselves to combine their shares by purchase or assignment, so that one share in the United Company may be issued for each block of five shares in The Passenger Company.

5. The Board of Directors of the United Company shall consist of seven members, and the qualification for directors shall be the same as provided in the Acts relating to The Passenger Company.

6. The first Board of Directors of the United Company shall be John William McRae, Peter Whelan, Thomas Ahearn, Thomas Workman, Warren Young Soper, George P. Brophy and William Scott, and the said Directors shall hold office until the first annual meeting of the United Company.

7. 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 or 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 or completed by or against the United Company: Provided always that the rights of any person or corporation having any special lien, charge or claim upon the lands or buildings, tolls or revenues or other property, real or personal, of either of such companies, or upon any part thereof, shall not be impaired by such union.

8. All the privileges, powers, rights and franchises possessed or enjoyed by either of the said companies under the said charter and the respective Acts relating to the said Companies and any 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 which, immediately before the date of such union, possessed or enjoyed the same, except as in this agreement expressly varied or herein otherwise expressly provided, but, generally, except as aforesaid, the United Company shall, after the confirmation of this agreement, be carried on, and shall have the same powers, privileges and franchises as if incorporated under the said Act of the Province of Canada, 29-30 Vic., Cap. 106, incorporating the said The Passenger Company and the amendments thereto incorporating the said The Passenger Company. Inasmuch as

the by-laws, rules and regulations of The Passenger Company were passed with reference to the circumstances and business of a horse railway, and the by-laws, rules and regulations of The Electric Company are better adapted to the system now in use, it is agreed that the by-laws, rules and regulations of The Electric Company in use at the date when this agreement takes effect shall have effect and shall, until changed or altered by the United Company, be binding on all the shareholders, officers, agents, servants and employees of the United Company and all others affected thereby, as if the United Company were the same as The Electric Company, and as if the whole undertaking of the United Company had been originally the undertaking of The Electric Company.

9. 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.

10. This agreement shall take effect on the first day of June, A.D. 1894, if the Act of the Parliament of Canada confirming the same shall have been assented to by the Governor General of the Dominion of Canada before that date, and, if not, then upon the first day of the month next after the date of such assent.

In witness whereof, the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered }
 in the presence of }
 C. DOWNING FRIPP. }

THE OTTAWA CITY PASSENGER RY. CO.

By W. Y. SOPER,
President.
 [Seal.] JAMES D. FRASER,
Secretary.

THE OTTAWA ELECTRIC STREET RY. CO. (LIMITED),

By J. W. McRAE,
President.
 [Seal.] JAMES D. FRASER,
Secretary.

SCHEDULE " B. "

THIS INDENTURE made in triplicate on the 28th day of June A.D. 1893 :—Between the Corporation of the City of Ottawa, hereinafter called the Corporation, of the first part ; the Ottawa City Passenger Railway Company, hereinafter called The Passenger Company, of the second part ; and the Ottawa Electric Street Railway Company, hereinafter called The Electric Company, of the third part.

Whereas by virtue of an Act of the Province of Canada being 29-30 Victoria, chap. 106, the said Ottawa City Passenger Railway Company was duly incorporated with the powers therein mentioned ;

And whereas the said Act of Incorporation has been amended by an Act of the Legislature of the Province of Ontario, being 31 Victoria, chap. 45, and also by an Act of the Parliament of the Dominion of Canada, being 55-56 Victoria, chap. 53.

And whereas the said The Passenger Company and the Corporation entered into an agreement bearing date the 18th day of May, 1885, by which the route on the said railway was changed with the consent of the said Corporation, which said agreement was ratified by by-law No. 603 of the Council of the said Corporation.

And whereas The Ottawa Electric Street Railway Company was on the thirteenth day of February, A.D. 1891, duly incorporated by letters patent issued by the Lieutenant-Governor in Council of the Province of Ontario, pursuant to the provisions of " The Street Railway Act " and " The Ontario Joint Stock Companies Letters Patent Act " with the powers, privileges and franchises in the said letters patent mentioned ;

And whereas the said Electric Company and the said Corporation entered into an agreement bearing date the 5th day of November, A.D. 1890, by which said agreement permission was granted to the said Electric Company to operate a line of street railway by electricity in certain streets of the City of Ottawa which said agreement was ratified by by-law of this Council dated the 14th day of January, A.D. 1891, and numbered 1098.

And whereas the said " The Passenger Company " and the said " The Electric Company " intend to amalgamate the said Companies or otherwise unite and consolidate their business as soon as the necessary legal authority can be obtained for that purpose, and the said Corporation have agreed to consent to such amalgamation and to assist the said Companies and each and every of them in obtaining such legislation or other legal authority as may be necessary to effect the said amalgamation and otherwise to confirm and ratify this agreement.

The word " Companies " as used in this agreement shall be understood to mean and apply to the said Companies, the parties to this agreement and their successors, and either of them

as the context may require until the said amalgamation or union shall take place, and thereafter the word Companies as herein used shall extend and apply to the said Company so formed by such amalgamation or union.

NOW THIS INDENTURE WITNESSETH :

That in consideration of the covenants and agreements on the part of the said Companies in these presents contained, the consent, permission and authority of the Corporation is hereby given and granted to the Companies and their assigns to construct, complete, maintain and operate during the term of thirty years, to be computed from the thirteenth day of August, A.D. 1893, a double and single iron street railway, the propelling power of which shall be electricity or (with the consent of the Corporation) any other power, excepting steam (except during the period of winter, when the Companies may substitute sleighs drawn by horses), with the necessary side tracks, switches and turnouts for the passing of cars, carriages and other vehicles adapted to the same upon and along the streets hereinafter mentioned in the manner and on the terms and subject to the conditions, restrictions and provisos hereinafter contained, and also subject to the provisions of Chap. 171, R.S.O., 1887, entitled "The Street Railway Act," or any amendment or amendments thereto that may be enacted from time to time during the currency of this agreement so far as the same shall not be inconsistent herewith.

1. The said "The Passenger Company" and "The Electric Company" hereby agree to unite and amalgamate the business, property, franchises and assets of the two Companies upon such terms and in such manner as they shall mutually agree upon and as they may be advised, as soon as they are legally empowered to do so by legislation or otherwise and the Company so formed shall have its head office in the City of Ottawa.

2. And the said Corporation in consideration of the stipulations, covenants and agreements herein contained on the part of the said Companies and each of them hereby agree to consent to such union and amalgamation and to join and assist the said two Companies in obtaining such legislation as may be necessary to effect the union or amalgamation of the said Companies, the expense of procuring such legislation to be borne by the Companies.

3. The said Passenger Company hereby gives, grants and surrenders to the Corporation all its rights, privileges and franchises under the statutes hereinbefore recited except such as are reserved by this agreement, to be held and enjoyed by the said Corporation, at and after the expiration of the said period of thirty years from the 13th day of August, A.D. 1893.

4. And the said Corporation may, after giving at least six months' notice thereof prior to the expiration of the said period of thirty years, assume the ownership of so much of the said railway of the Companies as is situate in the Province of

Ontario, and all real and personal property in said province used in connection with the working thereof, on payment of the value thereof to be determined by arbitration.

(a.) After the said Corporation shall have given notice of its intention to take over the said property it may at once proceed to arbitrate under the conditions in that behalf, and both the Corporation and the Companies shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as if possible to make their award not later than the time named by the Corporation for taking over the said property. But if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the Corporation may nevertheless take possession of the said portion of the said railway and all the property and effects thereof, real and personal, necessary to be used in connection with the working thereof, on payment into court of either the amount of such award, if the award be made, or if not, on paying into court or to the Companies such sum of money as a judge of the High Court of Justice may, after notice to the opposite party, order, and upon and subject and according to such terms, stipulations and conditions as the said court shall by its order direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby. In determining such value, the rights and privileges, and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property, plant, equipments and works connected with and necessary to the operation of the said portion of the said railway, which is not to include any land, property or rights acquired or used in connection with the said street railway, and which do not actually form a part of the said street railway undertaking necessary to the carrying on of the same.

(b.) In the event of the Corporation, after the expiration of the said thirty years, not exercising its right to take over the real and personal property necessary to be used in connection with the working of the said portion of the said railway, the Corporation may, at the expiration of any fifth year thereafter, exercise such right, upon giving not less than one year's notice to the Companies; and the privileges of the Companies shall continue until the ownership is assumed by the said Corporation as aforesaid or possession taken under the provision of this section as above mentioned, provided always, that whenever the Corporation exercises such right of taking over the said property, the provisions for determining the value thereof herein contained shall apply in the same manner as if the Corporation had exercised its right at the expiration of the said period of thirty years.

5. The said companies under existing legislation and agreements and by this agreement and on the terms and conditions and subject to all the restrictions, provisos and agreements herein contained and subject to the provisions of the said recited Acts not inconsistent herewith, are authorized to construct, maintain and operate lines of street railway, the propelling power of which shall be electricity or with the consent of the Corporation, any other power, except steam as herein provided upon and along the streets of the City of Ottawa herein mentioned within the times hereinafter limited, for the construction of the said lines of railway, and the powers, privileges and franchises, hereby conferred or consented to, shall apply respectively to the said Companies respectively until amalgamation, and after such amalgamation shall take effect, shall pass and belong to the said amalgamated Company.

6. The lines of The Ottawa City Passenger Railway Company already constructed and in operation in the City of Ottawa are the following :—

Commencing on Princess Avenue, in Rideau Ward, formerly the Village of New Edinburgh, at the northerly limit of the City of Ottawa ; thence along said Princess Avenue to Ottawa Street, in the said ward, now called Sussex Street ; thence southerly along the said street across Green Island to Metcalfe Square ; across Metcalfe Square and along Sussex Street to Rideau Street ; along Rideau Street over the Sappers' Bridge to Sparks Street ; along Sparks Street to Bank Street ; along Bank Street to Wellington Street ; along Wellington Street by Pooley's Bridge, to Queen Street ; along Queen Street to Bridge Street and along Bridge Street to the northern limit of the City of Ottawa at the bridge over the River Ottawa, called the Union Bridge.

7. The lines of The Ottawa Electric Street Railway Company already constructed and in operation are the following :—

Commencing at the east end of Rideau Street, in the City of Ottawa, at its intersection with Wurtemberg Street, and along Rideau Street aforesaid to Dufferin Bridge ; thence across Dufferin Bridge and along Wellington Street to its intersection with Metcalfe Street ; thence along Metcalfe Street to its intersection with Albert Street ; and thence along Albert Street and Wellington Street and Broad Street to the intersection of Broad and Queen Streets ; and on Bank Street from its intersection with Albert Street to the northerly end of the Swing Bridge over the Canal ; and from the intersection of Elgin and Wellington Streets along Elgin Street to Catherine Street ; and thence along Catherine Street to Bank Street ; from the intersection of Bank Street with Ann Street ; along Ann and Emily Streets to Bell Street ; and from Rideau Street along Dalhousie Street to St. Patrick Street and along St. Patrick Street to St. Patrick Street bridge ; and across St. Patrick Street bridge to Creighton Street ; thence along Creighton Street to Charles Street, in Rideau Ward.

8. The said Companies have also obtained permission by resolution of the Council of the City of Ottawa, and are now constructing lines of railway on Bank Street, from Albert Street to Sparks Street to connect the lines of The Electric Company on Bank and Albert Streets with the lines of the passenger company on Sparks and Wellington Streets, and also to connect the lines of The Electric Company on Creighton Street in Rideau Ward with the lines of the passenger company on Sussex Street in the said ward, and from the junction of Bridge and Queen Streets west along Queen Street to the tracks of The Ottawa Electric Street Railway Company on Broad Street.

9. That said Companies shall construct, equip and have in operation, not later than the first June, A.D. 1895, the following additional lines of railway :—

Along Nicholas Street from its intersection with Rideau Street to the southern city limit; also on Theodore Street from its intersection with Nicholas Street to its intersection with Chapel Street or some street east of it, and thence to Rideau Street; also to Rochesterville and Mount Sherwood in the direction of the Experimental Farm from the Richmond Road by way of Preston Street; and, if required by the Corporation, from Catherine Street along Elgin Street to the Exhibition Grounds; and also from the westerly end of Emily Street to the southerly end of Bell Street in the direction of the Experimental Farm.

10. The said Companies hereby agree that they will alter the arrangement of their tracks, so as to occupy only the Sappers' Bridge over the Rideau Canal, and leave the Dufferin Bridge and Wellington Street, between the said bridge and Metcalfe Street, and Metcalfe Street between Wellington and Sparks Streets, and Elgin Street between Wellington and Sparks Streets, free from rails, and for this purpose pending amalgamation, the said companies agree that the cars of The Electric Company shall have running powers over the tracks of The Passenger Company from the intersection of Sussex and Rideau Streets to the intersection of Sparks and Bank Streets.

11. The Electric Company shall have power to and shall forthwith remove their lines of rails from the corner of Sussex Street along Rideau Street over Dufferin Bridge and along Wellington Street to Metcalfe Street, also on Metcalfe Street from Sparks Street to Wellington Street, also on Elgin Street from Sparks Street to Wellington Street, and notwithstanding the existing agreements with the Corporation, the said Company shall not be obliged to operate their cars or give a public car service upon any of the portions of the streets defined in this section, but the said Electric Company shall and will at its own expense, and under the superintendence and to the satisfaction of the City Engineer, forthwith relay and restore the pavement and crossings on Wellington Street, and relay and restore the roadbed and the crossings on the said portions of Elgin, Rideau and Metcalfe Streets and Dufferin Bridge in so

far as the same have been disturbed by the removing of the rails, and remove their poles and wires from the said portions of the said streets.

12. The said Companies may with the consent of the Corporation to be expressed by by-law substitute other streets or parts thereof for the purpose of reaching the objective points hereinbefore mentioned.

13. And the said Companies shall also be entitled with the consent and approval of the Corporation expressed by by-law to extend the street railway service to any other of the streets of the City of Ottawa, although the same are not herein specially named.

14. The Corporation shall grant to the said Companies all licenses, rights and privileges necessary for the proper and efficient use by electric power, or with the consent of the Corporation any other power except steam, to operate the cars upon the said streets, including the right to open the said streets for the purpose of inserting and maintaining and to insert and maintain poles for the wires conveying electric power, provided that the Corporation are not bound to supply any land, water or other property whatsoever or the use of any such.

15. The said Companies are hereby authorized to use passenger and other cars as the Corporation may determine, and take, transport and carry passengers and baggage upon the same.

16. The said Companies shall not in any case connect any of their wires with the water pipes or service pipes, or with any of the appliances in connection therewith without the consent of the Corporation, and the said Companies shall, and will at their own expense, remove any such connections when required to do so by the said Corporation, and shall and will pay to the said Corporation any damages and expenses that the said Corporation may have incurred or may be put to by reason of the said connections having been made.

17. The Corporation shall not before the 13th day of August, A. D. 1898, grant authority to any company, private individual or firm to construct and operate a street railway in any other part of Ottawa, and in the event of any company, private individual or firm thereafter proposing to construct street railways on any of the streets of the City of Ottawa, including the streets mentioned in this agreement and not occupied by the Companies, and the Corporation determining that there should be street railway service on such streets, the matter and substance of the proposal shall be notified to the Companies and the option of constructing such proposed railways on the conditions contained in this agreement shall be offered to the Companies but, if such option shall not be accepted by the Companies within thirty days thereafter, or if the same having been accepted, the Companies shall not proceed with the necessary works and complete the same within the time limited by the Corporation,

the Corporation may grant the authority to any company (organized after the above date), private individual or firm, and the Corporation and its grantees shall be entitled to cross the lines of the said Companies with such railways as are authorized by this clause.

Except as provided in the immediately preceding clause, the Corporation shall preclude any company, private individual or firm from constructing lines of street railway or using the lines of the said Companies on any street occupied by the said Companies.

18. The Corporation shall grant to the said Companies exemption from taxation and all other municipal rates on their franchises, tracks and rolling stock and other personal property used in and about the working of the railway, also on the income of the Companies earned from the working of the said railway for a period of thirty years from the said thirteenth day of August, A.D. 1893. But this shall not apply to the real estate of the Companies.

18. (a.) All workshops, repair shops, storehouses and car sheds of the Company, shall be in the City of Ottawa, except that the Company may have a car shed suitable for ten cars elsewhere.

19. The said Companies shall pay the Corporation, annually, the sum of four hundred and fifty dollars (\$450.00) per mile of street occupied by the tracks of the said Companies at any time during the first fifteen years for each year of such occupation, and five hundred dollars (\$500.00) per mile of street occupied at any time during the next fifteen years for each year of such occupation, such payments to be made in equal semi-annual instalments, on the 1st day of February and the 1st day of August in each year after 1893, and to be computed from the said thirteenth day of August, 1893, the first of such instalments to be due and to be paid on the first day of February, 1894, the Corporation on their part agreeing to keep the crossings clean and in good repair, and the said streets in good repair. Provided that the Corporation shall not be liable for any accident occasioned by the cars, works, wires or tracks of the said Companies, or in the working of the same or any matter or thing in connection therewith; or for any obstruction or for any delays for the times required for the purpose of making repairs or new structures that may be necessary.

20. The Companies will provide special stringers on the under beams of the bridges traversed by the railway for their rails and be at all expense for replanking and remodelling the flooring and timbers of all bridges, so far as may be necessary for the purpose of laying the rails upon such bridges, to the satisfaction of the City Engineer, in order to leave the rails flush with the planking or roadway in accordance with a plan to be approved by the City Engineer, and will maintain and keep in repair the said stringers.

20. (a.) In the event of any of the bridges under the control of the Corporation traversed by the said railway requiring the supports or superstructure thereof to be strengthened and in the opinion of three arbitrators, or a majority of them, to be composed of the City Engineer and a qualified Civil Engineer, to be appointed by the Companies, and a third arbitrator to be appointed by the two previously named, the necessity for such strengthening has been caused or occasioned by the Companies or their traffic thereon, the Companies and Corporation shall bear the cost of such strengthening in equal proportions. Provided that the Corporation shall not be liable for any obstruction or any delays that may be caused by reason of any repair to the bridges or any strengthening thereof that may be required by the said City Engineer.

20. (b.) In the event of the said Companies failing to appoint such arbitrator within five days after notice given to the Companies by the City Engineer or in the event of the said two arbitrators failing to name a third within five days after their appointment the judge of the County Court of the County of Carleton may appoint an arbitrator for the party or arbitrators in default or a third arbitrator as the case may require.

21. The tracks of the railway and all works necessary for constructing and laying the same shall be built and made in a substantial manner and according to the best modern practice under the supervision of the City Engineer or such other officer as the Corporation shall appoint and to the satisfaction of the Corporation.

22. The lines of railway shall be of gauge of four (4) feet eight and one-half ($8\frac{1}{2}$) inches, and the rails shall be the standard tee rail of not less than fifty-six (56) pounds to the yard, and shall be laid, kept and maintained by the said Companies flush with the streets and in such manner as shall least obstruct the free and ordinary use of the streets and the passage of vehicles and carriages over the same, the Corporation on their part agreeing to maintain the streets in proper repair and keep the same up to the grade with which the Companies are from time to time required to keep their rails flush.

23. In lieu of the payment of four hundred and fifty dollars (\$450.00) or five hundred dollars (\$500.00) per mile respectively as hereinbefore provided the said Companies shall pay annually during the lifetime of such work at the rate of one thousand dollars (\$1,000) per mile and in the same proportion for any distance less than a mile of street occupied by the track of the said Companies which shall be hereafter permanently paved, and shall also pay a bonus at the rate of one thousand dollars (\$1,000) per mile and in the same proportion for any fraction of a mile for each mile or fraction thereof so paved such bonus to be paid on the passing of the by-law under which such pavement is to be constructed.

24. Permanent pavement shall mean pavement of natural or artificial stone or asphalt, all of which shall be laid on a rubble stone or concrete foundation, or which the corporation shall construct under local improvement by-law (and any other pavement which may be hereafter mutually agreed upon between the Companies and the Corporation as constituting a permanent pavement), so as to pave the entire street from curb to curb, and any pavement coming under this clause shall be constructed and maintained in good repair at the expense of the said Corporation, during the lifetime of said work as certified by the City Engineer.

25. The location of the poles, tracks and rails shall be subject to the approval of the Corporation, and the tracks shall conform to the grades of the several streets upon or along which the same are now, or shall hereafter, be established. The said Companies shall not in any way alter or change the same.

26. Before breaking up, opening or interfering with any part of the streets for the purpose of constructing the railway, the Companies shall give the Corporation six days' notice in writing of their intention so to do, and no more than three thousand (3,000) lineal feet of the streets shall without authority from the Corporation be broken up or open at any one time, and when the work shall have been commenced the same shall be proceeded with without intermission and as rapidly as the same can be carried on with due regard to the proper and efficient construction of the same.

27. Before commencing any work of alteration or repair, the Companies shall give to the City Engineer notice of their intention so to do, and no more than sixty (60) lineal feet of the streets shall, without his authority, be broken up or open at any one time or place, and when the work of alteration or repair shall have been commenced the same shall be proceeded with without intermission and as rapidly as the same can be carried on with due regard to their proper repair or alteration.

28. During the construction or repair of the railway due and proper care shall be taken to leave sufficient space and crossings so that the traffic on the streets and other streets running at right angles thereto shall not be unnecessarily impeded, and that the watercourses of the streets shall be left free and unobstructed, and lights, barriers or watchmen shall be provided and kept by the Companies where and when the same shall be required to prevent accidents to the public.

29. While the rails are being laid or any of the work of the Companies is in course of construction or repair, the Companies shall cause a free passage to be kept open for carriages and vehicles and the Companies shall remove or spread all surplus material over the streets as shall be directed by the officer of the Corporation for the time being having charge of the repairs of the streets, but the Companies shall not be obliged to remove such surplus material to a greater distance than one mile.

30. The Corporation, and the officers and servants thereof, shall have the right to take up the streets traversed by the railway, either for the purpose of altering the grades thereof, constructing or repairing the drains, sewers or culverts, or laying down or repairing the gas or water pipes, or for any other purpose for the time being within the powers, privileges, duties and obligations of the Corporation, without any compensation to the said Companies, and without being liable to the Companies for any damage that may thereby be occasioned to the Companies or the works connected therewith or the working thereof: and the Corporation shall not be liable to the Companies for any damage the Companies may sustain from the breaking of sewers or water pipes.

31. The Companies shall be liable for all damages which may be occasioned to any person by reason of the construction, maintenance, repairs or operation of the railway.

32. The Companies shall indemnify and keep indemnified and save harmless the Corporation at all times from all costs, damages and expenses of every nature and kind whatsoever which the Corporation may be put to or have to pay by reason of the exercise by the Companies of their powers or any of them or by reason of neglect by the Companies in the executing of their works or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair or otherwise howsoever; and should the Corporation incur, pay, or be put to any such costs, damages or expenses, the Companies shall forthwith upon demand repay the same to the Corporation.

33. In case the Companies shall fail to keep in a proper and sufficient state of repair the tracks of the railway so far as the Companies are under the terms of this agreement liable so to do, the Corporation after one week's notice in writing to the superintendent, which may be served at the office of the Companies in Ottawa, may do the said repairs at the expense of the Companies, and the amount so expended may be recovered from the Companies in any court of competent jurisdiction.

34. If the Companies shall at any time permit any portion of the railway to become out of repair or as in the opinion of the City Engineer it should not be, the Companies shall not, if so required by the Corporation operate such part of the railway as may be reported out of repair, until the City Engineer shall further certify that all necessary repairs have been made to his satisfaction.

35. When it is necessary that the Companies' tracks should cross the track of any of the railway companies or any of the work or property subject to any government, the Corporation shall join with the Companies in the application to obtain such privileges, the Companies paying the expenses of such application.

36. Upon the execution of this agreement by the parties hereto, the sum of five thousand dollars (\$5,000), now deposited with the said Corporation by The Ottawa Electric Street Rail-

way Company with the ordinary bank interest thereon, shall be returned to the said company, on depositing with the city treasurer a bond to the satisfaction of the Corporation conditioned for the due completion to the satisfaction of the Corporation of the lines of railway mentioned in clause 9 of this agreement.

37. In the event of the Companies running their cars on wheels during the winter months the said Companies shall at their own expense remove the snow from the streets occupied by the tracks of the Companies from curb to curb including such snow as may be deposited upon the said streets from sidewalks on such streets and also all such snow as may slide or naturally fall from roofs of buildings on to such streets or on to such sidewalks and be thence removed to such streets. Provided however that snow to such a depth as may be determined by the City Engineer from time to time shall be left on the roadbed for sleighing, and in the event of the Companies neglecting to remove the snow from the streets as and when directed by the City Engineer, the same shall be removed by the said City Engineer acting on behalf of the Corporation, and all the cost of such removal and all expenses incurred by reason of such non-removal by the Companies shall be paid by the Companies to the Corporation on demand. The said Companies shall not deposit any of the snow so removed on any of the streets of the city without the written permission of the City Engineer.

38. Whenever it shall be necessary to remove any snow or ice from the track of the railway, the same shall not be left in heaps, but be spread evenly over the street, or removed as shall be directed by the officer of the Corporation for the time being charged with the supervision of the streets.

39. The Companies shall not make use of salt, except on their rails and then only as approved of from time to time by the City Engineer.

40. In the event of the Companies using wooden poles for the support of the electric wire on the streets and squares of the City of Ottawa, such poles shall be uniform and shall be dressed, shaped and painted to the satisfaction of the Corporation.

41. Should the Companies at any time cease to regularly use for the purpose of their railway for a period of six months, the poles and wires or tracks placed in the streets, the Companies shall forthwith at their own expense remove such poles, wires and tracks, and put the streets in proper repair, and in default thereof, the Corporation may do so and charge the expense thereof to the Companies.

42. The Companies' line shall be divided into routes, the designation of which may, with the consent of the Corporation, be altered from time to time, each of which routes shall have terminal and central points, and the time of the departure of the car making the last trip for the day from each of said

terminal and central points shall be published by authority of the Company, by time-table or advertisement, and such time so published shall not be departed from under the penalty of \$10 for each and every offence, but the Companies shall not be liable to any penalty in case of obstruction to their line or other cause beyond the control of the Companies.

43. In the summer months the Companies shall run cars at intervals not exceeding ten minutes each way, on the streets mentioned in the 6th and 7th clauses hereof and at intervals not exceeding fifteen minutes each way on the rest of the lines between the hours of six a.m. and eight p.m. and every half-hour between the hours of eight p.m. and eleven p.m., and on special occasions calling for increased service the Companies will supply it.

43a. During the summer months the cars on the Dalhousie Street branch shall begin running at 5.30 a.m.

44. In the winter months, the cars shall run at intervals not exceeding twenty minutes each way between the hours of seven a.m. and seven p.m., and every half hour between the hours of seven p.m. and ten-thirty p.m.

44a. In the event of the neglect or failure on the part of the Companies, or either of them, to run their car or cars as required by paragraphs 43 and 44 of this agreement, except when prevented by (1) lightning, (2) ice or a heavy fall of snow, (3) obstruction on the road beyond their control, or (4) any other cause which the Council for the time being may allow or excuse as the occasion may arise the said Companies shall in all such cases of failure, forfeit and pay to the Corporation, the sum of \$10 as liquidated damages and not as a penalty.

45. It shall not be incumbent upon the Companies to maintain a service between the present Canada Atlantic Railway Station and the Exhibition Grounds by way of Elgin Street from the first of November to the first of May in any year.

46. No higher fare than five cents shall be charged for the conveyance of one passenger from one point to another on the said line and branches thereof within the present city limits, and for children under ten years of age no higher fare than three cents shall be charged, except between the hours of twelve o'clock midnight and five-thirty a.m.

47. Between the hours of twelve o'clock midnight and five-thirty a.m. the Companies may charge a fare of not more than ten cents for the conveyance of each passenger carried by them.

48. When cars do not run from one point to another, the Companies shall issue transfer tickets without extra charge, available for a continuous trip only, to such passengers as require them to reach such points, but no passenger shall be entitled to a transfer ticket which will enable him to make a return journey upon one of the parallel lines of the Companies.

49. The Companies agree to issue tickets at reduced rates to workmen and others at the rate of thirty-three tickets for

one dollar, or eight tickets for twenty-five cents, good from the first trip in the morning until seven-thirty a.m., and between the hours of five and six-thirty p.m., and to carry school children under fourteen years of age to and from school at the rate of forty tickets for one dollar, good between the hours of seven and nine-thirty a.m., eleven-thirty and one-thirty p.m., and three-thirty and five p.m.

49a. In the clauses of this agreement in which the time of day is mentioned, such time shall be understood to mean standard time at the City of Ottawa.

50. Fares shall be due and payable by every passenger on entering the car or other conveyance, and any person refusing to pay the fare when demanded by the conductor shall be liable to a fine not exceeding \$5, recoverable before any Justice of the Peace.

51. The Companies and their servants and officials shall conform to the regulations in the schedule hereto annexed and such further and other regulations as the Corporation shall from time to time deem requisite or necessary, and enact for the protection of persons and the property of the public.

52. In this agreement, unless the context otherwise requires, the expression track shall mean the rails, ties, wires and other works of the Companies used in connection therewith.

53. When necessary in case of fire the Chief or person in charge of the Fire Brigade shall have the right to cut or pull down any wires of the Company which obstruct the operations of the firemen, or to direct that they shall be so cut or pulled down, and also to require the Company to stop the running of their cars to or near the building or buildings which may be on fire, and the Corporation shall not be liable for any loss or damage thus caused.

54. The privileges hereby granted are subject to any existing rights (statutory or otherwise) of any other corporation or company which now has power to open or take up the streets of the City, and are also subject to the provisions of any by-laws of the said Corporation now in force or that may hereafter be enacted by the Corporation during the currency of this agreement, not inconsistent with the terms of this agreement.

55. The said parties hereto agree to join in applying to the Parliament of the Dominion of Canada and to the Legislature of the Province of Ontario for legislation confirming and ratifying this agreement and declaring the same to be valid, legal and binding upon the parties hereto, (the expenses of procuring such legislation to be borne by the Companies).

56. If the said legislation should for any reason not be granted so that this agreement shall not be legalized and declared valid and binding upon all the parties hereto, the parties to this agreement shall be restored and remitted to their rights and legal position as they existed immediately prior to the execution of this agreement, but neither the said Companies

nor the said Corporation shall have any claim against the other to recover as damages moneys expended upon the faith of this agreement.

In witness whereof, the parties hereto of the first part have hereunto caused their corporate seal to be affixed under the hand of their Mayor and City Clerk, and the parties hereto of the second and third parts have caused their corporate seals to be hereunto affixed.

Signed, sealed and delivered } O. DUROCHER,
in the presence of } [L.S.] *Mayor.*

A. MACLEAN,
F. H. CHRYSLER.

JOHN HENDERSON,
City Clerk.

THE OTTAWA CITY PASSENGER RAILWAY COMPANY,

By W. Y. SOPEL,
President.

[L.S.] JAMES D. FRASER,
Secretary.

THE OTTAWA ELECTRIC STREET RAILWAY COMPANY (LIMITED),

By J. W. McRAE,
President.

[L.S.] JAMES D. FRASER,
Secretary-Treasurer.

SCHEDULE.

[*Mentioned in schedule B to this Act.*]

The following rules and regulations in regard to the working of the railway shall be observed by the Companies and the officers and servants thereof:—

1. The Companies shall cause each car or other vehicle used by it to be numbered.

2. The cars or other vehicles shall be propelled by electricity, except during the period of winter, when it may be necessary to use sleighs drawn by horses or propelled by electricity.

3. The cars shall not be propelled at a higher rate of speed than ten miles an hour within half a mile of the Parliament Buildings.

4. Should there be any foot passengers on any crossing before the car approaches the same the car shall be stopped so as to permit such passengers to cross.

5. Each car is to be supplied with a gong which shall be sounded by the driver when the car approaches to within fifty feet of each crossing.

6. The cars shall not be wilfully driven against any person or animal whilst being upon or crossing any of the streets of the city.

7. No cars shall be allowed to stop on or over a crossing, or in front of any intersecting streets, except to avoid a collision or prevent danger to persons in the streets, or for other unavoidable reasons, and no cars shall be left or remain in the street at any time, unless waiting for passengers.

8. When it is necessary to stop at the intersection of streets to receive or leave passengers the cars shall be stopped, so as to leave the rear platform slightly over the last crossing.

9. Conductors and drivers shall be required to bring the cars to a stop when passengers request to get on and off the cars.

10. After sunset the cars shall be provided with coloured signal lights, for front and rear, and while sleighs are used, a bell shall be attached to the harness of each horse.

11. There shall be a conductor as well as the driver on each car or train, except on such portions of the lines as may be hereafter determined by the Corporation.

12. The conductor shall announce to the passengers the names of the streets and public squares as the cars reach them.

13. The cars shall be properly heated and lighted.

14. Careful, sober and civil agents, conductors and drivers shall at all times be employed to take charge of the cars on the said railway.

15. The said Companies and their servants and officials shall conform to all such further and other regulations as the said Council shall from time to time deem requisite or necessary to enact for the protection of persons and of property of the public.

O. DUROCHER,
Mayor.

THE OTTAWA CITY PASSENGER RAILWAY COMPANY.

[L.S.] By W. Y. SOPER,
President.

JAMES D. FRASER,
Secretary.

THE OTTAWA ELECTRIC STREET RAILWAY COMPANY, LIMITED.

[L.S.] By J. W. McRAE,
President.

JAMES D. FRASER,
Secretary-Treasurer.

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



57-58 VICTORIA.

CHAP. 87.

An Act to consolidate and amend certain Acts relating to the Ottawa and Gatineau Valley Railway Company, and to change the name of the Company to the Ottawa and Gatineau Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Ottawa and Gatineau Valley Railway Company was incorporated in the year one thousand eight hundred and seventy-nine, by an Act of the legislature of the province of Quebec, and the said Act was amended by the said legislature in the year one thousand eight hundred and eighty-seven, and also further amended thereby in the year one thousand eight hundred and eighty-eight; and whereas in the year one thousand eight hundred and eighty-seven, 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 to James's Bay was authorized; and whereas the Company and its undertaking became subject to the legislative authority of the Parliament of Canada, and *The Railway Act* and its amendments became applicable to the said undertaking, so that the provisions as to the powers, rights and obligations of the Company are contained in a number of Acts, some of the provisions of which have ceased to be useful or applicable to the undertaking, and others are of doubtful validity; and whereas it is expedient to embody in one Act all such provisions of the said several Acts as should be retained in force as applicable to the Company; and whereas the Company has prayed for such consolidation and that certain other powers as hereinafter set forth be conferred upon it, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. The undertaking of the Ottawa and Gatineau Valley Railway Company, a company incorporated as mentioned in the preamble, and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Work for
general advantage of
Canada.

Quebec Acts
no longer
applicable.

2. The Company as now organized and constituted under the said Acts is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, and this Act and *The Railway Act* of Canada shall apply to the Company and its undertaking instead of the said Acts of the legislature of the province of Quebec and the Railway Act of Quebec, and the Act passed by the Parliament of Canada in the year one thousand eight hundred and eighty-seven and mentioned in the preamble is hereby repealed: Provided, that nothing in this section shall affect anything done or any right or privilege acquired, or any liability incurred under the said Acts of the legislature of the province of Quebec or under the said Acts of the Parliament of Canada at the time of the passing of this Act,—to all of which rights and privileges the Company shall continue to be entitled, and to all of which liabilities the Company shall continue to be subject.

1887, c. 74
repealed.

Saving.

Name of com-
pany changed.

3. The corporate name of the Company is hereby changed to “The Ottawa and Gatineau 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.

Head office.

4. The head office of the Company shall be in the city of Montreal, but may be changed to any other place in Canada as provided for in any by-law duly adopted at a general or special meeting of the shareholders.

Annual gener-
al meeting.

5. The annual general meeting of the shareholders of the Company shall be held on the first Wednesday in September of each year, at the time specified in the notice calling the same, which notice shall be published in one newspaper in the English language and in one in the French language in the city of Montreal, for at least two weeks preceding the date of the meeting.

Notice of spe-
cial meetings.

2. Notice of special meetings shall be given in like manner.

Capital stock
and shares.

6. The present capital stock of the Company shall be one million dollars, divided into shares of twenty-five dollars each; but in the event of the Company increasing its capital stock under the provisions of section thirty-seven of *The Railway Act*, such increase shall be divided into shares of one hundred dollars each.

Issue of paid-
up stock.

7. In addition to the powers conferred by section thirty-nine of *The Railway Act* and notwithstanding anything contained in any of the Acts mentioned in the preamble to this Act, the directors may make and issue as paid-up stock shares in the

present subscribed capital stock of the Company, not exceeding in the whole five hundred thousand dollars thereof, including any issue of shares under the said section thirty-nine in respect of claims now existing against the Company, and may allot and hand over such shares of stock to the creditors of the Company, whether such creditors are shareholders or directors of the Company or not, in payment for any indebtedness of the Company or in respect of any liability incurred for the Company; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

8. The present board of directors of the Company, namely, Directors.
Horace J. Beemer, Michael S. Lonergan, J. E. W. Currier, J. P. Mullarkey, H. G. Beemer, Luke Heeney and E. A. Hoare, shall continue to be the directors of the company until legally replaced.

2. The board of directors of the Company shall consist of Number of directors.
seven members, subject to the number being increased to nine, or reduced to five, upon the adoption of a by-law to that effect; and a majority shall form a quorum.

3. No person shall be a director unless he is a shareholder, Qualification.
owning in his own right twenty shares of the capital stock now issued or five shares of the increased capital stock hereafter issued and on which all calls due have been paid, and is qualified to vote for directors at the election at which he is chosen.

4. The directors may employ one or more of their number Paid directors.
as paid directors.

5. The directors may annually appoint, from among themselves, an executive committee for such purposes and with such powers and duties as the directors determine by by-law, and the president shall be *ex officio* a member of such committee. Executive committee.

6. Unless otherwise provided by the Company's by-laws, Proxies.
the directors may act and vote by proxy, such proxy to be held by a director only, and no director shall hold more than two such proxies, nor shall any meeting of directors be competent to transact business unless at least three directors are present in person; but if the number of directors is increased to nine, no meeting of directors shall be competent to transact business unless at least four directors are present thereat in person. Quorum.

9. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose, unless it has been made or renewed in writing within one year next preceding the time of such meeting. Renewal of proxies.

10. The Company may maintain and operate upon the standard gauge of four feet eight and one-half inches, that portion of its main line now constructed and in operation running northerly from a point on or near the Ottawa River at the city of Hull, along the west bank of the Gatineau River, in the Description of railway.
province

province of Quebec, to Wright, a distance of about sixty miles ; and the construction from Hull to the twentieth mile, in conformity with the plans and books of reference deposited in the registry office for the county of Ottawa, in the year one thousand eight hundred and eighty-eight, is hereby confirmed.

Extensions
and branches.

11. The Company may lay out, construct, equip and operate, with single or double track, of the standard gauge of four feet eight and one-half inches, the following lines of railway :—

(a.) An extension of the main line from the present terminus at or near Wright station, in the township of Wright, in a northerly direction towards the village of Maniwaki ; and thence northerly, north-westerly or westerly to a point at or near James's Bay ;

(b.) An extension westward from any point on its main line to Lake Temiscamingue ;

(c.) Also any branch lines or extensions that may be necessary from any point on the main line ; provided that, except for the purpose of connecting with other railways, they do not exceed a length of thirty miles.

Construction
of telegraph
and telephone
lines.

12. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches, and across the River Ottawa and the Rideau canal, and shall have and enjoy all the rights, powers, privileges and immunities essential and appertaining to the construction and maintenance of such lines ; and may establish offices for the transmission of messages for the public ; and for the purpose of erecting and working such telegraph and telephone lines the Company may enter into a contract or contracts with any other company or companies.

Construction
of connecting
lines.

2. The Company may construct, erect, sell, purchase, lease, let, equip, work and maintain any other line or lines of telegraph and telephone, not exceeding thirty miles in length in any one case, to connect the line or lines constructed or to be constructed along the line of its 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 roads, highways, streets, bridges, watercourses or other such places, and any navigable or non-navigable waters, and may undertake the transmission of messages for the public by all or any such line or lines, or any portion thereof.

Power to en-
ter upon
roads, etc.

13. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the Company may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality or other place, for the purpose of constructing, erecting, equipping, working and maintaining its line or lines of telegraph and telephone upon, along, across, over and under the same ; and may

erect, equip and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by telegraph and telephone; and may stretch wires and other telegraphic and telephonic contrivances thereon; and, as often as the Company, its agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say:—

And to erect poles and stretch lines.

And to break up roads.

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges, or 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;

Right of travel, etc., not to be impeded.

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more than one line of poles along any street or road, without the consent of the municipal council having jurisdiction over the roads or streets of the municipality;

Height of wires.

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

Kind of poles.

(d.) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred;

Cutting of poles, etc., in case of fire.

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

Damage to individuals or property.

(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 supervision of such engineer or other person as the council appoints for that purpose, and shall be done in such manner as the council directs; the council may also direct and designate the places where the poles are to be erected in such municipality; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company;

Opening up of streets, location of poles, etc.

(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

As to future legislation.

an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;

Badge to be worn by company's servants.

(i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified;

Assent of owner before entering upon private property.

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

Temporary removal of wires.

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

Notice to Company.

Arrangements with telegraph or telephone company.

14. 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.

Navigation.

15. 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 its undertaking as it deems proper and expedient, and may enter into arrangements and agreements with owners of steam and other vessels for such purposes.

Wharfs, elevators, etc.

16. The Company may construct, equip and maintain wharfs, docks, elevators, warehouses and other buildings as may be found requisite for carrying on the traffic of the Company.

Powers as to lands.

17. The Company, for the purpose of aiding the construction, equipment or maintenance of its undertaking, may purchase lands from the government of Canada, or from the government of any province of Canada, or from any corporation, company

or person, and may hold, dispose of, sell, pledge or mortgage such lands; and it may also receive from the government Gifts in aid. of Canada or of any province of Canada, or from any corporation, company or person, for a like purpose, any grant, gift or bonus of real or personal property or any sums of money, or it may receive the same in payment of stock or securities of the Company, and may alienate, dispose of, pledge or mortgage the same for the purposes of the Company.

18. Conveyances of land to the Company for the purposes and exercise of the powers given by this Act, made in the form in schedule one to this Act, or to the like effect, shall be sufficient conveyance to the Company, its successors and assigns, of the estate and interest respectively of all persons executing the same; and such 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. Form of conveyance of land to company.

19. In the event of the Pontiac Pacific Junction Railway Company not commencing within one year after the passing of this Act the bridge which it is authorized to construct over the Ottawa River at or near the city of Ottawa, the Company may lay out, construct, complete, maintain, operate, manage and use a bridge for railway and other purposes over the Ottawa River from a point in the city of Hull to a suitable point in the city of Ottawa in the province of Ontario, and may construct, maintain, operate and equip all the necessary approaches and terminal facilities for the same, and connect the said bridge by an extension of its railway into or through the said city of Ottawa, so as to form a junction with any of the railways entering the said city. Power to bridge the Ottawa River.

2. From sundown until sunrise, during the season of navigation, lights shall always be maintained by the Company on the piers of the bridge to guide vessels approaching it from either direction. Lights.

20. 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. Plans of bridge to be approved by Governor in Council.

21. If the said bridge is constructed or arranged for the use of foot passengers and carriages, or either, as well as for railway purposes, then the tolls to be charged for the passage of Deviation from plans. Tolls to be subject to like approval

of such foot passengers and carriages shall, before being imposed, be first submitted to and approved, and may be amended and modified from time to time, by the Governor in Council; but the Company may, at any time, reduce the 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.

No discrimina-
tion in rates
to companies
using bridge.

22. So soon as the bridge is completed and ready for traffic, all trains and cars of all railways connecting with the same, now constructed, or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said 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 business or trains pass over the said bridge.

Disagree-
ments as to
use of bridge.

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

Bonds may be
issued on se-
curity of rail-
way.

24. The Company may make and issue, in the manner provided by and subject to the provisions of *The Railway Act* its bonds, debentures or other securities, to the extent of twenty thousand dollars per mile of single track of the railway, extensions and branches, and may secure such bonds, debentures or securities by a deed of mortgage clearly describing the property charged as security for the same, and in the manner provided by *The Railway Act*.

Bonds in aid
of bridge.

2. In addition to the issue of the said bonds or debentures, bonds to an amount not exceeding one million dollars may be issued in aid of the construction of the said bridge across the Ottawa River, and such bonds shall, in like manner, be secured by a deed of mortgage specifying the particular security therefor; and such deed may contain provisions that all tolls or revenues derived from the use of such bridge by other corporations and persons, shall be specially charged and pledged as security for such last mentioned bonds, and that the company shall pay the said tolls to the trustees appointed in such mortgage deed.

Power to issue
preference
stock.

25. The directors, under the authority of the shareholders to them given at the annual general meeting or at any general meeting specially called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present in person, may, in addition to the stock mentioned in section six of this Act, issue preference stock to an amount per mile not exceeding one hundred

shares of one hundred dollars each, that is to say, ten thousand dollars per mile for every mile of railway or branches constructed or under contract to be constructed, entitling the holders thereof, in priority to all other shareholders, to a cumulative dividend, payable thereon at such rate not exceeding seven 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 or debentures is paid; and the provisions of section thirty-nine of *The Railway Act* shall apply to such stock, but only with reference to the future construction of the railway.

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

Voting power of preference stockholders.

26. The Company may enter into any agreement with the Canadian Pacific Railway Company, the Pontiac Pacific Junction Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Kingston, Smith's Falls and Ottawa Railway Company, the Canada Atlantic Railway Company, or the Montreal and Ottawa Railway Company, for purchasing or leasing the railway of the Company, or any part thereof, or the use thereof at any time or times, or for any period, to such other company, or for purchasing or leasing or for hiring from such other company any railway, or part thereof, or the use thereof, or for purchasing or leasing or hiring any locomotives, tenders or movable property, and generally make any agreement with any such other company, touching the use by one or the other, or by both companies, of the railway or movable property, of one or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor.

Agreement with another company.

27. The Company may enter into similar agreements to those mentioned in the next preceding section with the government of Canada or with the government of the province of Quebec; and the Company may amalgamate with any railway company mentioned in the next preceding section, and may accept and receive such company as forming part of the Company; and such amalgamation may be by deed, and such amalgamated company shall bear the name stipulated in the deed and be subject with regard to the division of assets and obligations, and the apportionment of stock and securities, to the special provisions contained in the said deed for the regulation of all such affairs.

Agreement with Dominion or Quebec Government as to sale or lease of railway, etc.

Amalgamation with another company.

28. The agreements mentioned in sections twenty-six and twenty-seven of this Act shall have no force or effect until each such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value

Agreement to be sanctioned by shareholders and approved by Governor in Council.

of the stock are present in person or represented by proxy,— and that such agreement has also received the approval of the Governor in Council.

Notice of application for approval.

2. Such approval shall not be signified until after 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.

Company may own and operate mines.

29. The Company may, on lands granted to it by any Government, mine and work coal, iron, asbestos, phosphates, and other minerals, and otherwise operate such mines and may manufacture and sell the products of said mines, and may likewise purchase, sell, mortgage, construct and own all buildings, machinery and plant requisite and necessary for carrying on or operating such business.

Agreement with Pontiac Pacific Company confirmed.

30. The agreement, dated the seventeenth day of June, one thousand eight hundred and ninety-three, made and entered into by and between the Pontiac Junction Railway Company and this Company and set out in schedule two 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 agreement is hereby declared to be in force and binding on the parties thereto; and the Pontiac Junction Railway Company is hereby empowered to enter into such agreement and its action in becoming a party to and executing the said agreement is hereby sanctioned, authorized, ratified and confirmed.

Powers of parties to agreement.

2. Each of the said parties may do whatever is on its part necessary in connection with any of the said works in order to carry out and give effect to its undertaking, as embodied in the said agreement.

Declaratory.

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

Time for construction of bridge over the Ottawa.

31. The rights, powers and franchises conferred upon the Pontiac Junction Railway Company by the Acts relating to the said Company, with respect to the construction, maintenance and operation of a bridge over the Ottawa River at or near the city of Ottawa and works in connection therewith, are, notwithstanding anything in said Acts or any of them contained, hereby declared to have continued and to be still in force, and the said bridge shall be commenced within one year after the passing of this Act, otherwise the powers granted for such construction by the said Acts and by this Act shall cease and be null and void.

32. The main line of the railway of the Company shall be completed to Maniwaki within three years after the passing of this Act, and the remainder of the said main line and the extensions and branches authorized by this Act to be constructed shall be completed within five years after the passing of this Act, otherwise the powers granted by the said Acts and this Act shall cease and be null and void as respects so much of the said main line, extensions or branches as then remains uncompleted.

Time for construction of railway.

SCHEDULE ONE.

DEED OF SALE.

Know all men by these presents, that I (or we) (*names of vendors*) in consideration of dollars paid to me by the Ottawa and Gatineau Railway Company, which sum I hereby declare to have received as compensation for the value of the land hereinafter described, and for all damages resulting from the expropriation thereof, as well as for all other damages caused by the exercise of the Company's franchises thereon, grant, sell and convey that certain tract or parcel of land (*describe the land*) selected and designated by the said Company for the purposes of its railway, to have and to hold the said land, premises and appurtenances unto the said Ottawa and Gatineau Railway Company its successors and assigns for ever. (*Here insert any other clauses, covenants or conditions required.*)

Witness my hand at this day of
one thousand eight hundred and ninety

Signed, sealed and delivered in presence of .

SCHEDULE TWO.

THIS AGREEMENT made this seventeenth day of June, one thousand eight hundred and ninety-three, between the Pontiac Pacific Junction Railway Company, hereinafter called the Pontiac Company, of the one part, and the Ottawa and Gatineau Valley Railway Company hereinafter called "The Gatineau Company," of the other part.

Whereas both of the said companies are bodies corporate duly incorporated and under the jurisdiction of the Parliament of Canada having their head offices in the city of Montreal.

And whereas the Pontiac Company has obtained legislative authority amongst other things to lay out, construct and finish a railway bridge for the carriage of freight and passengers across the Ottawa River from a point at or near the city of Hull to the city of Ottawa, together with all necessary approaches thereto, and to acquire terminal property in the cities of Ottawa and Hull and build thereon all works and structures necessary for the purposes of the same, and to maintain, use and operate the said bridge, its approaches and terminal facilities.

And whereas the said Pontiac Company has further obtained power to pledge and hypothecate the said bridge and appurtenances aforesaid as well as the receipts derivable therefrom as security for the payment of such bonds or debentures as may be issued under said legislative authority for the purpose of enabling the construction of the said works.

And whereas the said Pontiac Company has power under its said charter to unite with any other incorporated company in the building, maintenance and operation of the said bridge, approaches and terminals and to enter into an agreement with such company respecting the prosecution and completion of the said works.

And whereas the Gatineau Company has also authority under its charter to unite, amalgamate or lease its property to another duly incorporated railway company and more particularly with or to the said Pontiac Company and has amongst its other powers and privileges all the rights and power necessary to enable it to enter into the present agreement.

And whereas the Pontiac Company is desirous of having the benefit and advantage of the credit, influence and assistance of the Gatineau Company in order to complete the necessary financial arrangements for the construction of the said bridge and approaches and termini, and it is therefore expedient that the said two companies should unite and amalgamate in so far as the said work is concerned which is for the advantage of both companies and that they should enjoy an equal interest in said property and sustain in like proportion the burden of the enterprise.

Now therefore this indenture witnesseth :—

1. The Pontiac Company doth hereby assign and convey to the Gatineau Company one-half of all its franchises, rights, interests and privileges in, to and upon the said contemplated bridge with its approaches, terminal grounds and other appurtenances within the limits of the cities of Hull and Ottawa.

2. The said works and undertaking shall be the joint property of both companies in all of which each shall have an equal share and interest and bear and sustain an equal proportion of the costs, expense and liability of constructing, maintaining and using the same, as well as such surveys and other disbursements as may have already been undertaken in connection with the said work.

3. The Pontiac Company hereby agrees and undertakes to issue bridge bonds to the extent provided in section 3, chapter 68, 53 Vict., of its charter to aid in the acquisition and construction of said works and terminal property as aforesaid and to pledge such bonds as security for advances which may be made in connection with the construction of said bridge, approaches and appurtenances and to continue said bonds in pledge until such time as they may be favourably disposed of, it being understood that the Gatineau Company's interest and

responsibility in the said bonds is to the extent of one-half of said issue to cover its contribution to and proportion of the cost of the undertaking.

4. The parties hereto agree and it is hereby explicitly understood that the general properties of said companies are not to be affected nor hypothecated by or for the said undertaking and improvements and that from the point where the lines of the two companies unite, at or near the city of Hull, the continuation and approach to said bridge as well as the bridge and terminal property in the city of Ottawa shall be entirely distinct from the line and property of the said companies and shall be no encumbrance or obligation upon them beyond what may be herein stipulated, or arise from the provisions of law.

5. The said companies as united for this purpose, shall mutually agree upon terminal grounds and yard facilities to be acquired in the cities of Ottawa and Hull, and shall erect thereon the necessary works and appurtenances, and may make arrangements with other railway or depot companies for the lease and use of terminal and yard facilities or may if deemed expedient join and unite with other railway or depot companies for the construction, use and enjoyment of a union station and terminal facilities as aforesaid ;

6. The two companies shall jointly use, exercise and enjoy all the privileges, franchises and powers or any of them granted and appertaining to the said Pontiac Company in connection with its authority to build, maintain and operate the said bridge and approaches and terminal properties ;

7. The parties hereto in the event of it being deemed more advantageous and expedient, shall jointly make application to the Parliament of Canada that the franchises, powers and privileges granted to and enjoyed by the Pontiac Company for the construction, use and maintenance of the said proposed bridge across the Ottawa as aforesaid, and all necessary approaches and appurtenances, be transferred to and vested in a company to be incorporated of which the incorporators shall be the then directors of each company or such shareholders as may be selected at a meeting called for that purpose, in order that the aim and object of this contract and agreement may be better and more effectually carried out and that the control and management of the said enterprise be more distinct and settled than in the manner herein provided and with a view to enabling financial arrangements for the said work to be more independently and conveniently made ;

8. Pending the commencement of said works, the parties hereto agree to actively use all their support and influence in preparing for the same and in obtaining such aid as may be possible either from the government or municipalities, or otherwise to promote and facilitate the prosecution and completion of the said works ;

9. In the event of the parties hereto proceeding with the said works without the legislative change mentioned in the

seventh paragraph, so soon as the said bridge is laid out or contracted for and work about to commence upon the same, the said Pontiac Company shall, under the provisions of its charter, make and issue bridge bonds as aforesaid to be sold, pledged or used in providing the necessary money and means for the building of said structures ;

10. The said two companies shall delegate and appoint two members from each board of directors to form an executive committee which shall have full charge and control of the construction, supervision and management of the said bridge and its appurtenances. The said committee may increase its number to seven by accepting a representative from such corporate bodies as contribute sufficiently to the said enterprise to entitle them to representation.

In witness whereof the parties hereto have set their corporate seals and the signatures of their executive officers.

Signed, sealed and delivered }
in presence of }

FRANK BRENNAN.

H. J. BEEMER,
President, Pontiac Pacific Junction Ry. Co.

H. L. MALTBY,
*Sec. Treas.,
Pontiac Pacific Junction Ry. Co.*

H. J. BEEMER,
President Ottawa & Gatineau Valley Ry. Co.

H. L. MALTBY,
*Sec. Treasurer,
Ottawa & Gatineau Valley Ry. Co.*

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most Excellent Majesty.



57-58 VICTORIA.

CHAP. 88.

An Act to incorporate the Pontiac and Ottawa Railway Company.

[Assented to 23rd July, 1894.]

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:—

1. W. J. Poupore, of the town of Morrisburg, James McCool and Michael Haze, of the township of Sheen, and William Lacey and A. S. Maloney, of the village of Chapeau, in the county of Pontiac, together with such persons as become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name of "The Pontiac and Ottawa Railway Company," hereinafter called "the Company."

2. The head office of the Company shall be in the village of Chapeau or such other place in Canada as the directors from time to time determine by by-law.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near Black River in the township of Waltham, to a point at or near Ferguson's Point in the township of Sheen, thence across the Ottawa River to a point in the township of Petewawa, in the county of Renfrew.

4. The Company may also lay out, construct, complete, maintain, work, manage, and use for railway purposes a bridge with the necessary approaches over the Ottawa River from some point in the township of Sheen to some point in the township of Petewawa.

2. From sundown until sunrise during the season of navigation suitable lights shall always be maintained by the Company on the piers of the bridge to guide vessels approaching it from either direction.

Plan of bridge to be submitted to Governor in Council.

5. 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 with the permission of the Governor in Council and upon such conditions as he imposes.

No discrimination in tolls.

6. So soon as such bridge is completed and ready for traffic, all trains and cars of all railways connecting with the same now constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said 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 business or trains pass over the said bridge.

Disagreements, how settled.

1888, c. 29, s. 11.

7. In case of any disagreement as to the rights of any railway company whose business or trains 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*.

Provisional directors.

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

Capital stock.

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

Annual general meeting.

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

Number of directors.

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

Bonding powers.

12. The Company may issue bonds, debentures or other securities to the extent of fifteen thousand dollars per mile of the railway and branches, either exclusive or inclusive of the said railway bridge, and such bonds, debentures or other securities may be issued only in proportion to the length of railway con-

structed or under contract to be constructed; and in addition thereto bonds, debentures or other securities to an amount not exceeding two hundred and fifty thousand dollars may be issued in aid of the construction of the bridge hereinbefore mentioned.

2. The bonds, debentures or other securities in respect to the bridge may be secured by a deed of mortgage specifying the security therefor, and such deed of mortgage may contain provisions that all tolls and revenue derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such last mentioned bonds.

Security for bonds.

13. The Company may enter into an agreement with the Pontiac Pacific Junction Railway Company for acquiring by purchase or otherwise or for taking on lease the railway of said last mentioned company, in whole or in part, and all its rights, powers, surveys, plans, works, plant, material, machinery, franchises and other property to it belonging, or any of them or any portion thereof; and may also enter into an agreement with the said Pontiac Pacific Junction Railway Company or the Canadian Pacific Railway Company for conveying or leasing to either of such companies the railway and bridge of the company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with either of such companies, in either case 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.

Agreement with another company.

Subject to sanction of shareholders and 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 each of the counties through which the railway of the Company hereby incorporated runs and in which a newspaper is published.

Notice of application for approval.

1888, c. 29, s. 239.



57-58 VICTORIA.

CHAP. 89.

An Act to again revive and further amend the Act to incorporate the Brockville and New York Bridge Company.

[Assented to 23rd July, 1894.]

WHEREAS the Brockville and New York Bridge Company have, by their petition, prayed for the passing of an Act to again revive and further amend as hereinafter set forth the Act of incorporation of the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subject to the provisions of this Act and of the other Acts respecting the Company, the Act incorporating the Company and the Act amending the same are hereby again revived and declared to be in force, and the times limited for the commencement and completion of the bridge of the Company are hereby extended for one year and four years respectively from the passing of this Act; and if the bridge is not commenced and completed within the said times, then the powers granted by the said Acts and by this Act shall cease and be null and void.

Preamble.
1886, c. 91;
1892, c. 64.

Times for
commence-
ment and com-
pletion of
bridge extend-
ed.

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57-58 VICTORIA.

CHAP. 90.

An Act to again revive and further amend the Act to incorporate the Red Deer Valley Railway and Coal Company.

[Assented to 23rd July, 1894.]

WHEREAS the Red Deer Valley Railway and Coal Company have by their petition prayed for the passing of an Act to again revive and further amend, as hereinafter set forth, the Act of incorporation of the Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. Subject to the provisions of this Act, the Act incorporating the Red Deer Valley Railway and Coal Company, being chapter fifty-two of the Statutes of 1889, is hereby again revived and declared to be valid and in force, and the time for the expenditure of fifteen per cent of the amount of the capital stock required by section eighty-nine of *The Railway Act*, is hereby extended for the period of three years from the passing of this Act ; and if such expenditure is not so made, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for expenditure of 15 p.c. extended. C. 52 of 1889

Section 89 of Railway Act

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57-58 VICTORIA.

CHAP. 91.

An Act to revive and amend the Act to incorporate the Rocky Mountain Railway and Coal Company.

[Assented to 23rd July, 1894.]

WHEREAS the Rocky Mountain Railway and Coal Company, hereinafter called "the Company," has by its petition prayed that the powers granted to the Company by its Act of incorporation, being chapter fifty-eight of the Statutes of 1891, 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:—

Preamble.

1891, c. 58.

1. Subject to the provisions of this Act, the Act incorporating the Rocky Mountain Railway and Coal Company, being chapter fifty-eight of the Statutes of 1891, is hereby revived and declared to be in force; and the time limited for the commencement of the railway and 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 a period of two years from the passing of this Act; and if such expenditure is not so made, and if the railway is not completed within five years from the passing of this Act, then the powers granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Chapter 58 of 1891 revived.

Time for commencement of railway and expenditure extended.

2. Section one of the said Act is hereby amended by inserting after the word "advocates" in line one thereof the following words: "and the Honourable James A. Lougheed."

Section 1 amended.

3. Section three of the said Act is hereby repealed and the following substituted therefor:—

New section substituted for section 3.

"**3.** The Company may lay out, construct, and operate a railway, of the gauge of four feet eight and one-half inches, from the town of Calgary, in the district of Alberta, in the North-west Territories of Canada, thence in a north-westerly direction to the Red Deer River in the said district, thence following the general direction of the said Red Deer River and

Line of railway described.

the south fork thereof in a westerly direction to the coal fields located by the said Company ; or, in the alternative, from a point on the Calgary and Edmonton Railway at or near Olds on the said railway, thence in a westerly direction to the Red Deer River, thence following the said Red Deer River and the south fork thereof in a westerly direction to the said coal fields.”

New section substituted for section 9. Agreements with Canadian Pacific Railway Co.

4. Section nine of the said Act is hereby repealed and the following substituted therefor :—

“ 9. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing, to such company the railway of the Company 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 ; or for running powers over the main line or any of the branches of the Canadian Pacific Railway Company or over any line leased to or controlled by the Canadian Pacific Railway Company or contiguous thereto : Provided, that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,— at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that it has also been approved by the Governor in Council.

Proviso : approval of shareholders and Governor in Council.

Notice of application for approval.

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

Section 10 amended.

5. Section ten of the said Act is hereby amended by striking out the word “ ten ” in line five of the said section and substituting therefor the word “ twenty.”

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57-58 VICTORIA.

CHAP 92.

An Act respecting the St. Catharines and Niagara Central Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the St. Catharines and Niagara Central Railway Company have by their petition prayed for the passing of an Act to extend the time limited for the commencement and completion of their railway and branches, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything contained in chapter fifty-eight of the Statutes of 1892, the time limited therein for commencing the branches of the St. Catharines and Niagara Central railway is hereby extended for the period of two years from the passing of this Act; and if the said branches are not commenced as herein provided, and if the undertaking of the Company is not completed within five years from the passing of this Act, 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.

Preamble.

Time for construction extended.

1892, c. 58, s.1.

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57-58 VICTORIA.

CHAP. 93.

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

[Assented to 23rd July, 1894.]

WHEREAS the St. Lawrence and Adirondack Railway Company, hereinafter called "the Company," have, by their petition, prayed for the passing of an Act to amend, as hereinafter mentioned, the Acts respecting the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Section two of chapter sixty-four of the Statutes of 1888 incorporating the St. Lawrence and Adirondack Railway Company, is hereby repealed and the following substituted therefor:—

Section 2, c. 64 of 1888 repealed.

"2. The head office of the Company shall be in the city of Montreal, in the province of Quebec."

Head office.

2. The section substituted by section one of chapter sixty of the Statutes of 1893 for section nineteen of the Act incorporating the Company is hereby repealed.

Substituted section 1, c. 60 of 1893 repealed.

3. The Company may enter into an agreement with the Grand Trunk Railway Company of Canada, the Canada Atlantic Railway Company, the Central Vermont Railroad Company, the Ogdensburg and Lake Champlain Railroad Company, the Malone and St. Lawrence Railway Company, the Mohawk and Malone Railway Company, or the New York Central and Hudson River Railroad Company, for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under its Act of incorporation, 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

Agreements with other companies.

Subject to approval of shareholders.

And of Governor in Council.

two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council :

Notice of application for approval, s. 239, Railway Act.

2. Such approval shall not be signified until after notice of the proposed application therefor has been published for one month in the manner 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.

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57-58 VICTORIA.

CHAP. 94.

An Act respecting the Winnipeg and Hudson Bay Railway Company, and to change the name thereof to the Winnipeg Great Northern Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Winnipeg and Hudson Bay Railway Company has by its petition prayed that the time for the completion of its main line of railway to the Saskatchewan River be extended, and that the name of the Company be changed, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The section substituted by section one of chapter eighty of the Statutes of 1890 for section thirty-three of chapter eighty-one of the Statutes of 1887, is hereby repealed and the following substituted therefor:—

Substituted section 33 of c. 81 of 1887 repealed.

“33. The main line of the railway shall be completed to the Saskatchewan River by the thirty-first day of December, one thousand eight hundred and ninety-six, otherwise the powers granted with respect to such construction shall be null and void as respects so much of the railway as then remains uncompleted.”

Time for construction extended.

2. The name of the Company is hereby changed from “The Winnipeg and Hudson Bay Railway Company” to “The Winnipeg Great Northern Railway Company”; but such change in name shall not in any way impair, alter or affect the powers, rights or liabilities of the Company, or any lien or charge upon its property or franchises, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued and completed and enforced as if this Act had not been passed; provided that the rights of the Company with respect to any grants, subsidies and bonuses, whether

Name of company changed.

whether in land, money or otherwise, and from whatever source derived, shall remain unaltered and unaffected by such change of name.

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57-58 VICTORIA.

CHAP. 95.

An Act to incorporate the Wolseley and Fort Qu'Appelle Railway Company.

[Assented to 23rd July, 1894.]

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

1. Peter Ferguson, Charles Henry Bonstiel and George Washington Bates, of Kenlis in the district of Assiniboia, the Honourable William D. Perley and Levi Thompson, of Wolseley in the said district, Andrew Hamilton and Walter Goven, of Belle Plaine in the said district, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Wolseley and Fort Qu'Appelle Railway Company," Company in-
corporated.
Corporate
name.

2. The head office of the Company shall be in the town of Wolseley in the district of Assiniboia, in the North-west Territories of Canada. Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, or of any narrower gauge that the Company deem advisable, from a point on the line of the Canadian Pacific Railway at or near the said town of Wolseley, to the Qu'Appelle Valley, via Wolf Creek, and thence up the Qu'Appelle Valley to a point at or near Fort Qu'Appelle. Line of rail-
way.

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

- Capital stock. **5.** The capital stock of the Company shall be four hundred thousand dollars, provided the railway is of the gauge of four feet eight and one-half inches, but shall be two hundred and fifty thousand dollars if the railway is of narrower gauge, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per centum on the shares subscribed.
- Calls.
- Annual general meeting. **6.** The annual general meeting of the shareholders shall be held on the first Wednesday in September in each year.
- Directors. **7.** At such meeting the subscribers for the capital stock, present in person or by proxy, 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.
- Bonds. **8.** The Company may issue bonds, debentures, or other securities to the extent of ten thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may only be issued in proportion to the length of railway constructed or under contract to be constructed.
- Agreement with Canadian Pacific Railway Company. **9.** The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company 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 it has also been approved by the Governor in Council :
- Approval.
- Notice. **2.** Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the company hereby incorporated runs, and in which a newspaper is published.



57-58 VICTORIA.

CHAP. 96.

An Act respecting the Wood Mountain and Qu'Appelle Railway Company.

[Assented to 23rd July, 1894.]

WHEREAS the Wood Mountain and Qu'Appelle Railway Company has by its petition prayed that certain amendments, as hereinafter set forth, be made to the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Section two of chapter sixty-three of the Statutes of 1892 is hereby repealed and in lieu thereof it is hereby enacted that the Wood Mountain and Qu'Appelle Railway Company, hereinafter called "the Company," shall complete its line of railway between its points of intersection with the line of the Canadian Pacific Railway Company and Fort Qu'Appelle, on or before the thirtieth day of October, one thousand eight hundred and ninety-six, and shall complete not less than twenty miles of its railway, as defined by section one of chapter sixty-six of the Statutes of 1889, in each year thereafter; and that if the Company constructs its railway according to the terms hereof, it shall continue to have and enjoy all the rights, powers and privileges heretofore granted to it as if the said section two of chapter sixty-three of the Statutes of 1892 were complied with; and that failing such construction the powers granted to the Company to extend its line of railway any further distance than the length of railway then completed shall cease and be null and void.

1892, c. 63, s. 2 repealed.

Time for construction extended.

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57-58 VICTORIA.

CHAP. 97.

An Act to amend the Acts respecting the Clifton Suspension Bridge Company.

[Assented to 23rd July, 1894.]

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

Preamble.

1. The Clifton Suspension Bridge Company, hereinafter called "the Company," may lay tracks upon its bridge and the approaches thereto, subject to the terms of the agreement between the Commissioners of the Queen Victoria Niagara Falls Park and the Company (which agreement is set out in the schedule to this Act), for the passage of electric, cable or horse cars, and may maintain and operate such cars upon the same.

Power to lay tracks.

2. The Company may, if it becomes expedient to do so, build another bridge over the Niagara River, below the falls, at or near its present structure, and within two hundred feet of the northern boundary of the land described in the Crown grant of the twenty-eighth day of January, eighteen hundred and seventy-three, to the said Company, with the necessary approaches thereto, and subject to the terms of the said agreement, for the purpose mentioned in the next preceding section, and for the passage of pedestrians and vehicles.

Power to build another bridge.

3. The Company may lease the said bridges or either of them, with their appurtenances, or may enter into any contract or agreement with any individual or corporation with reference to operating and using the same, 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

Lease of bridges.

Sanction of the shareholders and of the Governor in Council.

ing 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.

Gas pipes,
wires, cables,
etc.

4. The Company may also lay and maintain along, upon or under the said bridges or either of them, gas pipes and also wires, cables or other appliances for the transmission of electricity or other motive power, and may enter into contracts with any person or company for the operation or use of the same.

Approval of
Governor in
Council.

5. The Company shall not commence the construction of such other bridge or any work thereunto appertaining until it has submitted to the Governor in Council, plans of such bridge and of all intended works thereunto appertaining, nor until such plan and the site of such bridge have been approved by the Governor in Council and such conditions as he thinks fit for the public good to impose touching the said bridge and works have been complied with ; nor shall any plan be altered or any deviation therefrom be allowed, except by permission of the Governor in Council, and upon such conditions as he imposes.

No discrimi-
nation in rates
of tolls.

6. So soon as the bridge is completed and ready for traffic, all street railways, either in Canada or the United States, now constructed or hereafter to be constructed, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in traffic rates of transportation, shall be made in favour of or against any railway whose business or cars pass over the said bridge.

In case of dis-
agreement,
section 11 of
Railway Act
to apply.

7. In case of any disagreement as to the rights of any railway whose business or cars 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 com-
mission to re-
gulate work-
ing of bridge.

8. In case the state of New York 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 ex-

tent to which the same are final and conclusive by virtue of the provisions made by the state of New York or the United States.

9. The bridge authorized under the provisions of section two of this Act to be constructed shall be commenced within one year and completed within three years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void.

Time for construction of bridge.

10. The directors of the Company under the authority of the shareholders at any annual general meeting of shareholders, or at any special general meeting called for the purpose, attended by shareholders in person or by proxy who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue mortgage bonds signed by the president or other presiding officer, and countersigned by the secretary, which countersignature and the signature to the coupons to be attached to such bonds may be engraved; and such bonds may be made payable at such time and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, as the directors think proper.

Issue of bonds.

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

Pledge and sale of bonds.

3. The amount of such bonds so issued, sold and pledged shall not exceed one hundred and fifty thousand dollars.

Amount of bonds limited.

11. The directors of the Company, when authorized in the manner in the next preceding section contained, may increase the capital stock of the Company by an amount not exceeding one hundred and fifty thousand dollars, by creating an additional number of shares, not exceeding one thousand five hundred, of one hundred dollars each.

Increase of capital stock.

12. No greater tolls shall be charged by the Company for the passage of pedestrians or passengers in cars and vehicles than those authorized by the original Act of incorporation; and the tariff of tolls to be charged for the use of the new bridge may be revised and altered from time to time by the Governor in Council.

Tolls.

13. All the powers and authority conferred by chapter eighty-two of the Statutes of 1868, are hereby declared to extend and be applicable to the undertaking by this Act authorized, when not inconsistent with the provisions of this Act.

Application of c. 82 of 1868.

14. The agreement in the schedule hereto, between the Commissioners of the Queen Victoria Niagara Falls Park and

Agreement in schedule confirmed.

Change in location of bridge.

and the Company, is hereby confirmed and declared binding on the parties thereto and shall be read and taken to form part of this Act, and the terms and provisions in the said agreement contained shall prevail and govern if in conflict with any other matter by this Act provided.

2. Notwithstanding anything in the said agreement, if it is found desirable that the new bridge be located on the south side of the existing bridge, then such bridge shall be located at a point to be approved by the proprietors and occupants of the foreshore, and also by the Commissioners of the Queen Victoria Niagara Falls Park, not more than one hundred and ten feet south of the existing bridge, and on terms to be agreed upon between the Company and the said proprietors and Commissioners, and subject to arrangement with the Niagara Falls Park and River Railway Company, and to such order as the Railway Committee of the Privy Council may make to cross the tracks of the said railway Company.

SCHEDULE.

MEMORANDUM of agreement made this eleventh day of April, A.D. 1894, between the Commissioners of the Queen Victoria Niagara Falls Park (hereinafter called the Commissioners) of the first part and the Clifton Suspension Bridge Company (hereinafter called the Bridge Company) of the second part.

Whereas the Bridge Company are the proprietors of a suspension bridge across the Niagara River below the Falls;

And whereas the said Bridge Company have by their petition applied to the Parliament of Canada at its present session for an Act empowering them amongst other things to construct another bridge across the said Niagara River north of the present structure together with the right of operating railway cars across the same;

And whereas the said Bridge Company are by virtue of a grant from the Crown, dated the twenty-eighth day of January, 1873, the proprietors of a strip of land two hundred feet in width along the Niagara River and otherwise more particularly described in the said grant and the plan therein referred to and subject to the exceptions therein contained upon part of which the present structure of the Bridge Company is situate;

And whereas by certain Acts of the Legislature of Ontario the Commissioners have vested in them that part of the highway which is excepted from the operation of the grant to the Bridge Company hereinbefore referred to;

And whereas it may be necessary for the construction of a new bridge and the operation of electric or other cars over the same moved by any power except steam that the Bridge

Company should have the right to cross the said highway or otherwise encroach or interfere with the same and subject to arrangement with the Niagara Falls Park and River Railway Company to cross or otherwise interfere with its tracks ;

And whereas the Commissioners contemplate the construction at some future time of a low level railway line underneath the bridges of the Bridge Company near the water's edge of the Niagara River and for that purpose desire to have the piers of the Bridge Company so constructed as not to interfere with the construction or operation of the said railway ;

And whereas the said parties have agreed to make the mutual concessions which each desires from the other ;

1. Now therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants and agreements between the parties the Bridge Company hereby grant unto the said Commissioners the absolute and irrevocable right to construct, maintain and operate below the bridges of the Bridge Company and across the property hereinbefore referred to granted by the Crown to the Bridge Company a double track line of railway.

2. It is agreed on the part of the Bridge Company that any piers or abutments or other portions or appliances of any bridge built by the Bridge Company shall be so located as to admit of the construction of the said low level railway as a double line, and on the part of the Commissioners it is agreed that they shall not injure, prejudice or interfere with any such piers, abutment or appliances in the construction or operation of the said low level railway.

3. The Commissioners hereby covenant and agree with the Bridge Company that the Bridge Company shall have the right to erect their bridge structure and operate their cars over the said bridge and across the highway upon and opposite to the lands vested in the Bridge Company as hereinbefore mentioned and subject to arrangement with the Niagara Falls Park and River Railway Company and to such order as the Railway Committee of the Privy Council may make to cross the tracks of the said Railway Company.

4. In the event of the Bridge Company deciding to build upon the cantilever principle they shall be at liberty to place such portion of their said structure as may be necessary under the said highway in front of the lands aforesaid provided always that they shall not interfere with the user of the same by the public or the said Niagara Falls Park and River Railway Company.

5. And in the event of the Bridge Company deciding to build a double deck bridge on the lands aforesaid it shall be competent for them to cross the said highway with an arch or truss subject to approval of the plans of the said crossing by the Commissioners and by the Railway Committee of the Privy Council.

6. It is agreed that in the event of such a structure being decided upon for the new bridge as will require guys for its maintenance, that the same may be placed or affixed to portions of the bank belonging to or under the control of the Commissioners and also that the guys to the present structure shall not be interfered with and also that it shall not be necessary for the Bridge Company to change or alter the location of the towers of the present bridge: Provided always that the said guys must be so arranged as not to interfere with the said low level railway and that the Bridge Company will from time to time at the request of the said Commissioners so change the location of the said guys outside the lands of the Bridge Company to such point or structure as the Commissioners may desire but no such change shall be directed as shall endanger the safety of the said bridges.

7. It is also agreed that the cables used by the Bridge Company in its present bridge shall not be interfered with and they shall also be at liberty to stretch across the said highway any cables which it may be necessary for them to use in connection with the new structure or in substitution of any cables at present in use or hereafter to be used in connection with the said bridges or either of them.

8. The Bridge Company shall grant and quit-claim to the Commissioners all the right, title and interest of the said Bridge Company of, in and to so much of their lands on the west side of the chain reserve as may be contained by a line running from the present south-east corner of the veranda of the Cliff House to a point situate twelve feet to the west of the front line of Hawley's Museum for the purpose of dedicating the same to the public as a portion of the adjoining highway.

9. The covenants and agreements herein contained shall be binding upon the said Commissioners and their successors and upon the said Bridge Company their successors and assigns.

10. The Bridge Company shall not exercise any powers vested in such company in relation to the lands and property vested in the Commissioners nor shall the Bridge Company have any rights in relation to the same other than such as are in this agreement contained or as may hereafter be agreed upon between the Commissioners and the said Bridge Company.

11. It is agreed that in the event of the Bridge Company failing to get an Act from the Parliament of Canada at the present or next session thereof for the purposes hereinbefore referred to and constructing a bridge thereunder this agreement and all the covenants and agreements therein contained shall be absolutely null and void, but upon the passage of such Act of Parliament this agreement shall take effect and be binding upon the parties thereto from the time of the passing of such Act.

In witness whereof the said parties have hereunto set their hands and seals.

Signed sealed and delivered in }
the presence of }
JOHN S. READ,
Teller. }

J. W. LANGMUIR,
Chairman.

Corporate seal of the Commissioners of the
Queen Victoria Niagara Falls Park.

CHARLES H. SMYTH,
President.

Corporate seal of the Clifton Suspension
Bridge Company.

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



57-58 VICTORIA.

CHAP. 98.

An Act to empower the Niagara Falls Suspension Bridge Company to issue debentures, and for other purposes.

[Assented to 23rd July, 1894.]

WHEREAS the Niagara Falls Suspension Bridge Company has by its petition prayed that certain additional powers 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, enacts as follows :—

1. The Niagara Falls Suspension Bridge Company, hereinafter called "the Company," may repair and strengthen, and with the consent of the Governor in Council may enlarge, change and alter its present bridge in such manner as the directors at any time deem expedient, and may also with the like consent remove the present bridge and erect a new one in lieu thereof, of such dimensions and materials, and of such kind or description and mode of construction as by the directors is deemed expedient, and may also do and execute all other matters and things necessary to properly equip and maintain such new bridge in a proper and efficient manner.

Alterations to present bridge, and building of new bridge.

2. The Company may also lay and maintain along, upon or under any new bridge hereafter built by it and the approaches thereto gas pipes and also wires, cables or other appliances for the transmission of electricity or other motive power, and may lay tracks upon the lower or carriage floor thereof and the approaches thereto for the passage of electric, cable or other cars to be moved by any power except steam, and operate such cars thereon ; and the upper floor and the approaches thereto may be used for ordinary railway purposes.

Laying of pipes, wires and tracks along new bridge.

3. The Company may lease the lower floor of the bridge now erected or any bridge hereafter built by the Company, or any part thereof, to, and may enter into any contract or agreement with, any individual or corporation with reference to

Leasing of lower floor of bridge.

Proviso: consent of shareholders.

operating and using the same on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit: Provided that such lease or agreement has been first sanctioned by a majority in value 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 a majority in value of the stock are present in person or represented by proxy.

No discrimination in rates of tolls.

4. So soon as the bridge is completed and ready for traffic, all street railways, either in Canada or the United States, now constructed or hereafter to be constructed, shall have and be entitled to the same and equal rights and privileges in the passage of the lower floor of the said bridge, so that no discrimination or preference in the passage of the lower floor of the said bridge and approaches, or in traffic rates of transportation, shall be made in favour of or against any street railway whose business or cars pass over the lower floor of the said bridge.

In case of disagreement.

5. In case of any disagreement as to the rights of any street railway company whose business or cars pass over the lower floor of the said 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 commission to regulate working of bridge.

6. In case the state of New York or the United States at any time provide for the appointment of a commission for regulating the working of the lower floor of the said bridge, the use thereof and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he 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 they are final and conclusive by virtue of the provisions made by the state of New York or the United States.

Bonding powers.

7. The directors of the Company may, with the consent of the shareholders to them given at a special general meeting duly called for that purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company and who have paid all calls due thereon are present in person or represented by proxy, issue bonds, debentures or other securities to an amount not exceeding two hundred thousand dollars, signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature of the coupons attached to such debentures may be engraved; and such bonds, debentures,

tures, or other securities may be made payable at such times, and in such manner, and at such place or places, in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent per annum as the directors think proper.

8. The said directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purposes of raising money for renewing, strengthening, altering or improving the present bridge of the Company, or for removing it and erecting a new bridge in lieu thereof, or for exercising any of the powers herein conferred upon the Company. Sale of debentures.

9. No such bond, debenture or other security shall be for less than the sum of one hundred dollars. Amount of each bond.

10. The Company may secure such bonds, debentures or other securities by a mortgage deed charging them upon the whole of the property, assets, rents and revenues of the Company, present or future, or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the bridge as defined by paragraph (x) of section two of *The Railway Act*. Bonds, how secured.

11. By the said deed the Company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and any powers, rights and remedies usually contained in such mortgage deeds. Rights of holders.

12. The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company and the franchises, undertaking, tolls, income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as hereinbefore provided. Bonds constitute preferential claim.

13. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery. May be made payable to bearer.

14. If the Company makes default in paying the principal or interest of any of the bonds, debentures or other securities hereby authorized, at any time when the said principal or interest becomes due and payable, then at the next annual general meeting of the Company, and at all subsequent meetings, all holders of bonds, debentures, or other securities so being and remaining in default, shall, in respect thereto, have and possess the same rights and privileges and qualifications for being elected directors, and for voting at general meetings, as would If bonds unpaid, holders to have same rights as shareholders.

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

Registration
in Company's
books.

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

Savings of
other rights.

3. 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, debentures or other securities are entitled under the provisions of such mortgage deed.

Agreement in
schedule con-
firmed.

15. The agreement set forth in the schedule hereto and made between the Commissioners of the Queen Victoria Niagara Falls Park of the first part, the Company of the second part, and the Niagara Falls Park and River Railway Company of the third part, is hereby confirmed and declared binding on the parties thereto; and a duplicate of the said agreement with the plan therein referred to shall be filed in the Department of the Secretary of State for Canada.

To be filed
with Secre-
tary of State.

Saving.
1875, c. 72.

16. Nothing in this Act contained shall be deemed or construed to in any manner impair, alter or affect the indenture and agreement set forth in the schedule to chapter seventy-two of the Statutes of 1875, or any rights, powers, or obligations of the parties thereto, or any of them, or the successors or assigns of them or any of them.

Saving.

17. Nothing in this Act shall in any manner impair, alter or affect the rights, powers and privileges heretofore conferred upon and now enjoyed by the Niagara Falls Suspension Bridge Company which are hereby confirmed and continued, and the like rights, powers and privileges are hereby conferred upon the Company with respect to any new bridge which may be built by the Company under the powers hereby conferred.

SCHEDULE.

MEMORANDUM OF AGREEMENT made this third day of May, A.D. 1894, between the Commissioners of the Queen Victoria Niagara Falls Park, hereinafter called the Commissioners, of the first part, the Niagara Falls Suspension Bridge Company, hereinafter called the Bridge Company, of the second part, and the Niagara Falls Park and River Railway Company, of the third part.

Whereas the Bridge Company are proprietors of the railway suspension bridge crossing the Niagara River below the Falls.

And whereas the said Bridge Company have by their petition applied to the Parliament of Canada at its present session, for an Act empowering them, amongst other things, to construct another bridge across the said Niagara River together with the right of operating railway cars, electric or cable or other railway across the same.

And whereas by certain Acts of the legislature of Ontario, the Commissioners have vested in them certain lands herebefore vested in the Crown.

And whereas it is desirable in the interest of the Park that certain lands the property of the Bridge Company should be vested in the Commissioners.

And whereas it is desirable that certain other lands now vested in the Commissioners should be granted by irrevocable and perpetual license by the Commissioners to the Bridge Company for the purposes of the undertaking of the Bridge Company.

And whereas the parties hereto have agreed to make the mutual concessions which each desires from the other.

1. Now therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants and agreement between the parties, the Commissioners hereby grant and confirm the title in fee to the Bridge Company of the lands on the Chain Reserve now occupied by the bridge structure and offices and bridge supports of the Bridge Company.

And the said Commissioners do also hereby grant to the Bridge Company by irrevocable and perpetual license the exclusive occupation of a piece of land seventy feet in width on the north side and a piece of land seventy feet in width on the south side of the lands, the title to which has been confirmed by the conveyance of the Commissioners hereinbefore referred to.

And also down the talus or slope of the bank to within eighty feet of ordinary high water mark of the Niagara River, measured down the slope, or sixty-six feet measured horizontally from said high water mark.

The plan signed by the parties hereto and filed with this agreement in the Department of the Secretary of State for Canada shows the land the title to which is confirmed by the Commissioners, which said parcel of land is tinted pink on the plan, and the said parcel of land as to which the said Commissioners have granted an irrevocable and perpetual license is shown upon the said plan tinted green.

2. The Bridge Company hereby grant and convey to the Commissioners for the purposes of a public road or highway all the lands shown on the said plan as coloured yellow and lying between the westerly limit of the Chain Reserve and a line drawn from the northerly boundary of the Bridge Company's property parallel with the stone abutment of the Bridge Company and distant easterly twenty feet therefrom and inclining from the point opposite the southerly corner of the

abutment to a point on Bridge Street in line with the said abutment: And in addition the Bridge Company hereby grant and convey whatever right the Bridge Company have in and to the parcel of land formerly owned by John A. Orchard and conveyed by him to said Company and forming part of the highway, to the north of the lands coloured yellow, on said plan.

3. And it is agreed between the parties hereto, that these presents or any covenants by any party hereto hereinafter contained are not to be construed as expressing or implying any covenants for title, or quiet possession.

4. The Commissioners covenant with the Bridge Company that the said lands hereby granted by the Bridge Company to the Commissioners are to be used for the purposes of a public street, and the said Bridge Company are to have free use thereof for access to and from the bridge as at present constructed on the level and overhead, or for any bridge that may be hereafter constructed for themselves; and, also, to and from the bridge at present constructed or any bridge that may be hereafter constructed, to the lands owned by the said Bridge Company to the west of the said piece of land coloured yellow.

And the Commissioners also covenant with the said Bridge Company that the said lands shall be used as a public road for the free use of all persons travelling thereon either in carriages or on foot or otherwise.

5. The said Commissioners covenant that the said Bridge Company shall have the right of crossing the said road or highway and the said lands above described, marked yellow, and also the said lands hereby granted and conveyed to the Commissioners, with a single or double track, electric, or cable, or other railway, to be moved by any power except steam, to reach the lands of the Bridge Company to the west thereof, and are to have the right to cross on the level the tracks of the Niagara Falls Park and River Railway in such manner and upon such terms as may be agreed upon between the said Bridge Company and the said Niagara Falls Park and River Railway, and subject to the directions which may be approved by the Railway Committee of the Privy Council; and, in the event of the Bridge Company failing to make an arrangement with the Niagara Falls Park and River Railway for such crossing the Bridge Company are to have the right to cross the tracks of the Niagara Falls Park and River Railway in such manner and according to such directions and upon such terms as the Railway Committee of the Privy Council may approve.

6. It is agreed between the parties hereto, that the Niagara Falls Park and River Railway Company shall have the right to lay a double track and no more for their electric railway upon the said highway, it being agreed however that the said Niagara Falls Park and River Railway Company shall not place their rails nearer to the present entrance of the Bridge

Company than at present and that any second track which may be placed by the said Niagara Falls Park and River Railway Company shall be laid on the westerly side of the existing track.

7. It is also hereby agreed between the Commissioners and the Bridge Company that in the event of the Bridge Company desiring for the purposes of their present structure or for the construction of a new bridge to alter their piers or abutments as at present placed, the said Bridge Company are to be at liberty to do so, and it is hereby agreed between the parties hereto that the grant of the said lands, marked yellow, and of the other lands by the Bridge Company to the Commissioners, are subject to the right of the Bridge Company to retain their piers or abutments as at present located and with the privilege to the Bridge Company to alter or change the size of their piers and their location to any other point upon the said parcel of land marked yellow and the other parcel of land hereby granted by the Bridge Company to the Commissioners, subject, however, to allowing free access over the said lands for a public street for all proper purposes, and, also so as not to interfere with the tracks of the Niagara Falls Park and River Railway as located on the said street.

8. It is hereby agreed between the parties hereto, that the Bridge Company shall have the right upon the lands granted and licensed to them, and marked respectively upon the said plan pink and green, to place any erections or structures that may be necessary for the renewing of their present structure or for the construction of a new bridge on the cantilever or single arch principle, or otherwise, and for the necessary offices in connection with the same, the Bridge Company agreeing with the Commissioners that if after the construction of the said new work any portion of the lands coloured pink or green upon the said map, may not be necessary in connection with such structure, that such portion of such lands as may be on the bank shall be maintained by the said Bridge Company as an ornamental plot or flower garden.

9. It is agreed that in the event of such a structure being decided upon for a new bridge as will require guys for its maintenance that the same may be placed or affixed to portions of the bank belonging to or under the control of the Commissioners, and, also, that the guys to the present structure shall not be interfered with, provided always that the said guys must be so arranged as not to interfere with any low level railway that may be sanctioned by the Commissioners, and that the Bridge Company will from time to time, at the request of the said Commissioners, so change the location of the said guys outside the lands of the said Bridge Company to such point or structure as the Commissioners may desire, but no change shall be directed as shall endanger the safety of the bridge.

10. It is agreed that the Bridge Company shall not exercise any powers vested or to be vested by the said Act in such Company in relation to the lands and property vested in the Commissioners or have any rights in relation to the same other than such as are in this agreement contained, specified and described, or, unless as may hereafter be agreed upon between the Commissioners and the Bridge Company.

And the parties hereto of the third part hereby consent to and approve of the foregoing agreements.

In witness whereof the parties hereto have hereunto set their corporate seals.

Signed, sealed and delivered }
 in the presence of }
 R. G. Cox. } *J. W. LANGMUIR,*
Chairman of the Q. V. N. F.
Park Commission. [SEAL]

THOS. R. MERRITT,
President, Niagara Falls
Suspension Bridge Com-
pany. [SEAL]

EDW. B. OSLER,
President Niagara Falls
Park and River Railway
Company. [SEAL]

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57-58 VICTORIA.

CHAP. 99.

An Act respecting the Niagara Grand Island Bridge Company.

[Assented to 23rd July, 1894.]

WHEREAS the Niagara Grand Island Bridge Company Preamble. has, by its petition, prayed for the passing of an Act to extend the times limited for the commencement and completion of its undertaking, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The times limited by the Acts respecting the Niagara Grand Island Bridge Company, for the commencement and completion of its undertaking, are hereby extended as follows: the works authorized by chapter seventy-seven of the Statutes of 1874, incorporating the Company, shall be commenced within three years and completed within five years from the passing of this Act, otherwise the powers granted by the said Act shall cease and be null and void.

Time for construction extended.

1874, c. 77 ;
1877, c. 64 ;
1880, c. 60 ;
1882, c. 16 ;
1886, c. 88 ;
1889, c. 86 ;
1891, c. 105.

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57-58 VICTORIA.

CHAP. 100.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

[Assented to 23rd July, 1894.]

WHEREAS the Canada Southern Railway Company and the provisional board of directors of the River St. Clair Railway Bridge and Tunnel Company have petitioned that the periods for the commencement and completion of the works of the latter Company be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1872, c. 87 ;
1873, c. 92 ;
1882, c. 70 ;
1891, c. 102.

1. The times limited for the commencement and completion of the works of the River St. Clair Railway Bridge and Tunnel Company are hereby extended for three years and five years respectively from the passing of this Act; and if the works are not so commenced and completed, then the powers granted by the Acts respecting the Company and this Act shall be null and void.

Time for construction extended.

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57-58 VICTORIA.

CHAP. 101.

An Act respecting the Canada and Michigan Tunnel Company.

[Assented to 23rd July, 1894.]

WHEREAS the Canada and Michigan Tunnel Company Preamble. has by its petition represented that it has caused the Detroit River to be surveyed and examined, and plans for the proposed tunnel made, and that such plans have been duly submitted to the Governor in Council, and that approval thereof has been received by Orders dated the fourth day of April and the eighteenth day of April, one thousand eight hundred and ninety-one, respectively; and it has petitioned that the time for commencing and completing the works of the Company may be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The times limited for the commencement and completion Time for construction extended. of the works of the Canada and Michigan Tunnel Company are hereby extended for four years and six years respectively from the passing of this Act; and, if the said works are not so commenced and completed, then the powers granted by the said Acts and this Act shall cease and be null and void.

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57-58 VICTORIA.

CHAP. 102.

An Act to incorporate the Welland Power and Supply Canal Company, Limited.

[Assented to 23rd July, 1894.]

WHEREAS it is desirable that a company should be incorporated for the purpose of utilizing a portion of the natural water supply of the Niagara and Welland Rivers, which are navigable streams, with the object of promoting manufacturing industries and inducing the establishment in Canada of manufactories and other businesses; and whereas the persons hereinafter named, and others, have by their petition represented that the incorporation of the company hereinafter named, with the powers set forth, will effect the aforesaid objects, and have prayed for the incorporation of the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.

1. Edward W. Sebben, of Denver, Colorado; Charles A. Hesson, of St. Catharines, Ontario; Charles Y. McClure, of Denver, Colorado; Nathan A. Baker, of Denver, Colorado; Reuben Wynne, of St. Catharines, Ontario; Walter C. Hadley, of the town of Hadley, New Mexico; John S. Campbell, of St. Catharines, Ontario; Alexander McKay, of Hamilton, Ontario; Samuel R. Hesson, of Stratford, Ontario, and such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic, under the name of "The Welland Power and Supply Canal Company, Limited," hereinafter called "the Company."

Incorporation.
Corporate name.

2. The Company may construct, equip, maintain and operate a canal and hydraulic raceway from some point in the Welland River, within five miles from its junction with the Niagara River, to a point or points on or under the Niagara escarpment at or near the township line between the townships of Stamford and Thorold, in the county of Welland, or in the township of Grantham, in the county of Lincoln, with such raceways or extensions

Powers to construct canal, etc.

extensions of the said canal and hydraulic raceway through the said township of Grantham or the township of Niagara as are necessary to carry off the surplus water from the said canal and hydraulic raceway to Lake Ontario, with all such works, dams and wing dams, docks, sluices, conduits, accessories and buildings as are necessary to give full effect to the intent of this Act; with power to dredge, deepen or widen the Chippewa Creek or Welland River from its mouth to the point of intersection of the said canal with the Chippewa Creek or Welland River if so found expedient for the purpose of the Company: Provided, however, that nothing herein contained shall permit of any power being exercised in such a way as to interfere with the navigation of any river; and provided further that none of the works authorized by this Act shall be commenced until the plans thereof have been submitted to the Governor in Council and his sanction thereto has been obtained.

Approval of
plans of works

Supply of
powers.

Wires across
Niagara river.

3. The Company, by means of and through the works aforesaid, may supply persons with water and with hydraulic, electric, water or other power, for use for any purpose, and by means of cables, machinery or other appliances, and at such rates and upon such conditions as are agreed upon between the Company and such persons; and the Company may contract with any company having a bridge across the Niagara River, for permission, upon such terms as are agreed upon, to carry one or more wires, for electric light or other purposes, upon and over the said bridge towards the United States shore of the Niagara River; and the Company may connect the said wires or any other wires or cables which it lays across the said river with the wires of any electric light company or other company in the United States, and may also contract with such company to work the said electric light or other power jointly.

Powers.

4. The Company, by means of and through the works aforesaid, may construct, maintain and operate works for the production, sale and distribution of electricity and pneumatic power for the purposes of light, heat and power; may construct, maintain and operate intakes, tunnels, conduits and other works in the manner and to the extent required for the corporate purposes of the Company; may conduct, store, sell and supply electricity and pneumatic power; and may, with such pneumatic, electric or other conductors or devices, conduct, convey or furnish, or receive such electricity or power to or from any person or corporation at any place or places, through, under, over or along any property with respect to which they have acquired the right, and through, under, over or along the streets, highways and public places of any municipality, or across or along any waters within the province of Ontario, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the wires or conduits, subject however to the following provisions, that is to say:—

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building ;

Travel not to be obstructed.

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more than one line of poles along any street or road without the consent of the municipal council having jurisdiction over the roads or streets of the municipality ;

Height of wires, etc.

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

Kind of poles.

(d.) Whenever, in case of fire, it becomes necessary for its extinction or in the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred ;

Cutting poles or wires in case of fire.

(e.) The Company shall be responsible for all damage which their agents, servants or workmen cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized ;

Liability for damages.

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

As to trees.

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or other official as the council appoints, and shall be done in such manner as the council directs ; the council may also direct and designate the places where the poles are to be erected in such municipality ; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company ;

Approval of municipality.

(h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying electric wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns, or incorporated villages, shall be deemed an infringement of the privileges granted by this Act ;

Company may be required to carry wires under ground.

(i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to wear badges.

(j.) Nothing herein contained shall be deemed to authorize the Company, 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 saved.

Temporary re-
moval of lines.

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

Provision to
be made for
water and
drainage.

(l.) The Company shall make due provision for, take care and dispose of, all water and drainage, to the extent it shall disturb or interfere with the same, whether from artificial drains, natural streams or watercourses, which drains, natural streams or watercourses the said canal shall cross, touch or interfere with and which shall be in existence at the time of the construction of the said canal;

Disputes how
settled.

(m.) All subsequent questions, disputes or complaints as to the construction of new drains and as to the alteration, enlargement and change of existing drains and of natural streams or watercourses, and as to who shall make such alterations, enlargements and changes, and by whom the expense thereof shall be paid, as also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next preceding paragraph shall be inquired into, heard and determined by the Railway Committee of the Privy Council in the same manner as is provided for other matters to be inquired into, heard and determined by the said Committee under *The Railway Act*.

Consent of
municipa-
lities.

2. The authority herein given with respect to such streets, highways and public places shall only be exercised subject to such agreement with respect thereto as is made between the Company and the said municipalities respectively, and under and subject to any by-law of the councils of the said municipalities passed in pursuance thereof.

Stock in other
corporations.

3. The Company may also take and hold stock in any corporation created for or engaged in the business of using or supplying water of the Niagara or Welland Rivers, or of any corporation created for or engaged in the use of power, light or heat derived from such water, and may hold stock in any corporation which contracts to purchase, lease or use any power or property of the Company, and its stock may also be owned, held and voted on by any such corporation having the right to acquire the same.

5. The persons mentioned by name in section one shall be and are hereby constituted provisional directors of the Company; and all meetings of the provisional directors shall be held at the head office of the Company. Provisional directors.

6. The capital of the Company shall be five million dollars, divided into shares of one hundred dollars each. Capital.

7. At the first meeting of shareholders and at each annual meeting, the shareholders assembled who have paid all calls due on their shares shall choose nine persons to be directors of the Company, each of whom shall own at least twenty shares of the capital stock of the Company absolutely in his own right, and not in arrears in respect of any call thereon, the majority of whom shall form a quorum, and one or more of whom may be paid directors of the Company; and the majority of the directors of the Company so chosen shall at all times be persons resident in Canada, and subjects of Her Majesty by birth or naturalization. Directors.

8. The head office of the Company shall be at the city of St. Catharines, or at such place in Canada as the shareholders by by-law from time to time direct. Head office.

9. The annual general meeting of the shareholders shall be held on the last Wednesday of May in each year, or at such other date as is fixed by by-law of the Company. Annual meeting.

10. The Company may receive from any government or municipal council, or from any person, aid towards the construction, equipment or maintenance of the works hereby authorized, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee or exemption from taxation or assessment. Grants in aid of undertaking.

11. The Company may issue bonds, debentures or other securities in the manner provided by section ninety-three of *The Railway Act*, to an amount not exceeding three million dollars. Issue of bonds.

12. The construction of the said works shall be commenced within three years, and shall be completed within six years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the said works as then remain uncompleted. Time for construction.

13. *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company and to its undertakings. 1888, c. 29.

(a.) Wherever in *The Railway Act* the word "company" occurs, it shall mean the Company hereby incorporated; Interpretation "company."

“Railway.” (b.) Wherever in *The Railway Act* the word “railway” occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or the Company hereby incorporated, mean the canal or ditch or hydraulic raceway or other works authorized by this Act to be constructed ;

“Land.” (c.) Wherever in *The Railway Act* the word “land” occurs, it shall be held to include any privilege or easement required by the Company for constructing or operating the works authorized by this Act, or any portion thereof, on, over or along any land, without the necessity of acquiring a title in fee-simple.

R.S.C., c. 118. **14.** *The Companies Clauses Act* shall not apply to the Company.

Declaratory. **15.** The works authorized by this Act are hereby declared to be works for the general advantage of Canada.

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



57-58 VICTORIA.

CHAP. 103.

An Act to incorporate the Montreal, Ottawa and Georgian Bay Canal Company.

[Assented to 23rd July, 1894.]

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:—

Preamble.

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 to the canals for the purpose of carrying out the objects of this Act.

Interpretation.

"Canal."

2. The word "land" wherever used in *The Railway Act* or in this Act, shall include land covered or partly covered with water.

"Land."

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, or plying upon the lakes or rivers connecting therewith.

"Vessel."

4. The word "goods" shall mean and include any goods, wares, merchandise and commodities of whatsoever description passing through any of the canals hereby authorized.

"Goods."

2. The works hereinafter authorized to be constructed are hereby declared to be works for the general advantage of Canada.

Declaratory.

3. George Cox, McLeod Stewart, Gordon Burleigh Pattee, Henry Kelly Egan, John W. McRae, Thomas Birkett, Olivier Durocher, Alexander MacLean, Francis McDougall, John Charles Roger, Dennis Murphy, Charles Berkeley Powell, John E. Askwith, Hon. Francis Clemow, Sir James Grant, M.P., Honoré Robillard, M.P., Thomas Ahearn, George Patrick Brophy, Alexander Harvey Taylor, Peter Whelan, Richard

Incorporation.

- Nagle, David Maclaren, William Scott, Joseph Kavanagh, Philip D. Ross, all of the city of Ottawa, William C. Edwards, M.P., of Rockland, William T. Hodgins, M.P., of Hazledean, Alexander Fraser, of Westmeath, James Joseph O'Connor, of Port Arthur, Joseph Martin, M.P., of Winnipeg, John Bryson, M.P., of Coulonge, George H. Macdonell, of Port Arthur, Hugh F. McLachlin and Claude McLachlin, of Arnprior, James Craig, of Renfrew, James Wm. Bain, M.P., of St. Polycarpe, Joseph Gédéon Horace Bergeron, M.P., of Montreal, William Owens, of Lachute, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Montreal, Ottawa and Georgian Bay Canal Company," herein-after called "the Company."
- Corporate name.
- Head office. **4.** The head office of the Company shall be in the city of Ottawa, in the province of Ontario, or at such other place in Canada as the Company from time to time by by-law determines.
- 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 first twenty 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 twenty 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.
- Notice.
- Powers. **8.** The Company may—
 (a.) lay out, construct, maintain, and operate a canal from some point at or near the Chaudière Falls to some point on Lake Deschênes on the Ottawa River; also another canal from some point at or near the Chats Falls to some point on Chats Lake on the Ottawa River; also another canal from some point at or near Snow's to some point at or near Portage du Fort,

Fort, on the Ottawa River; also another canal from some point at or near Chapeau to some point at or near L'Islet, on the Ottawa River; also another canal from some point at or near McSorley's to some point at or near Rocher Capitaine, on the Ottawa River; also another canal from some point at or near Johnson's Rapids on the Ottawa River to some point at or near Plein Chant Chute, on the Mattawan River; also another canal from some point at or near the western end of Lac Talon, to some point at or near the eastern end of Upper Trout Lake; also another canal from some point at or near the western end of Upper Trout Lake to some point at or near the eastern end of Lake Nipissing; also another canal from some point at or near Du Buisson, to some point at or near Parisien, on the French River; of such dimensions as to make and construct a navigable channel of at least nine feet in depth between the said above mentioned terminal points;

(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, rivers, reservoirs, cuttings, apparatus, appliances and machinery, as may be desirable or necessary for the construction and operating of the said canals;

(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, watercourses, reservoirs and other sources of water supply, adjacent or near to said 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 through the navigable channels of the canals; and the Company shall in the exercise of the powers by this paragraph granted do as little damage as possible, and shall make full compensation to all persons interested for all damage

by them sustained by reason of the exercise of such powers ; and such damage in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act* ;

(f.) construct, maintain and operate, use or lease, or otherwise dispose of, terminals, harbours, wharfs, 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 authorized ;

(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 authorized and to again dispose of the same ;

(j.) construct, make and do all matters and things 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, subject however to all the provisions of this Act.

Crossing of drains and watercourses.

9. The Company shall make due provision for, take care and dispose of, all water and drainage, to the extent to which it disturbs or interferes therewith, whether from artificial drains, natural streams or watercourses, which drains, natural streams or watercourses the said canals or any of them cross, touch or interfere with, and which are in existence at the time of the construction of the said canals.

Settlement of disputes.

2. All subsequent questions, disputes or complaints as to the construction of new drains and as to the alteration, enlargement and change of existing drains and of natural streams or watercourses, and as to who shall make such alteration, enlargement and change, and by whom the expense thereof shall be paid, and also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next preceding subsection, shall be inquired into, heard and determined by the Railway Committee of the Privy Council in the same manner as is provided for other matters to be inquired into, heard and determined by the said committee under *The Railway Act*.

Settlement of compensation for lands.

10. When the Company and the owners or occupiers of private property entered upon cannot agree as to the compensation

sation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured thereby, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act* so far as the same may be applicable: Provided that the Governor in Council may from time to time by regulations vary or modify the provisions of the said Act in this regard, so far as they apply to the works under this Act, in such manner as experience may prove to be expedient.

2. In this section, and in section eight, the expression "lands" means the lands the acquiring, taking, or using of which is incident to the exercise of the powers given by this Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure.

Interpretation.
"Lands."

11. In case of any accident requiring immediate repair on the said canals or any part thereof, the Company, its agents or workmen may enter upon the adjoining land (not being an orchard or garden), 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*; but before entering upon any land for the purpose aforesaid, the Company shall, in case the consent of the owner is not obtained thereto, pay into the office of one of the superior courts for the province in which the land is situated, such sum, with interest thereon for six months, as is fixed, on the *ex-parte* application of the Company, by a judge of a superior court in the province of Quebec for the district in which the lands are situate, if such lands are in such province, or by a judge of a county court for the county in which such lands are situate, if such lands are in the province of Ontario.

Urgent repairs to works.

12. 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 it deems expedient, and may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing such vessels as it thinks proper, and may lease or hire the same on such terms as it deems expedient, or may operate the same by its servants or agents as the Company shall decide from time to time.

Basins, docks, etc.

13. With the consent of the Governor in Council, 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

Beaches and water lots.

said canals may cross, start from, or terminate at, as may be required for the wharfs and other works of the Company for making easy entrance to its said canals and other works hereby authorized, and it may also construct such dams and works as it deems requisite to stop the waste of water from the lakes and rivers and to economize the same for the use of the said canals.

St. Lawrence
and Ottawa
River canals.

14. With the consent of the Governor in Council, the Company may in connection with the works hereby authorized improve, widen, deepen, and straighten the Lachine Canal, Ste. Anne's Canal, Carillon Canal, and the Grenville 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; or may construct wholly new canals parallel to those above named, or a wholly new canal parallel to any one of them, so as to avoid as far as possible interference with works now existing: and the Company may also dredge and open a suitable navigable channel in the Ottawa River, the Mattawan River, and the French River, and the waters connecting the same, wherever it may be advisable so to do to carry out the objects authorized by this Act; but the Company shall carry out the work necessary to dredge and open such channel in the said rivers and the waters connecting the same in such a way as not to impair or impede navigation therein.

Crossing high-
ways.

15. The Company shall at each and every place where any of the said canals shall cross any highway or public road (unless exempted from the provisions of this section so far as any highway or public road is concerned by the municipality having jurisdiction over such highway or public road) construct and maintain to the satisfaction of the Governor in Council such bridges, tunnels, ferries, or other means of passage over or under the said canals, so that the public thoroughfare may be as little impeded as reasonably necessary, and the Company shall not in making the said canals cut through or interrupt the passage on any highway or public road until it shall have made a convenient road past its works for the use of the public; and for every day on which it neglects to comply with the requirements of this section the Company shall incur a penalty of one hundred dollars.

Penalty.

Breadth of
land on each
side of works.

16. 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 one thousand 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, or where flooding or drowning of land is unavoidable on account of the construction of dams.

17. 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.

Taking over of Government works.

18. Before the Company shall break ground or commence the construction of any of the canals or works hereby authorized, the plans, locations, dimensions, and all necessary particulars of such canals and other works hereby authorized shall have been submitted to and have received the approval of the Governor in Council.

Plans of works to be approved by Governor in Council.

19. The annual general meeting of the shareholders shall be held on the first Tuesday in February in each year.

Annual general meeting.

20. 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 five 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.

Directors.

2. The directors elected at the first meeting of shareholders shall hold office only until the first annual meeting of the Company.

21. 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 :

By-laws.

(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 authorized to be constructed or connected therewith, and for the governing of all persons and vessels passing through the said canals ; and

(h.)

(h.) For providing for the due management of the affairs of the Company in all respects whatever.

Issue of bonds.

22. The Company may issue and pledge or dispose of bonds, debentures or other securities as provided in *The Railway Act* to the extent of thirty million dollars.

Tolls may be charged.

23. The Company may from time to time ask, demand, take and recover to and for its own proper use, for all passengers and goods transported upon the said canals or vessels using the same, such tolls as the Company or its directors from time to time by by-law determine; and no tolls of any description shall be levied or taken upon the canals 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.

Approval of Governor in Council.

Tolls to be charged equally.

2. All tolls shall 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 canals.

Tolls, how fixed.

24. Every by-law fixing and regulating tolls with respect to the said canals and branches 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 particularizing 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.

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 vessel and cargo.

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 province 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.

Sale of unclaimed vessel and goods.

Disposal of proceeds.

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.

Disposal of unclaimed balance.

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.

Calculation of distance and of weight.

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

Draught to be marked on vessels.

Penalty for incorrect marks.

as an indictable offence 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 same are corrected, at the expense of her owner.

Measurement
of vessels.

34. Every owner or master of every vessel navigating the said canals or any of them shall permit the same to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the 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.

Powers of
officers of
Company.

Conveyance
of H. M.'s
mails, forces
and servants.

35. 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 re-
served to Par-
liament.

36. 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.

Grants in aid
of undertak-
ing.

37. The Company may receive in aid of the construction of the said canals or other works from any person or body corporate, municipal or politic, having power to grant the same any gift or grant of land, money, debentures, property, concession or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Lands to be
fenced.

38. The Company shall within six calendar months after any lands shall be taken for the use 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 its 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.

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.

Milestones
along canals.

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 to the Company and the other half to Her Majesty.

Obstructions
in canals, etc.

41. 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.

Vessels sunk
or grounded in
canals.

42. If any action or suit be brought or commenced against any person or the Company 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 twelve calendar months next after the act committed, or in case there shall be a continuation of damage, then within twelve calendar months next after the doing or committing such damage shall cease, and not otherwise.

Limitation of
actions.

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 and 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

Works may be
taken over by
Government.

the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company and a third arbitrator by the two arbitrators; and the arbitrators may in such valuation take into account the expenditure of the Company, its property, the business of the canals and other works hereby authorized, and its past, present and prospective business, with interest from the time of the investment thereof.

Time for construction limited.

44. If the construction of the canals hereby authorized to be constructed, or some of them, is not commenced and fifty thousand dollars are not expended thereon within two years after the passing of this Act, or if the said canals are not finished and put in operation within eight 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 remains uncompleted.

1888, c. 29.

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, 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 twenty, one hundred and twenty-one, one hundred and seventy-three to one hundred and seventy-seven inclusive, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-two 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 seventy-one to two hundred and seventy-four inclusive, two hundred and seventy-six to two hundred and ninety-seven inclusive, three hundred and six to three hundred and eight 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.

Interpretation.
"Railway."

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.

R.S.C., c. 118.

46. *The Companies Clauses Act* shall not apply to this Act or to the Company hereby incorporated.



57-58 VICTORIA.

CHAP. 104.

An Act to incorporate the St. Clair and Erie Ship Canal Company.

[Assented to 23rd July, 1894.]

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:—

1. The word “canal” wherever used in this Act shall mean “canal or navigation,” and shall, unless the context otherwise requires, include every kind of work necessary or done in respect of the canal for the purpose of carrying out the objects of this Act;

(a.) The word “land” wherever used in *The Railway Act* or in this Act, shall include land covered or partly covered by water;

(b.) The word “vessel” shall mean and include any steamships, boats or crafts, barges, boats, rafts, or vessels navigating or passing through the canal hereby authorized, or plying upon the lakes or rivers connecting therewith;

(c.) The word “goods” shall mean and include any goods, wares, merchandise and commodities of whatsoever description passing through the canal hereby authorized.

2. The works hereinafter authorized to be constructed are hereby declared to be works for the general advantage of Canada.

3. William C. Baxter and Winfred C. Porter, of the city of Minneapolis, in the state of Minnesota; L. Frank Lukens, of the city of Milwaukee, in the state of Wisconsin; Charles A. Towne, of the city of Duluth, in the said state of Minnesota; Edmund G. Arnot, of the city of Brooklyn, in the state of New York; D. Farrand Henry, of the city of Detroit, in the state of Michigan; David Tisdale, of the town of Simcoe, in

- the province of Ontario; and Hervey A. Olney, of Saltash, Cornwall, England, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The St. Clair and Erie Ship Canal Company," hereinafter called "the Company."
- Corporate name.
- Head office. **4.** The head office of the Company shall be at the city of Toronto, in the province of Ontario, or at such other place in Canada as the Company from time to time by by-law determines.
- Capital stock. **5.** The capital stock of the Company shall be two 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 five hundred thousand dollars of the amount of the capital stock have been subscribed and fifty thousand dollars 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 said city of Toronto 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 previous to the calling of such meeting, shall be deemed sufficient notice of such meeting.
- Notice.
- Powers. **8.** The Company may—
- (a.) lay out, construct, maintain and operate a canal from some point on Lake St. Clair, in the township of North Tilbury, in the county of Essex, or in the township of East Tilbury or of West Dover in the county of Kent, to some point on Lake Erie between Point Pelee and Rondeau Harbour, of such dimensions as to make and constitute a navigable channel of any depth not less than eighteen feet and of any width not less than seventy-two feet at the bottom of the said channel;
- (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 the said lakes, or from any rivers, creeks, reservoirs, cuttings, apparatus, appliances and machinery as may be desirable or necessary for the construction and operation of the said canal;

(c.) enter upon and take such lands as are necessary and proper for the making, preserving, and maintaining, and operating and using the canal and other works of the Company hereby authorized ; dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel, or sand or any other matters or things which may be dug or got in making the said intended canal 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 canal 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 canal or its connections ;

(e.) obtain, take and use, during the construction and operation of the said canal, from the rivers, lakes, brooks, streams, watercourses, reservoirs and other sources of water supply adjacent or near to said canal, water sufficient for the purposes of constructing, maintaining, operating and using the said canal and works hereby authorized, and sufficient to establish and maintain a current at the rate on the average of three miles per hour through the navigable channel of the canal ; and the Company shall in the exercise of the powers by this paragraph granted do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers, and such damage in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act* ;

(f.) construct, maintain, and operate by any motive power a double or single line of iron or of steel railway, of any gauge of not less than three feet, along or near the side or sides of the said canal, and construct, maintain and operate branch lines thereof, connecting all or any of the towns and villages within fifteen miles of the said canal in the said counties of Essex and Kent with the said canal ;

(g.) acquire, construct, maintain and operate, use or lease, or otherwise dispose of, terminals, harbours, wharfs, docks, piers, elevators, and warehouses, dry docks and other structures, and building and repairing yards, and all works incidental thereto, upon the said canal or upon lands adjoining or near the same ;

(h.) acquire, lay out and lease or otherwise dispose of water lots and land, and use, lease, sell, or otherwise dispose of water brought by or for the said canal or works but not requisite for the same ; construct, maintain and operate works for and produce hydraulic, electric, natural gas, steam and other power, and sell, lease, supply and otherwise dispose of light, heat and power from the same, and propel vessels in and through the

said canal by the same or any kind of force, and sell, lease or otherwise dispose of the said works or any of them ;

(i.) purchase, construct, complete, fit out, charter, and repair, sell, dispose of, work and control vessels to ply on the said canal and the lakes, rivers, and canals connecting therewith, and also make arrangements and agreements with vessel proprietors by chartering or otherwise to ply upon the said canal, lakes, rivers and canals ;

(j.) acquire by license, purchase or otherwise, the right to use any patented invention for the purposes of the works hereby authorized and again dispose of the same ;

(k.) construct, make and do all such matters and things whatsoever necessary or proper for the making, completing and properly maintaining and operating the said canal, and carrying out in other respects the objects in this section mentioned, subject, however, to all the provisions of this Act.

Telegraph and telephone lines.

9. The Company may construct, equip, operate and maintain, telegraph and telephone lines and electric lines or wires or pipes for the purpose of conveying or transmitting messages, light, power or heat along the whole length of the said canal and its approaches and from and between the said canal and all or any of the towns and villages in the said counties, 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.

Company may enter upon public roads.

10. 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 and electric lines or wires 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 electric lines or wires, and may stretch wires and other telegraphic and telephonic and electric contrivances thereon ; and, as often as the Company, their agents, officers or workmen think proper, may break up and open any part 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 break up roads, etc.

Travel not to be obstructed.

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges

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 ;

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more than one line of poles along any street or road without the consent of the municipal council having jurisdiction over the roads or streets of the municipality ;

Height of wires, etc.

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

Kind of poles.

(d.) Whenever, in case of fire, it becomes necessary for its extinction or in the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred ;

Cutting poles or wires in case of fire.

(e.) The Company shall be responsible for all damage which their agents, servants or workmen cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized ;

Liability for damages.

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

As to trees.

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or other official as the council appoints, and shall be done in such manner as the council directs ; the council may also direct and designate the places where the poles are to be erected in such municipality ; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company ;

Approval of municipality.

(h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns, or incorporated villages, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Company may be required to carry wires under ground.

(i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to wear badges.

(j.) Nothing herein contained shall be deemed to authorize the Company, 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 saved.

Temporary removal of lines in certain cases.

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

Notice to the company.

Working arrangements with other companies.

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

Crossing of drains and watercourses.

12. The Company shall make due provision for, take care and dispose of, all water and drainage, to the extent to which it disturbs or interferes therewith, whether from artificial drains, natural streams or watercourses, which drains, natural streams or watercourses the said canal crosses, touches or interferes with and which are in existence at the time of the construction of the said canal.

Settlement of disputes.

2. All subsequent questions, disputes or complaints as to the construction of new drains and as to the alteration, enlargement and change of existing drains and of natural streams or watercourses, and as to who shall make such alteration, enlargement and change, and by whom the expense thereof shall be paid, and also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next preceding subsection, shall be inquired into, heard and determined by the Railway Committee of the Privy Council in the same manner as is provided for other matters to be inquired into, heard and determined by the said Committee under *The Railway Act*.

Arbitration in case of disagreements.

13. When the Company and the owners or occupiers of private property entered upon cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured thereby, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act* so far as the same may be applicable;

2. In this section and in sections eight and ten the expression "lands" means the lands the acquiring, taking or using of which is incident to the exercise of the powers given by this Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure.

Interpretation.

"Lands."

14. In case of any accident requiring immediate repair on the said canal or any part thereof, the Company, their agents or workmen may enter upon the adjoining land (not being an orchard or garden) 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*; but before entering upon any land for the purposes aforesaid, the Company shall, in case the consent of the owner is not obtained thereto, pay into the office of one of the superior courts for the province of Ontario, such sum with interest thereon for six months as is fixed, on the *ex parte* application of the Company, by a judge of the county court in which such lands are situate.

Urgent repairs to works.

15. The Company may open, cut and erect such ponds and basins for the laying up and turning of vessels using the said canal, and at such points thereon as they deem expedient, and may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing of 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.

Basins, docks, etc.

16. The Company shall at each and every place where the said canal crosses any railway, highway, or public road, (unless exempted from the provisions of this section, as far as any highway or public road is concerned, by the municipality having jurisdiction over such highway or public road) construct and maintain to the satisfaction of the Governor in Council bridges for passage over the said canal, so that the public thoroughfare or railway may be as little impeded as reasonably may be; and the Company shall not in making the said canal cut through or interrupt the passage on any highway or public road until they 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 one hundred dollars.

Crossing high-ways.

Penalty.

17. The land, ground or property to be taken or used without the consent of the proprietors for the said canal and works,

Breadth of land on each side of works

and the ditches, drains and fences to separate the same from the adjoining lands, shall not together exceed one thousand feet in breadth, except in places where basins and other works are required to be cut or made as necessary parts of the canal as shown on the plan to be approved as hereinafter provided by the Governor in Council.

Plans of works to be approved by Governor in Council.

18. Before the Company breaks ground or commences the construction of the canal or any of the works hereby authorized, the plans, locations, dimensions, and all necessary particulars of the canal and other works, including a guard lock or gate at the Lake St. Clair entrance of the said canal, shall be submitted to and receive the approval of the Governor in Council.

Annual meeting.

19. The annual general meeting of the shareholders shall be held on the first Tuesday in February in each year.

Directors.

20. 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 five persons to be directors of the Company, each of whom shall hold at least twenty shares of the capital stock of the Company, the majority of whom shall form a quorum, and one or more of whom may be paid directors of the Company.

Notice of meetings.

2. The directors elected at the first meeting of shareholders shall hold office only until the first annual meeting of the Company.

By-laws.

21. In addition to the general powers to make by-laws under *The Railway Act*, the Company may, subject to the approval of the Governor in Council, make by-laws, rules or regulations for the following purposes, that is to say:

(a.) For regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled;

(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 canal;

(f.) For regulating the conduct of the officers, servants, and employees of the Company;

(g.) For the maintaining, preserving and using the canal and all other works hereby authorized to be constructed or connected therewith, and for the governing of all persons and vessels passing through the said canal; and

(h.) For providing for the due management of the affairs of the Company in all respects.

22. The Company may issue and pledge or dispose of bonds, debentures or other securities as provided in *The Railway Act*, to the extent in all of five million dollars, and may issue such bonds, debentures or other such securities, in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued and which shall be described in the mortgage deed made to secure the same.

Issue of bonds.

23. The Company may from time to time ask, demand, take and recover to and for their own proper use, for all passengers and goods transported upon the said canal or vessels using the same, such tolls as the Company or its directors from time to time by by-law determine; and no tolls of any description shall be levied or taken upon the said canal, 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.

Tolls may be charged.

2. All tolls shall 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 canal.

To be charged equally.

24. Every by-law fixing and regulating tolls with respect to the said canal 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.

Tolls, how fixed.

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 particularizing the price or sum of money to be charged or taken.

Tariff to be posted up.

Tolls, how levied.

26. Such tolls shall be paid to such persons and at such places near to the canal, 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; and the agents or servants of the Company may seize the vessel or goods for or with respect to which 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 by public auction 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 goods.

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 province 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.

31. In default of such balance being claimed before the expiration of the time last aforesaid, it 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.

Disposal of unclaimed balance.

Calculation of distance and of weight.

32. In all cases where there is a fraction of a mile in the distance which vessels, rafts, goods, wares, merchandise or other commodities or passengers shall be conveyed or transported on the said canal, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and in all cases where there is a fraction of a ton in the weight of any such goods, wares, merchandise and other commodities,

a proportion of the said 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 is a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

33. Every vessel using the said canal 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 mis-statement of such figures so as to mislead the officers of the Company as to any vessel's true draught shall be punishable as an indictable offence 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 are found, until the same are corrected at the expense of her owner.

Draught to be marked on vessels.

Penalty for incorrect marks.

34. Every owner or master of a vessel navigating the said canal shall permit it to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the said canal, and his decision shall be final with respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel using the said canal; 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.

Measurement of vessels.

Powers of officers of company.

35. The Company shall at all times when thereunto required by the Postmaster General 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 canal, on such terms and conditions and under such regulations as the Governor in Council appoints and declares.

Conveyance of H. M.'s mails, forces and servants.

36. The Company may receive in aid of the construction of the said canal or other works from any person or body corporate, municipal or politic having power to grant the same any gift or grant of land, money, debentures, property, concession or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of any such conditions or with respect thereto.

Grants in aid of undertaking.

37. Any enactments which the Parliament of Canada hereafter deems it expedient to make, or any order which the Governor in Council deems it expedient to pass, with regard to the exclusive use of the canal by the Government at any

Power reserved to Parliament.

any time, or the carriage of Her Majesty's mails or Her Majesty's forces and other persons or articles, or the rates to be paid for carrying the same, or in any way respecting the use of any electric telegraph or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges conferred by this Act.

Lands to be fenced.

38. The Company shall within six months after any lands shall be taken for the use of the said canal 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 kind of fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds purchased by, conveyed to, or vested in the Company as aforesaid, and shall at their own cost and charges from time to time maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Milestones along canals.

39. So soon as conveniently may be after the said canal is completed, the Company shall cause it to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distances, to be erected and maintained at distances convenient from each other.

Obstructions in canals, etc.

40. Every person who obstructs, interrupts or impedes the navigation of the said canal, 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 to the Company and the other half to Her Majesty.

Removal of sunken vessels.

41. If any vessel is sunk or grounded in any part of the said canal or in any approach thereto, and if the owner or master thereof neglects or refuses to remove it forthwith, the Company may forthwith proceed to have it raised or removed, and may retain possession of it until the charges and expenses necessarily incurred by the Company in so raising and removing it are paid and satisfied; and the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel.

Limitation of actions for damages.

42. All actions or suits for indemnity for any damages or injury sustained by reason of the railway, canal, or other works authorized by this Act, 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 or committing of such damage ceases, and not after-

wards; and the defendants may plead the general issue and give *The Railway Act* and this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of *The Railway Act* or of this Act. Defence.

43. Her Majesty, her heirs and successors, may at any time assume the possession and property of the said canal and works, and of all the rights, privileges and advantages of the Company, all of which shall after such assumption be vested in Her Majesty, her heirs and successors, on giving to the 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; and the arbitrators may in such valuation take into account the expenditure of the Company, its property, the business of the canal and other works hereby authorized, and their past, present and prospective business, with interest from the time of the investment thereof. Works may be taken over by Government.
Arbitration.

44. If the construction of the canal hereby authorized to be constructed is not commenced within two years after the passing of this Act, or if the said canal is not finished and put in operation within five 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 canal as then remains uncompleted. Time for construction limited.

45. *The Railway Act* shall apply to the exercise of the powers conferred on the Company under the provisions of paragraph (f) of section eight of this Act. 1888, c. 29.

46. *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, 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 twenty, one hundred and twenty-one, one hundred and seventy-three to one hundred and seventy-seven inclusive, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-two 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, two hundred and seventy-one to two hundred and seventy-four inclusive, two hundred and seventy-six to two hundred and ninety-seven inclusive, and three hundred and six to three hundred and eight inclusive, apply to the Company, and to the canal and works of the Company, except the railways authorized under the provisions of paragraph (f) of section eight of this 1888, c. 29.

Act, to which railways the whole of *The Railway Act* shall apply; 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.

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, mean the "canal or other works" hereby authorized to be constructed.

R.S.C., c. 118. **47.** *The Companies Clauses Act* shall not apply to this Act or to the Company.

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57-58 VICTORIA.

CHAP. 105.

An Act respecting the Richelieu and Ontario Navigation Company.

[Assented to 23rd July, 1894.]

WHIEREAS the Richelieu and Ontario Navigation Company Preamble. has, by its petition, prayed that an Act be passed to confer on the Company additional bonding and other powers as 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:—

1. The Richelieu and Ontario Navigation Company, hereinafter called “the Company,” may issue bonds or debentures to the amount of six hundred thousand dollars, redeemable within thirty years from the date thereof, and bearing interest at a rate not exceeding six per cent per annum, payable semi-annually: Provided, that such bonds or debentures shall not be issued until a majority of two-thirds of the shareholders present or represented at a special general meeting thereof duly convened for the purpose, have expressed their assent thereto,—at which meeting a majority in amount of the shareholders of the Company are present in person or represented by proxy. Bonding powers. Sanction of the shareholders.

2. Such bonds shall not be issued until those which have already been issued by the Company have been redeemed, or until the Company has deposited in a chartered bank in the city of Montreal an amount sufficient to redeem such bonds, upon trust that the amount so deposited shall be retained by such bank for the redemption of such bonds; and in proportion as such bonds are redeemed, the amount so deposited may be withdrawn by the Company. Conditions of issue of bonds.

3. The Company may secure and guarantee the payment of the said bonds to the amount of six hundred thousand dollars, by mortgaging, or by transferring in trust to trustees appointed for that purpose by the shareholders at the special general meeting referred to in section one of this Act, all or any Security or payment of bonds.

of the steamboats belonging to the Company, and also by transferring to or mortgaging to or in favour of the said trustees all or any portion of the real estate belonging to the Company situated in Montreal, Quebec or elsewhere.

Number of
directors.

4. The board of directors shall in future be composed of not less than five and not more than eleven directors, the majority of whom shall be British subjects resident in Canada.

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most Excellent Majesty.



57-58 VICTORIA.

CHAP. 106.

An Act respecting the Calgary Irrigation Company.

[Assented to 23rd July, 1894.]

WHEREAS the Calgary Irrigation Company, incorporated Preamble.
by chapter seventy-one of the Statutes of 1893, has by its petition represented that the provisional directors named in the said Act, having procured subscriptions exceeding twenty-five per cent of the capital stock of the said Company and received an amount exceeding ten per cent thereon which was duly deposited in the office of a chartered bank of Canada to the credit of the said Company, did proceed with the completion of the plans of the proposed works and the construction of the same and acquired certain privileges with respect to lands required by the Company for its purposes as provided in the said Act, and in so doing expended the moneys of the Company without calling a meeting of the shareholders in the terms of *The Railway Act* in that behalf, and that such meeting has since been held at which all the shareholders of the Company were represented, and unanimously ratified and adopted all the actions and proceedings of the provisional directors, as well as a certain agreement made with the promoters and others in settlement of their claims against the Company, and providing for additional subscriptions of the stock of the Company; and whereas doubts have been expressed as to the validity of such actions and agreement, and the Company has by its petition prayed that such doubts be removed and that the said Act be amended in certain respects; and it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement bearing date the fifth day of March, one thousand eight hundred and ninety-four, made between the Company and Peter Turner Bone and others, and filed in the office of the Secretary of State on the nineteenth day of March, one thousand eight hundred and ninety-four, and which was duly ratified at the meeting of the shareholders held on the said fifth day of March, one thousand eight hundred and ninety-four, is hereby confirmed and declared to be valid and binding to all intents and purposes.

Proceedings
and agree-
ment confirm-
ed.

1893, c. 71, s.
4 amended.

2. Section four of the Act incorporating the Company, being chapter seventy-one of the Statutes of 1893, is hereby amended by adding at the end thereof the words " provided however that the directors may, so soon as the whole of the said amount has been subscribed and fifty per cent paid up thereon, increase the capital by by-law to a sum not exceeding two hundred thousand dollars."

Section 6
amended.

3. Section six of the said Act is hereby amended by striking out the words " three persons " in the second line thereof and substituting the words " not less than three and not more than five persons."

Section 7
amended.

4. Section seven of the said Act is hereby amended by adding after the word " water " in the third line thereof the words " or power " ; and paragraphs (a) and (b) of the said section are hereby repealed and the following substituted in lieu thereof :—

" (a.) excavate, construct, maintain and operate an irrigation ditch or ditches, canal or canals, from some point or points on the Elbow River or the Bow River, or both, or on the tributaries thereof, in townships twenty to twenty-six inclusive between ranges one and nine both inclusive west of the fifth initial meridian, to any lands which are sufficiently low to enable water to be applied thereon for irrigation purposes, and for the purpose of supplying water and developing water power so long as the use of the said water for such power does not interfere with its use for irrigation purposes ; and may excavate, construct, maintain, lay and operate all cross or branch ditches, canals, flumes, pipes, aqueducts or other works necessary for all or any of such purposes ; and may transmit such power by electricity or otherwise ;

" (b.) construct works in and draw off the waters of the above named rivers or tributaries or any natural streams of water intercepted by any ditch, canal, or other work by this Act authorized to be constructed for the purposes of the Company ; and discharge into and conduct along any natural channel or watercourse any quantity of water so drawn off, and afterwards draw off the same from any such natural channels or watercourses."

Section 7 fur-
ther amended.

5. Paragraph (d) of the said section seven is hereby amended by substituting the word " fifteen " for the word " ten " in the second line thereof.

Section 7 fur-
ther amended.

6. Paragraph (f) of the said section seven is hereby amended by adding the following words at the end thereof : " And the Company may dispose of the said water power by sale or lease or otherwise on such terms as may be arranged, or use the same for any purpose of the Company."

7. The Company shall, in the exercise of the powers granted it under the provisions of the said section seven, as amended by this Act, do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers and for which they are entitled to compensation.

Compensation for damages.

8. Section eleven of the said Act is hereby repealed and the following substituted therefor:—

Section 11 repealed.

“**11.** The Company may issue bonds or debentures to the amount of forty thousand dollars and for any further sum not exceeding double the amount of its capital stock paid up in excess of twenty thousand dollars.”

Issue of bonds.

9. Section fourteen of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the said works and the works hereby authorized shall be completed within ten years from the passing hereof, otherwise the powers conferred by the said Act and this Act shall cease and be null and void as respects so much of the said works as then remain uncompleted.

Section 14 repealed.

Time for construction.

10. Section fifteen of the said Act is hereby repealed and the following substituted therefor:—

Section 15 repealed.

“**15.** Any general Act passed by the Parliament of Canada and in force from time to time respecting irrigation, shall apply, and the powers, regulations and restrictions therein contained shall extend, to this Company and its undertaking as if the same were incorporated herewith.”

General Irrigation Act.

11. The Company may, for the purposes of its undertaking, construct, acquire and operate a line or lines of telegraph or telephone.

Telegraph and telephone lines.

12. Paragraph (b) of section sixteen of the said Act is hereby repealed and the following substituted therefor:—

Section 16 amended.

“(b.) Wherever in *The Railway Act* the expression ‘railway’ occurs it shall, unless the context otherwise requires, in so far as the said Act applies to the provisions of this Act or to the Company hereby incorporated, mean the canal or ditch or other works hereby authorized to be constructed.”

“Railway” defined.

13. The directors may (by by-law) appoint one or more of their number as paid officer or officers of the Company.

Paid officers.

14. Should the shareholders of the Company resolve that the interest of the Company would be best promoted by enabling one or more of the directors to act for the Company in any particular matter or matters, its shall be lawful for the directors after such resolution to confer such power on one or more of their number.

Directors may act for company.





57-58 VICTORIA.

CHAP. 107.

An Act to incorporate the French River Boom Company (Limited).

[Assented to 23rd July, 1894.]

WHEREAS the persons hereinafter named have by their Preamble. petition prayed for the incorporation of themselves and others as a company under the name of "The French River Boom Company (Limited)," 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:—

1. Herman Henry Cook, John Waldie, James Scott, of the city of Toronto, William Irwin, of the town of Peterborough, in the province of Ontario, Temple Emery, of Bay City, Michigan, one of the United States, Frank R. Potter, of Saginaw, in the said state of Michigan, Arthur H. Fleming, of Detroit, in the same state, Joseph Turner, of Bay City, in the same state, Spencer O. Fisher, of West Bay City, in the same state, Albert Pack, of Alpena, in the same state, William J. Shepherd, of Orillia, in the province of Ontario, George McCormack, of the same province, James L. Burton, of the town of Barrie, in the same province, Charles Beck, of the town of Penetanguishene, in the same province, and George J. Cook, of the said city of Toronto, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The French River Boom Company (Limited)," hereinafter called "the Company." Incorporation. Corporate name.

2. The head office of the Company shall be at the city of Toronto or at such other place in Canada as the Company may from time to time by by-law determine. Head office.

3. The capital stock of the Company shall be fifty thousand dollars divided into one thousand shares of fifty dollars each, and shall be allotted between the above named Canadian and American Capital stock.

American shareholders as follows: to the Canadian shareholders, six hundred shares, and to the American shareholders, four hundred shares; provided always, that at no time shall more than two-fifths of the capital stock of the Company be held directly or indirectly by aliens or persons resident outside of Canada.

Powers.

4. The Company may, upon payment of compensation to any person injured thereby,—

(a.) purchase or acquire, construct, attach to the shores and maintain booms, dams, piers, slides, wharfs or other works necessary to facilitate the transmission of timber, lumber and saw-logs from a point known as Kidd's Landing on the French River, or from the forks of the Wahnapiatae River immediately above Wahnapiatae Island, or from the point where the main French River enters LeBœuf Lake, or from the point where any branch of French River or any of its tributaries enters the said lake, down the said French or Wahnapiatae Rivers or the said tributaries and down or across the said lake and down any of the several mouths of the said French River to the Georgian Bay;

(b.) blast rock and remove shoals or other impediments, and otherwise improve the navigation of the said waters;

(c.) collect, save, sort, boom, raft, tow and transmit lumber, timber and saw-logs in the French and Wahnapiatae Rivers, and their tributaries, and in LeBœuf Lake, and deliver the same as the owners thereof shall have directed into booms by them provided, either at the mills situate on the said waters, or in the Georgian Bay at the several mouths of the said French River accessible to lake tugs, and levy and collect reasonable tolls, dues and charges therefor;

(d.) build, acquire, charter, use and dispose of steamers, tugs, boats, barges and other vessels and carry and transport upon the said waters supplies, provisions and men for carrying on the operations of the Company, and for getting out the lumber, timber and saw-logs on the waters tributary to the said French River, and further carry on upon the said waters the business of common carriers and forwarders and the conveyance and transportation of freight, merchandise and passengers;

(e.) purchase or otherwise acquire, construct, maintain and operate such store-houses and other works and buildings as may be required for the purpose of carrying on the operations of the Company and the attainment of the objects aforesaid.

Approval of
Governor in
Council.

5. The Company shall at whatever point on the shores of the said waters, or islands in the said waters, where it determines it necessary to attach the said booms or construct the said piers or other works, first obtain the formal approval of the Governor in Council of its selection of such point or points and of the locations of the said booms, piers and other works, and may then acquire by purchase, lease, or otherwise at each of such points a parcel of land suitable for its purposes.

6. Before the Company proceeds with the construction of its booms, piers and works, and of any future alterations or enlargements thereof, plans of the same and of any such proposed amendment thereof shall be made and submitted to and approved of by the Minister of Public Works.

Plans to be submitted to Minister of Public Works.

7. Wherever a boom is permitted to be placed in such a position as to in any way interfere with the channel, the Company shall provide at its own cost and expense a sufficient number of men and there station them for the purpose of opening and closing the trip of the boom, which said trip shall be of such width as is determined from time to time by the Minister of Public Works, and the same shall be opened promptly and so as to cause no delay, and the necessary steps shall be taken for keeping the channel clear for the passage of vessels, saw-logs and rafts; and, in addition to any claims against the Company for damages, any officer or servant of the Company in charge of such boom who neglects to carry out the provisions of this section, shall be liable to a penalty not exceeding thirty dollars, which may be recovered before any justice of the peace in a summary manner.

Opening and closing of boom.

Penalty for contravention.

8. A tariff for all dues and charges which by this Act the Company is entitled to exact, shall, before being imposed, be first approved of by the Governor in Council and published in the *Canada Gazette*, and in at least one newspaper in the district of Parry Sound; and the Governor in Council may, from time to time, alter and amend such tariff of dues and charges; and no discrimination or preference in the passage of any of the said booms, or in tariff rates, or in towage shall be made in favour of or against the logs of any persons passing through any of the said booms; and in fixing any rate or toll the Company shall not make any unjust or partial discrimination between different localities or persons.

Tariff of dues and charges.

9. If any saw-logs, lumber or timber remain in the possession of the Company, and the said tolls, dues and charges are not paid to the Company within ten weeks from such time as the Company is ready to make and tenders delivery, the Company may, after giving two months' notice by registered letter addressed to the last known address of the owner and shipper of such saw-logs, lumber or timber, sell by public auction the whole or any part of such lumber, saw-logs or timber, and out of the money arising from such sale, retain the tolls, dues and charges payable thereon, and all charges of such detention and sale, rendering the surplus, if any, or such of the saw-logs, lumber or timber as remain unsold, to the person entitled thereto.

Sale of logs, etc., for tolls.

10. The Company may demand from the owner of any saw-logs, lumber or timber, intended to be passed through the works

Statement quantity logs, etc

works of the Company, or from the person in charge of the same, a written statement of the quantity of saw-logs and of each kind of timber and lumber, and the timber marks thereon, and of the destination of the same.

Tolls on logs,
etc.

11. The Company may demand and receive the lawful toll upon all saw-logs, lumber and timber which have been boomed, driven, rafted or towed by the Company, or which may have come through or over any of the works of the Company ; and the Company, by its servants, shall, provided no delay is caused thereby in the transmission thereof, have free access to all such saw-logs, lumber and timber for the purpose of measuring and counting the same.

Borrowing
powers.

12. The Company may borrow money for the purpose of its business, and become a party to bills of exchange and promissory notes therefor, for sums not less than one hundred dollars, either as maker, endorser, drawer, acceptor or holder : 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.

No note to be
payable to
bearer.

Provisional
directors.

13. The first seven persons named 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 to 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 only of the Company ; provided that at all times hereafter and so long as there are seven directors of the Company, four shall be chosen from the Canadian shareholders and three from the American shareholders, and that if at any time the number of directors of the Company is reduced to five then three of the said directors shall be Canadian and two of them American shareholders.

As to Ameri-
can directors.

First meeting
of sharehold-
ers.

14. So soon as twenty-five thousand dollars of the capital stock has been subscribed and five thousand dollars *bonâ fide* paid thereon and deposited in one of the chartered banks of Canada to the credit of the Company, and which shall not be withdrawn except for the purposes of the Company, the provisional directors or a majority of them shall call a meeting of the shareholders of the Company at such time and place as they think proper, giving at least three weeks' 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 at Toronto aforesaid, by registered letter to the address of each shareholder as registered in the books of the Company, not less than ten days previously,—at which meeting the shareholders shall elect seven directors.

15. The directors of the Company, under the authority of the shareholders to them given at any annual or special general meeting called for the purpose in the manner mentioned in section fourteen of this Act, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company and who have paid all calls due thereon, may issue debentures for sums of not less than one hundred dollars each, signed by the president and countersigned by the treasurer and not exceeding in the whole the paid-up capital stock of the Company,—which debentures may be secured by mortgage on the works of the Company and tolls thereon.

Issue of debentures.

16. Whenever it is found expedient for the public service or to be for the general advantage of Canada the Governor in Council may declare the Company dissolved, and may declare all the works of the Company to vest in the Crown, upon payment to the Company of the actual value of the works, to be decided by arbitrators, one of whom shall be appointed by the Minister of Public Works and one by the Company; and if they do not agree upon the award, the judge of the Exchequer Court of Canada shall appoint the third arbitrator: Provided always, that in no case shall the actual value exceed the actual cost of the works.

Expropriation of the works of the company.

17. The existence of the Company shall be limited to a term of ten years from the first day of January, one thousand eight hundred and ninety-five.

Company's existence limited.

18. Section eighteen of *The Companies Clauses Act* shall not apply to the Company.

R.S.C., c. 11 .

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57-58 VICTORIA.

CHAP. 108.

An Act respecting the Bell Telephone Company of Canada.

[Assented to 23rd July, 1894.]

WHEREAS the Bell Telephone Company of Canada has by Preamble its petition represented that it is desirous of increasing its borrowing 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:—

1. Notwithstanding the provisions of the Act incorporating the Bell Telephone Company of Canada, and of the Acts in amendment thereof, the directors of the Company 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, present or represented at a special general meeting duly called for the purpose of considering such by-law, issue bonds or debentures from time to time to the amount of seventy-five per cent of its actual paid-up capital stock.

Bond issue limited.
1880, c. 67;
1882, c. 95;
1884, c. 88;
1892, c. 67.

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57-58 VICTORIA.

CHAP. 109.

An Act respecting the Chaudière Electric Light and Power Company (Limited).

[Assented to 23rd July, 1894.]

WHEREAS a petition has been presented by the Chaudière Electric Light and Power Company (Limited) representing that the Company was duly incorporated by letters patent under *The Companies Act* and letters patent supplementary thereto, for the purpose of producing and supplying electricity or electric current for light, heat and fuel and for the other purposes in said letters patent mentioned, under which powers it has carried on and is still carrying on business, and praying for the passing of an Act with the provisions hereinafter contained, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Company may purchase, lease or otherwise acquire and take over in whole or in part, upon such terms as may be agreed upon with the other companies hereinafter mentioned respectively, and may thereafter hold, exercise and enjoy the business, franchises, undertaking, property, rights, powers, privileges and assets or any of them of the Ottawa Electric Light Company, hereinafter called the "Ottawa Company," and of the Standard Electric Company of Ottawa (Limited), hereinafter called the "Standard Company," or of either of the said companies, and may pay the consideration therefor either wholly or partly in cash or wholly or partly in capital stock of the Company paid up or partly paid up or issued as wholly or partly paid up and whether subscribed for or not, or wholly or partly in debentures of the Company or otherwise, as is agreed upon; or may, upon such terms as are agreed upon between them respectively, enter into and carry out any arrangement with either or both of such other companies for the working or carrying on by the Company of the business of either or both of such other companies; and in the event of such purchase, lease or other mode of acquirement or working arrangement being entered into, may also undertake, assume, pay or

Arrangements
with other
companies.

guarantee

guarantee all or any of the obligations, liabilities, contracts and engagements of the Ottawa Company and the Standard Company or of either of them, or affecting the assets and property of said companies or of either of them; and may also subscribe for, purchase or otherwise acquire, and may hold and dispose of, the shares, debentures or other securities of said companies or either of them in connection with any transaction entered into with the said other companies, or either of them, under this section.

Issue of paid-up stock.

2. The directors of the Company may, out of its present authorized capital stock of one million dollars, make and issue as paid-up stock shares in the Company, whether subscribed for or not and whether paid up or not, and may allot and hand over such shares to such other companies or either of them or to the shareholders of them or of either of them respectively, as the case may be, in payment or in part payment of the consideration payable by the Company with respect to any purchase, lease or other acquirement or arrangement referred to in the last preceding section; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Sale, etc., of company's business.

3. The Company may, upon such terms as are agreed upon, sell, lease or otherwise dispose of in whole or in part its business, franchises, undertaking, property, rights, powers, privileges and assets to any company now authorized or which shall hereafter be authorized to carry on in the city of Ottawa any business which the Company is authorized to carry on; and the Company or its shareholders may receive and accept in payment therefor shares wholly or partly paid up in the capital stock of such other company, or issued as wholly or partly paid up, whether subscribed for or not, or partly or wholly in cash or in debentures of such other company, or otherwise, as is agreed upon between them; or the Company may, upon such terms as may be agreed upon between them, amalgamate with such other companies or enter into and carry out any arrangements with any such other company for the working or carrying on by such other company of the business of the Company.

Sanction of shareholders.

4. No such sale, lease, purchase or other transaction mentioned in the first and third sections hereof shall be valid unless and until the same has been sanctioned by two-thirds of the votes at a special general meeting of the shareholders of the Company duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock of the Company are present in person or represented by proxy.

Price of electric light not to be increased.

5. After such purchase, lease or other acquirement or working arrangement as aforesaid is entered into, the Company shall not, without the consent by law or otherwise of the municipality

municipality of the city of Ottawa or of the city of Hull, respectively, as the case may be, increase the ordinary prices or rates charged by the Company for electric light in the city of Ottawa or in the city of Hull, respectively, at the time of such purchase, lease or other acquirement or working arrangement is entered into.

6. 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 fifty per cent of 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, or its equivalent in sterling money, 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.

Borrowing
and bonding
powers.

7. In the event of a sale or other absolute transfer of the business, franchises, undertaking, property, rights, powers, privileges and assets of the Company being made to any other company under the authority of this Act, the Company shall no longer thereafter exercise its corporate powers or make use of its corporate name, for any purpose whatever, except for the purpose of supporting and carrying into effect the said sale or other absolute transfer and of winding up its affairs, and the affairs of the Company may thereafter be wound up under *The Winding-up Act*, the provisions whereof in such event are hereby declared to be applicable to the Company notwithstanding that the Company be not then insolvent within the meaning of *The Winding-up Act*,—such winding-up proceedings to be taken on the petition of the Company or of any shareholder, or on the application of any creditor of the Company.

Winding up
of company in
event of sale
of its business.

R.S.C., c. 129.

8. Nothing herein contained shall be held to annul or impair the agreements, if any, of the said original companies with the corporation of the city of Ottawa, or the by-laws of the said corporation referring to the said companies,—which agreements, if any, and by-laws shall remain valid and binding on the said companies and on the said corporation, except in so far as the same are varied or rescinded by any subsequent agreements between the said parties.

Validity of
agreements
and by-laws.



57-58 VICTORIA.

CHAP. 110.

An Act to incorporate the Dominion Gas and Electric Company.

[Assented to 23rd July, 1894.]

WHEREAS a petition has been presented praying for the Preamble.
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:—

1. John Henry Munson, William Whyte, George Huestis Incorporation.
Campbell, and George William Allan, all of the city of Win-
nipeg, and William McKenzie, of the city of Toronto, together
with such persons as become shareholders in the Company
hereby incorporated, are hereby constituted a body corporate
under the name of "The Dominion Gas and Electric Company," Corporate name.
hereinafter called "the Company."

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

3. The persons named in the first section of this Act shall Provisional directors.
be the provisional directors of the Company, four of whom
shall form a quorum, and they may open stock books and pro-
cure 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.

4. The capital stock of the Company shall be five hundred Capital stock.
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.

5. So soon as fifty per cent of the amount of the capital stock First meeting of shareholders.
has been subscribed and twenty per cent on such subscribed
stock paid into one of the chartered banks of Canada, the pro-
visional

Notice.

visional directors or a majority of them shall call a general meeting of the shareholders to be held at the city of Winnipeg, or such other place as they may determine, for the purpose of electing the first directors of the Company; and notice shall be given at least ten days previously thereto by 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 fifteen days previously to the holding of such meeting.

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-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 directors shall form a quorum, and one or more of them 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, within the province of Manitoba, and in the North-west Territories, and at the towns of Port Arthur, Fort William and Rat Portage in the province of Ontario—

(a.) produce, manufacture, supply, sell and dispose of gas and electricity, 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, motors, 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 same in any manner that the directors deem advisable; and also manufacture, construct and erect, deal in, lease and hire, and sell and dispose of gas and electric plants, apparatus, appliances and machinery;

(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 gas or electricity, or any of the uses to which either is or may be put;

(d.) with the consent of the shareholders of the Company, as shown by a resolution passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, acquire by purchase, lease or otherwise, and operate the works, stock, property, franchises, assets and business of any other person, or city, town, municipality or unincorporated town or village, or any company which now exists or which may hereafter exist, authorized to carry on any business comprised in the objects in this Act mentioned, and pay therefor in capital stock of the Company issued as fully paid up and unassessable or debentures of the Company or in money; or enter into any arrangement with any such other person or city, town, municipality or unincorporated town or village, or any such company, for the working or carrying on by the Company of the business hereinbefore mentioned of such other person or city, town or municipality or any such company, and, in connection therewith, for assuming the liabilities of such other person, or city, town, municipality or unincorporated town or village, or any such company, in respect thereto, and thereafter subscribe for, purchase or otherwise acquire and hold or dispose of the whole or any part of the shares, debentures and securities of any other person, city, town, municipality, unincorporated town or village, or any such company, with whom the Company has entered into any arrangement or contract under the provisions of this paragraph.

9. With the consent, expressed by by-law, of the municipal council having jurisdiction over the roads and streets of any city, town, municipality or unincorporated town or village, within the territorial limits set forth in the next preceding section, and subject to the limitations hereinafter set forth and to such regulations and terms as are agreed upon between the council of any such city, town, municipality or unincorporated town or village, 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, municipality or unincorporated town or village, 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 or watercourses in any such city, town, municipality or unincorporated town or village, and supply electric current thereby; and may, by its servants, agents and workmen, enter upon any street, public road, public bridge, watercourse or highway, in any city, town, municipality or unincorporated town or village, for the purpose of laying and maintaining such pipes, and erecting and maintaining its wires

Laying of gas-pipes, erection of lines, &c.

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, may break up and open any part of the said roads, streets, highways or watercourses.

Travel, etc.,
not to be ob-
structed.

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building ;

Height of
wires, etc.

(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 in the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred ;

Liability for
damage.

(e.) The Company shall be responsible for all damage which its agents, servants or workmen cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized ;

As to trees.

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

Approval of
municipality.

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or other official as the council appoints, and shall be done in such manner as the council directs ; the council may also direct and designate the places where the poles are to be erected in such municipality ; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company ;

Workmen to
wear badges.

(h.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified ;

Private rights
saved.

(i.) 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 ;

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

Temporary removal of lines in certain cases.

Notice to the company.

10. 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 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 seventy-five per cent of the 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.

Borrowing powers.

11. 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 to an amount not exceeding one million dollars, by a resolution of the shareholders passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present in person or represented by proxy, at a special general meeting of the shareholders duly called for considering the same, and such increased capital stock may be issued and shall be dealt with in the same manner as the original capital stock of the Company.

Increase of capital stock.

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

Cumulative first preference stock.

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 cumulative first preference stock ; and the holders of such cumulative first preference stock shall be entitled out of the annual profits of the Company to receive such cumulative preferential dividend as is fixed by such by-law (but not in any case exceeding six per cent per annum) before the holders of the ordinary stock of the Company are entitled to any dividend on their stock ; the holders of the said cumulative first 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 any return of capital in respect of ordinary shares in the Company.

Rights of holders.

2. The holders of such cumulative 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 cumulative first preference stock.

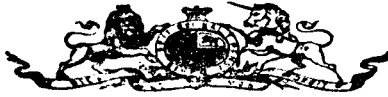
Grants in aid.

13. The Company may receive from any government, or from any person or city, town, municipality, or unincorporated town or village, 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.

R.S.C., c. 118.

14. Sections eighteen, thirty-nine and forty-one of *The Companies Clauses Act* shall not apply to the Company.

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



57-58 VICTORIA.

CHAP. III.

An Act to incorporate the Ottawa Electric Company.

[Assented to 23rd July, 1894]

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:—

1. The Honourable Francis Clemow, the Honourable E. H. Bronson, John William McRae, George Patrick Brophy, C. Berkeley Powell, George H. Perley, Robert Blackburn, William Scott and Thomas Ahearn, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Ottawa Electric Company," hereinafter called "the Company."

2. The head office of the Company shall be at the city of Ottawa, in the province of Ontario.

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

4. The persons named in the first section of this Act shall be the first or provisional directors of the Company, a majority of whom shall form a quorum.

2. Any of the said directors while absent from Canada may vote and act as such director by proxy or power of attorney, and the holders of such proxies or powers of attorney need not be provisional directors of the Company, but no director shall hold more than two proxies, and no meeting of directors shall be competent to transact business unless at least three directors are present thereat in person.

5. The annual general meeting of the shareholders of the Company shall be held on the first Monday in May in each

year, or upon such other day in each year as the directors of the Company from time to time by by-law determine.

Directors.

6. At each annual meeting of the shareholders of the Company, the holders of the capital stock of the Company present in person or represented by proxy who have paid all calls due on their shares shall choose not less than five and not more than nine persons, each of whom shall hold at least ten shares of the capital stock of the Company, to be directors of the Company, a majority of whom shall form a quorum, and one or more of whom may be paid directors of the Company.

Proxies.

2. Any of the directors while absent from Canada may vote and act by proxy, but such proxies shall be held by directors only, and no director shall hold more than two proxies.

Renewal of proxies.

3. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting.

General powers and business of Company.

7. The Company may—

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

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

(c.) acquire by purchase, license, lease or otherwise, and use, license, lease or otherwise dispose of, any real and personal property, water powers or other powers, rights, easements and privileges in connection with the production, manufacture or supply of electricity and electric current for heat, light or power or for any other purposes for which the same may be used, and also acquire by purchase, license or otherwise and use and in any of the said ways again dispose of any inventions, letters patent for inventions, or the right to use any inventions, in any way connected with or pertaining to the business of the Company ;

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

Power to acquire the franchises and rights of certain other companies ;

8. The directors of the Company may, for and in the name of the Company, purchase, lease or otherwise acquire and take over in whole or in part, upon such terms as may be agreed upon with the other companies hereinafter mentioned respectively,

tively, and may thereafter hold, exercise and enjoy the business, franchises, undertaking, property, rights, powers, privileges and assets or any of them of the Ottawa Electric Light Company, hereinafter called "the Ottawa Company," of the Standard Electric Company of Ottawa (Limited), hereinafter called "the Standard Company," and of the Chaudière Electric Light and Power Company (Limited), hereinafter called "the Chaudière Company," or of any one or more of them, and may pay the consideration therefor either wholly or partly in cash or wholly or partly in capital stock of the Company paid up or partly paid up or issued as wholly or partly paid up, and whether subscribed for or not, or wholly or partly in debentures of the Company, or otherwise as may be agreed upon; or may amalgamate with one or more of the said companies, or may, upon such terms as may be agreed upon between them respectively, enter into and carry out any arrangement with either or all of such other companies for the working or carrying on by the Company of the business of any one or more of such other companies, and in the event of such purchase, lease or other mode of acquirement, working arrangement or amalgamation being entered into, may also undertake, assume, pay or guarantee all or any of the obligations, liabilities, contracts and engagements of the Ottawa Company, the Standard Company and the Chaudière Company, or any one or more of them, or affecting the assets and properties of the said companies or of any one or more of them; and may also subscribe for, purchase, or otherwise acquire, and may hold and dispose of, the shares, debentures or other securities of the said companies or of any one or more of them in connection with any transaction entered into with the said other companies or with any one or more of them under this section: Provided that after any such purchase, lease or other acquirement, working arrangement or amalgamation as aforesaid is entered into, the Company shall not, without the consent by by-law or otherwise of the municipality of the city of Ottawa or of the city of Hull, respectively, as the case may be, increase the ordinary prices or rates charged by any of the said other companies for electric light in the city of Ottawa or in the city of Hull respectively, at the time such purchase, lease or other acquirement, working arrangement or amalgamation is entered into.

Or to amalgamate with any or all of such companies.

Proviso: consent of municipalities before prices of light are increased.

9. The Company may construct, erect and maintain and operate wires along the sides of and across or under any public highways, streets, public bridges, watercourses, navigable waters or other places, and supply electric current thereby; and may by its servants, agents and workmen enter upon or under any street, public road, public bridge, watercourse or highway in any city, town, municipality or unincorporated town or village, for the purpose of 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 and other works and devices as the Company deems

Powers for constructing lines.

necessary for making, completing, supporting, using, working and maintaining its wires and systems, and may stretch wires on such poles ; and from time to time may break up and open any part whatsoever of the said roads, streets, highways or watercourses, subject, however, to the following provisions, that is to say :—

Travel not to be obstructed.

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building ;

Height of wires, etc.

(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 in the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred ;

Liability for damages.

(e.) The Company shall be responsible for all damage which their agents, servants or workmen cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized ;

As to trees.

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

Approval of municipality.

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or other official as the council appoints, and shall be done in such manner as the council directs ; the council may also direct and designate the places where the poles are to be erected in such municipality ; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company ;

Company may be required to carry wires under ground.

(h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying electric wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns, or incorporated villages, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Workmen to wear badges.

(i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having

conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified ;

(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 saved.

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

Temporary removal of lines in certain cases.

Notice to the company.

2. The Company shall only exercise the powers conferred by this section upon, across or under such public highways, streets and public bridges, and upon such terms and conditions and for such periods, as the municipal councils having jurisdiction over the same respectively approve by agreement or by-law, and which agreement or by-law the said municipal councils, cities, towns, municipalities or unincorporated towns or villages may make with the Company or pass for such purposes respectively ; but the Company shall nevertheless have the right to exercise and enjoy after such purchase, lease or other acquirement, arrangement or amalgamation as aforesaid all the licenses, powers, and privileges held or enjoyed by such other companies or any of them respectively at the date of such purchase, lease or other acquirement, arrangement or amalgamation, subject to the terms and conditions of the agreement of the City of Ottawa with the Ottawa Electric Light Company, and the by-laws of the City of Ottawa, respecting the said licenses, powers and privileges, except in so far as the same are varied or rescinded by any subsequent agreement between the said companies and the said corporation.

Consent of the municipal councils.

10. The first or provisional directors of the Company shall hold office as such until replaced by others duly appointed in their stead, and shall have and possess all the powers which are conferred upon directors by *The Companies Clauses Act* and by this Act ; and until otherwise ordered by by-law or resolution

Powers of provisional directors.

Their first meeting.

Proviso:
notice.

resolution of the first or provisional directors of the Company, any three of them may call meetings of the first or provisional directors to be held at the city of Ottawa at such times as they determine: Provided that notice in writing of the date and place of holding of any such meeting shall be mailed by registered letter to the address of each of the other first or provisional directors not less than three days previous to the date of such meeting.

Vacancies
among pro-
visional direc-
tors.

2. In the event of any one or more of the above named first or provisional directors of the Company dying, resigning or refusing to act or becoming incapable of acting before the first annual meeting of the Company, the other first or provisional directors shall fill such vacancy or vacancies from among shareholders of the Company so as to continue the present proportionate representation of first or provisional directors in respect of each of the said companies.

Paid-up shares
may be issued
in payment
for franchises
of companies.

11. The directors of the Company may make and issue as paid-up and unassessable shares of the capital stock of the Company, whether subscribed for or not and whether paid up or not, in payment for the businesses, franchises, undertaking, property, rights, powers, privileges and assets of the said companies or any one or more of them acquired under the eighth section of this Act, and may allot and hand over such shares to the said other companies or any one or more of them respectively or to their shareholders respectively as may be agreed upon, and such issue and allotment of stock shall be binding on the Company and such stock shall not be assessable for calls.

Issue of bonds
or debentures
authorized.

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 stock of the Company qualified to vote 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 fifty per cent of 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, or its equivalent in sterling money, each, at such rates of interest and payable at such times and places and secured in such manner by mortgage or otherwise upon the whole or any portion or portions of the property of the Company as are prescribed in such by-law or decided upon by the directors under the authority thereof.

Directors may
borrow money
on security of
Company's
property.

13. The directors of the Company may, in addition to the powers conferred by the next preceding section of this Act, from time to time, at their discretion, borrow money for the purposes of the Company, and secure the repayment of any of the moneys so borrowed or any other moneys owing by the
Company

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: Provided, that the amount so borrowed shall not at any time be greater than twenty-five per cent of the paid-up stock of the Company; but the limitation made by this section shall not apply to commercial paper discounted by the Company or to the borrowing powers conferred by the next preceding section of this Act.

Amount limited.

14. If a customer of the Company gives notice of his intention to discontinue the use of electricity or electric current furnished by the Company, or if the Company lawfully refuses to continue any longer to supply the same, the officers and servants of the Company may at all reasonable times enter the premises in and upon which such customer was supplied with electricity or electric current for the purpose of removing therefrom any fittings, machines, apparatus, wires, meters, or other things being the property of the Company in or upon such premises and may remove the same, doing no unnecessary damage.

Power of entering premises of customers in certain cases.

15. If any person supplied by the Company with electricity or electric current neglects to pay the rent, rate, or charge due to the Company at any of the times fixed for the payment thereof, the Company or any person acting under its authority, on giving seven days' previous notice, may stop the supply of electricity or electric current from entering the premises of the person in arrear as aforesaid, by cutting off the service wires or wire or by such other means as the Company or its officers see fit, and may recover the rent or charge due up to such time, together with the expense of cutting off the electricity or electric current, as the case may be, in any competent court, notwithstanding any contract to furnish for a longer time.

Company may cut off supply of electricity, for non-payment of rent, etc.

16. In all cases where the Company may lawfully cut off and take away the supply of electricity or electric current from any house, building or premises, the Company, its agents and workmen, upon giving forty-eight hours' previous notice to the person in charge or the occupier, may enter into the house, building or premises, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, causing as little disturbance and inconvenience as possible, and may remove and take away any wire, meter, cut-off, guard, branch, lamp, fittings or apparatus the property of and belonging to the Company; and any servant of the Company duly authorized may between the hours aforesaid enter into any house, building or premises into which electricity or electric current has been taken for the purpose of repairing and making good any such house, building or premises, or for the

Power of entry in order to remove company's appliances, when supply is cut off;

Or to make repairs, etc.

purpose of examining any wires, meters, fittings, or apparatus belonging to the Company or used for its electricity or electric current.

R.S.C., 118. **17.** Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

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



57-58 VICTORIA.

CHAP. 112.

An Act respecting the Ottawa Gas Company.

[Assented to 23rd July, 1894.]

WHEREAS the Ottawa Gas Company has by its petition Preamble.
prayed for the passing of an Act granting it authority
to borrow money to the extent of fifty per cent of its paid-up
capital by issuing debentures therefor, and for other purposes,
and it is expedient to grant the prayer of the said petition :
Therefore Her Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts as fol-
lows:—

1. The directors of the Ottawa Gas Company, hereinafter Power to bor-
called “the Company,” may from time to time for the purposes row money
of the Company, when authorized by a by-law for that purpose, and issue
passed and approved of by the votes of the holders of at bonds.
least two-thirds in value of the subscribed stock of the Com-
pany, present in person or represented by proxy at a special
general meeting duly called for considering such by-law, bor-
row such sums of money, not exceeding in amount fifty per
cent of the amount of the then 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, in Canadian currency or in its equivalent in pounds ster-
ling, at such rates of interest and payable at such times and
places, whether in Canada or elsewhere, and secured in such
manner by mortgage or otherwise upon the whole or any por-
tion or portions of the property, assets and franchises of the
Company, and upon such terms as to repayment and otherwise,
as are prescribed in such by-law or decided upon by the direc-
tors under the authority thereof.

2. *The Companies Clauses Act* shall, except sections eighteen R.S.C., c. 118.
and thirty-nine thereof and except in so far as the other provi-
sions thereof are inconsistent with the provisions of this Act or
of the other special Acts respecting the Company, apply to
the Company.

1876, c. 71,
s. 6 repealed.

Notice of
meetings

3. Section six of chapter seventy-one of the Statutes of 1876 is hereby repealed, and notice of the calling and holding of any annual or special meeting of shareholders of the Company shall be deemed sufficiently given, if a circular notice specifying the time and place of such meeting, and its object if it is a special meeting, is mailed, postage prepaid, to the address of each shareholder at least seven days before the day for which such meeting is called.

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



57-58 VICTORIA.

CHAP. 113.

An Act to incorporate the New York, New England and Canada Company.

[Assented to 23rd July, 1894.]

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 :—

1. E. Franklin Clements, Edgar N. Clements and Frank M. Kelley, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of the "New York, New England and Canada Company" hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be in the town of Yarmouth, in the province of Nova Scotia, or in such other place in Canada as is determined from time to time by by-law of the Company.

Head office.

2. Every office in which the Company transacts its business or any portion thereof shall be deemed to be a domicile of the Company.

Every office to be a domicile.

3. The Company may carry on the business of carriers of passengers and goods by sea, and of constructing, manufacturing and repairing transportation equipment of all kinds, steamers, vessels, cars and rolling stock, and of manufacturing and dealing in supplies for the same ; and may do all such things as are incidental and conducive to the carrying on of all or any of the above businesses, and especially may acquire by purchase, lease or construction all necessary lands, transportation equipment, foundries, docks, shops, wharfs, letters patent of inventions, and patent rights of all kinds in connection with or useful for any of the above businesses, and with all the necessary plant for the manufacture and sale of the same, and all other property, whether real, personal or mixed, which may be deemed necessary

General powers.

Proviso.

sary or expedient to be owned, engaged, used or employed in carrying on the said businesses ; but the Company shall not acquire any real estate merely for the purpose of dealing in the same : Provided, that nothing herein contained shall be construed as enabling the Company to acquire real estate beyond what is reasonably necessary for the carrying on of the businesses aforesaid.

Purchase of other business.

4. The Company may 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 the whole or any of the assets, franchises and property, real and personal, movable and immovable, of the seller thereof, subject to the obligations, if any, affecting the same ; and may pay the seller the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares, or in partly paid-up shares of the Company or otherwise ; and also undertake, assume, pay or guarantee all or any of the obligations affecting the assets and property purchased from time to time.

Holding of stock of another company.

5. The Company may take or otherwise acquire and hold shares in the stock of any other company incorporated or chartered for all or any purposes similar to those of the Company, in payment in part or in whole of any purchase made by the Company under the next preceding section, and may sell, hold, or otherwise deal with the same.

Making of promissory notes, etc.

As to notes payable to bearer.

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.

Borrowing powers.

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 a 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, and such bonds or debentures may be issued in whole or in part in currency, or in United States dollars, or pounds sterling, or francs : Provided always, that the bonds and debentures issued and outstanding from time to time shall never exceed the then total amount of the paid-up capital of the Company ; and provided also, that no issue of bonds or debentures shall take place until previously sanctioned

Amount of bonds limited.

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.

Approval of shareholders.

No bond for less than \$100.

8. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be applied first to the payment of all costs and expenses incurred in obtaining the passing of this Act, and the remainder for the purposes of the Company; and the said capital stock, after the whole of the authorized capital stock for the time being has been subscribed, may from time to time be increased to a sum not exceeding three millions of dollars by a resolution of the shareholders passed at a special general meeting of the shareholders duly called for the purpose of considering the same, and approved at such meeting by a vote of shareholders representing at least a majority in value of the shares of the Company.

Capital stock and shares.

Increase.

2. A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed.

Date of call.

9. The directors may, by by-law, issue one-third of the capital stock as preference stock, giving such stock such preference and priority, as respects dividends and repayment of capital stock in the event of the winding up of the Company, over ordinary stock, as is declared by the by-law.

Preference stock may be issued.

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.

Sanction of shareholders.

3. Holders of such preference stock shall be shareholders, 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.

Rights of holders of preference stock.

4. Nothing in this section contained shall affect or impair the rights of creditors of the Company.

Rights of creditors.

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

Provisional directors.

11. So soon as two 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

First meeting of shareholders.

shall not be withdrawn except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever; the provisional directors, or a majority of them, shall call a general meeting of the shareholders of the Company, to be held at Yarmouth or Halifax, 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 at Yarmouth or Halifax aforesaid, 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.

Directors.

12. The directors shall be not more than seven nor less than three 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.

Rights of
aliens.

13. 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.

Amalgama-
tion with an-
other com-
pany.

R.S.C., c. 119.

14. The Company may unite, amalgamate, and consolidate its stock, property, business and franchises with those of any other company or society incorporated or chartered for all or any of the like purposes; and the provisions of sections ninety-eight, ninety-nine and one hundred of *The Companies Act*, as amended by chapter twenty of the Statutes of 1887, except in so far as they relate to amalgamation, union or consolidation with any building, saving or loan company or society, shall, so far as they are applicable, be incorporated with this Act, form part thereof, and be construed therewith as forming one Act.

Tramways to
connect with
railways.Length limit-
ed, etc.

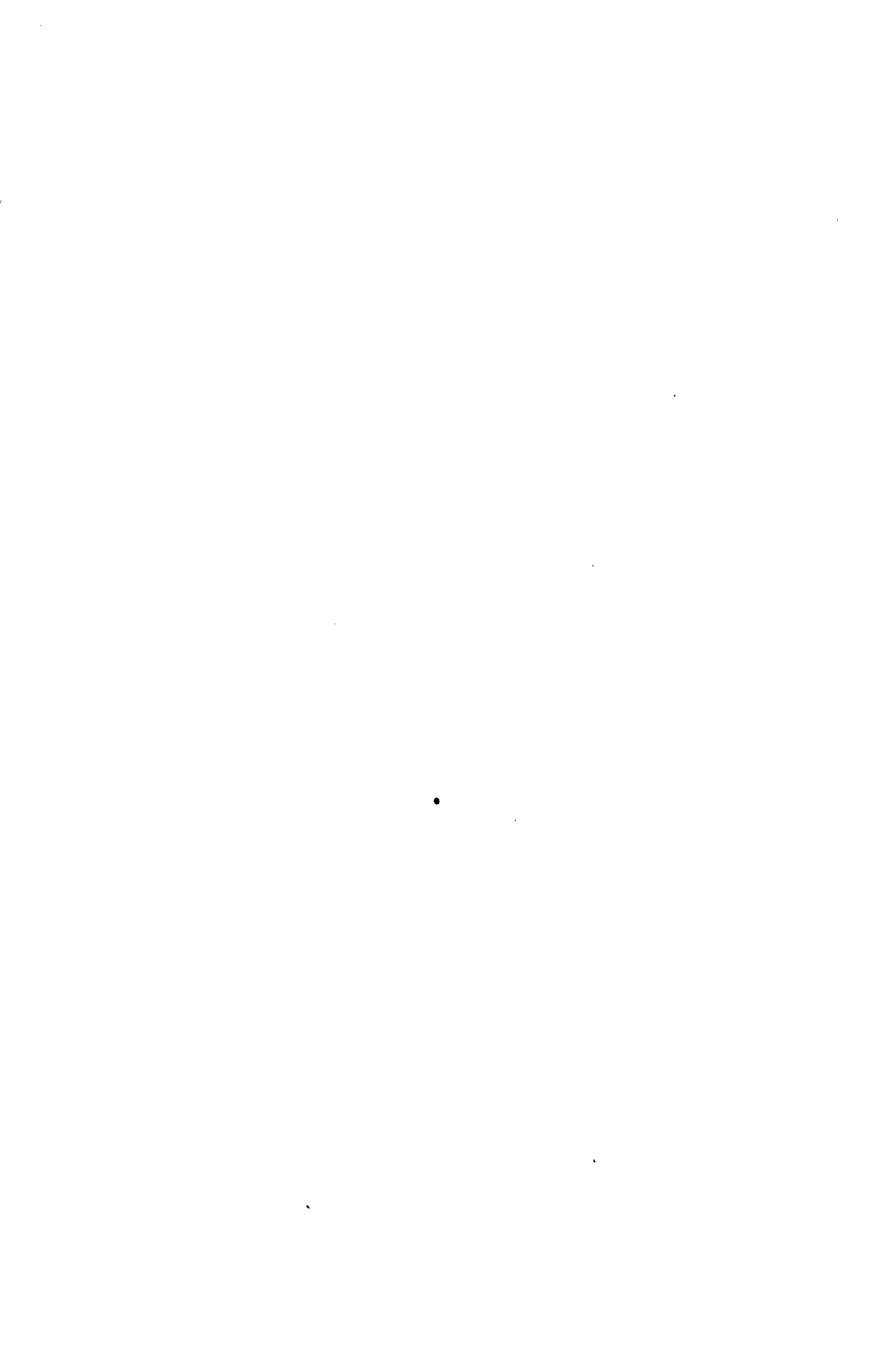
1888, c. 29.

15. The Company may, subject to any liability to make compensation to persons whose property is injuriously affected, build, construct and operate tramways to be worked by the force and power of animals, steam, electricity or by mechanical power, to connect the works of the Company with the railways nearest its works, and for any of such purposes may acquire by gift, agreement, lease or purchase the necessary lands or easements therefor: Provided, however, that no such tramways shall exceed three miles in length, and no crossing or junction shall be made with any railway without application to the Railway Committee for approval thereof under the provisions of *The Railway Act*.

16. Sections eighteen and thirty-nine of *The Companies R.S.C., c. 118, Clauses Act* shall not apply to the Company.

17. This Act shall be forfeited by non-user during three consecutive years, or if the Company does not go into actual operation within three years after the date of its sanction. Forfeiture of rights by non-user.

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57-58 VICTORIA.

CHAP. 114.

An Act respecting the Consumers' Cordage Company, Limited.

[Assented to 23rd July, 1894.]

WHEREAS the Consumers' Cordage Company, Limited, Preamble.
was incorporated by letters patent of the Dominion of
Canada, issued under the provisions of *The Companies Act*, on R.S.C., c. 119.
the eleventh day of June, eighteen hundred and ninety, with
a capital stock of one million dollars; and whereas by supple-
mentary letters patent, issued under the said Act on the nine-
teenth day of October, eighteen hundred and ninety-one, the
said capital stock was increased to the sum of three million
dollars, the whole of which has been issued as paid-up stock;
and whereas a petition has been presented, praying for the
passing of an Act granting the said Company additional powers
as hereinafter set forth, and it is expedient to grant the prayer
of the said petition: Therefore Her Majesty, by and with
the advice and consent of the Senate and House of Commons
of Canada, enacts as follows:—

1. The Consumers' Cordage Company, Limited, hereinafter Shares.
called "the Company," may divide its present capital stock of
three million dollars into ten thousand preference shares, and
twenty thousand ordinary shares, of one hundred dollars each.

2. The directors may, with the authority of the shareholders, Surrender of
ordinary
shares in ex-
change for
preference
shares.
make by-laws for the surrender of one million dollars of the
present capital stock in exchange for the issue of preference
shares hereby authorized, and the shares so surrendered shall
be cancelled and annulled.

2. Such by-laws shall provide that those shareholders who
acquired their shares subsequent to January first, one thousand
eight hundred and ninety-three, shall be entitled first and by
preference to exchange the shares so acquired by them for an
equal number of such preference shares; and the remainder of
such preference shares shall be allotted to such of the remain-
ing shareholders of the Company as declare their option to take
the same, proportionately to the number of shares held by them.

Preferential
dividends.

3. Holders of preference shares shall be entitled to receive out of the divisible profits of the Company, as a first charge, cumulative preferential dividends at the rate of seven per cent per annum; and the holders of the said preference shares shall have the right to resort to the profits of any succeeding year to make up any deficiency in the dividends of any previous year.

Preferential
shareholders.

4. Holders of such preference shares shall be shareholders within the meaning of *The Companies Act*, and shall in all respects possess all the rights of and be subject to the same liabilities as ordinary shareholders.

Ordinary
dividends.

5. The residue of divisible surplus profits in each year shall be divided among the holders of the ordinary shares of the Company.

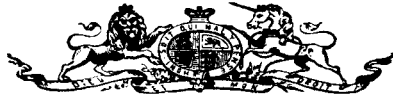
Certain pow-
ers not affect-
ed.

6. Nothing herein contained, save as hereinbefore provided as to preferential dividends, shall prejudice or limit the powers of the directors as to the time or mode of application or distribution of profits, or as to the setting aside of any part or portion of the profits in any year for a reserve fund and depreciation account.

Rights of
creditors
saved.

7. Nothing herein contained shall in any way affect or impair the rights of the creditors of the Company.

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57-58 VICTORIA

CHAP. 115.

An Act to incorporate The General Trust Corporation of Canada.

[Assented to 23rd July, 1894.]

WHEREAS the persons hereinafter named have petitioned Preamble. to be incorporated for the purpose of executing and administering estates, and as a safe deposit company, and for the transaction of all business in connection therewith; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Honourable James A. Lougheed, Q.C.; Harry Symons; William R. Hull; John Lineham, M.L.A.; Alfred B. Few; George K. Leeson; Henry W. C. Meyer, Q.C.; Harry W. Nanton, and Edmund Cave, all of the city of Calgary, and all other persons who hereafter become shareholders in the Corporation hereby created are hereby constituted a body corporate under the name of "The General Trust Corporation of Canada," hereinafter called "the Corporation." Incorporation.
Corporate name.

2. The head office of the Corporation shall be in the city of Calgary, but the directors may establish branch offices and local directorates at such other places in Canada and elsewhere as they determine. Head office and branches.

3. The Corporation is hereby empowered:

(1.) To receive moneys in trust and otherwise for the purposes herein specified, and to invest and accumulate the same at such rates of interest as may be obtained therefor. General powers.
Money trusts.

(2.) To accept and execute all such trusts of every description and nature as may be intrusted to it by any government, body corporate or person, or committed or transferred to it by any order, judgment or decree of any court in Canada, or elsewhere; to execute the offices of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic, and to perform the duties of such offices or trusts as Trusts generally.
May act as executor, etc.

- Or by judicial appointment. fully and completely as any person so appointed could do; and in all cases where application is made to any court, judge or prothonotary for an appointment to any such office or trust, such court, judge or prothonotary may appoint the Corporation, with its consent, to hold such office or trust, and may substitute, if necessary, for any obligations required from a private person appointed to such offices, such usual obligations as are applicable to corporations, and may fix the remuneration of the Corporation; to take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest, or otherwise, any real or personal estate upon any lawful trusts, and perform and execute the same according to the terms and for the purposes declared, established, or agreed upon respecting the same; to accept from and execute trusts for married women in respect of their separate property, real or personal, and to act as agents for them in the management of such separate property; to guarantee repayment of the principal or payment of the interest, or both, of any moneys intrusted to the Corporation for investment, on such terms and conditions as may be agreed upon; to act as agents for countersigning, registering or otherwise ascertaining and certifying to the genuineness of any issue of stock, bonds, debentures or other securities for money of any government, municipal or other corporate body duly authorized to issue and make the same, and hold the same as agent or trustee; and to act generally as fiscal or other agent for any such government or corporate body.
- As agents for married women.
- As guarantors
- As financial agents.
- As agents, etc., for winding up estates.
- As custodians of deeds and valuables.
- As managers for executors, etc.
- Remuneration.
- Provincial laws not to be infringed.
- Investments.
- (3.) To act as agent or attorney for winding up estates, receiving or collecting any principal, interest, rents, coupons, mortgages, debts, debentures or other securities or evidences of debt or demands of any nature, and in the sale or purchase of any real or personal property, and generally to act in all matters in the nature of a trust or general agency.
- (4.) To be the custodian, on such terms as are agreed upon, of any jewellery, plate and other valuable property, and of deeds, wills, debentures, and other evidences of title or indebtedness.
- (5.) To act as investing and managing agent of estates and properties for and on behalf of executors, administrators and trustees, and of any other persons or corporations.
- (6.) To receive and collect such remuneration for its services as is agreed upon or as previously fixed from time to time by its by-laws, and all usual and customary charges, costs and expenses.
4. The powers and authority hereby conferred upon and granted to the Corporation shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of such province.
5. The Corporation shall invest trust moneys as follows, and may manage, sell or dispose of such investments, as the terms of the trust require:—

(a.) upon first mortgages, privileges and hypothecs of improved freehold or leasehold property of ample value in Canada, and may accept personal property or covenants by way of collateral security thereto; or—

On security of real estate.

(b.) in the stock, funds or government securities of Canada or of any province of Canada, or of the United States, or guaranteed thereby respectively, or in the bonds or debentures of any municipal corporation in any such province other than any municipal corporations having a population of less than two thousand or an annual rate of assessment exceeding two cents in the dollar, or in the bonds and debentures of any school district in any such province, or in the public stock, funds or government securities of the United Kingdom, or any of the colonies or dependencies thereof; or—

In stock, bonds, etc.

(c.) In such securities as are specified by the terms of any trust, or by the order, judgment or decree of a court, judge or prothonotary.

Specified securities.

2. Nothing in this section shall prevent the Corporation from holding securities of any other kind that form or are part of any trust estate which comes into its hands; it may hold such securities subject to the trusts and legal obligations attaching thereto, but in case of the realization of any portion thereof the proceeds shall be invested as herein directed unless the will, deed, order or instrument creating the trust has provided otherwise.

Proviso: as to other securities.

6. The moneys and securities of each trust shall always be kept distinct from those of the Corporation, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other, in the registers and other books of account to be kept by the Corporation, so that at no time shall trust moneys form part of or be mixed with the general assets of the Corporation; and the Corporation shall, in the receipt of rents, and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith: Provided always that in the management of money and property held by the Corporation as trustee, or in any other official capacity, under the powers conferred by this Act, the Corporation may, unless the authority making the appointment, at the time of the making of such appointment, otherwise directs, invest the same in a general trust fund of the Corporation; provided, however, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed four thousand dollars.

Moneys, etc., of each trust to be kept separate.

But general trust fund may be formed.

Limitation as to amount.

7. Moneys, properties and securities received or held by the Corporation upon trust or as agent of any person or body corporate, shall not be liable for the debts or obligations of the Corporation.

Trust funds not liable for corporation's debts.

Accounting
for judicial
trusts.

8. In case of the appointment of the Corporation to any trust or office by any court in Canada, judge or prothonotary thereof, such court, judge or prothonotary may, from time to time, require the Corporation to render an account of its administration of the particular trust or office to which it has been so appointed; and may from time to time appoint a suitable person to investigate the affairs and management of the Corporation, and as to the security afforded to those by or for whom its engagements are held, and such person shall report thereon to such court, judge or prothonotary; and the expenses of such investigation shall be borne as ordered by such court, judge or prothonotary.

Investigation
and report.

Expenses
thereof.

Real estate.

9. The Corporation may hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of ten thousand dollars, and beyond any real estate of whatever value which being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same; but the Corporation shall sell any real estate acquired in satisfaction of any debt due to itself other than as trustee or in any official capacity, within seven years after such acquisition, otherwise such real estate shall revert to the previous owner, or his heirs or assigns.

Investment of
corporation's
funds.

10. The Corporation may invest any moneys forming part of its own capital, or reserve or accumulated profit thereon, in the securities mentioned in section five of this Act, or in the bonds or debentures of any incorporated building society or loan company, or on the security of real estate in Canada or of any interest in such real estate, as the directors deem expedient.

Limitation.

11. Nothing in this Act shall be construed to authorize the Corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking, or of insurance.

Capital.

12. The capital stock of the Corporation shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and the Corporation may, after the whole capital stock has been subscribed and one hundred thousand dollars have been paid thereon in cash, from time to time increase the capital stock, to an amount not exceeding in the whole five hundred thousand dollars, by a resolution adopted by a majority in number and amount of the shareholders, at a meeting specially called for that purpose; and if the capital stock is at any time increased, the shareholders at the time of such increase shall have a preferential right to a *pro rata* allotment of such increase.

Increase.

13. The directors may, by by-law issue any part of its capital stock not exceeding fifty per cent thereof, as preference shares or terminable debentures or both; and such by-law may declare that the holders of preference shares or debenture stock shall be entitled to receive out of the profits of the Corporation, as a first charge, a cumulative preferential dividend not exceeding five per cent per annum, on the amount for the time being paid up on preference shares or debenture stock held by them respectively, and such by-law may also give such debenture stock priority as respects redemption or (in the event of final distribution of assets) re-payment of capital.

Preference and terminable stock.

Dividends.

Priority of redemption.

2. Such by-law shall not have any force or effect whatever until it has been sanctioned by a vote of the shareholders representing at least two-thirds of the issued capital stock of the Corporation, present in person or represented by proxy at a general meeting of the Corporation duly called for considering the same.

14. The property, affairs and business of the Corporation shall be managed by a board of not less than nine nor more than seventeen directors; which board, in the first instance, and until another is chosen and appointed, as hereinafter provided, shall consist provisionally of the persons named in the first section of this Act, of which provisional directors a majority shall be a quorum.

Directors.

Provisional directors.

Quorum of latter.

15. The Corporation may commence business as soon as not less than one hundred thousand dollars of its capital stock have been *bona fide* subscribed, and twenty-five per cent thereof has been paid up in cash, but not before; and so soon as such subscription has been made and the said amount has been paid up, the directors shall call a general meeting of the shareholders, to be held at such time and place, in the city of Calgary, as the directors appoint, of which meeting not less than two weeks' notice shall be given by advertisement in one newspaper published in the city of Calgary and by circular addressed and registered, to each shareholder at his last known address, for the purpose of passing by-laws, and electing directors.

Commencement of business.

General meeting.

16. No shareholder shall be eligible for election as a director unless he holds in his own right at least ten shares upon which all calls due have been paid; and if any director makes any assignment for the benefit of creditors, or comes within the operation of any insolvent law then in force, or ceases to hold ten shares in his own right, he shall *ipso facto* cease to be a director, and his place may be filled for the remainder of the term by the directors from among the qualified shareholders of the Corporation.

Qualification of director.

17. Calls for payment of subscription to the capital stock of the Corporation may be made by the board of directors at such

Calls.

such times and in such proportions as they deem proper, provided that not more than twenty-five per cent shall be called up within any one year.

R.S.C., c. 118. **18.** Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Corporation.

Annual state-
ment. **19.** The Corporation shall prepare and annually transmit to the Minister of Finance a statement in duplicate, verified by the oath of the president, manager or secretary, setting forth the capital stock of the Corporation, the proportion thereof paid up, the assets and liabilities of the Corporation, and the trust property held by it, and such other details as the minister requires; and such statement shall be made in each year up to the thirty-first day of December.

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57-58 VICTORIA.

CHAP. 116.

An Act respecting the Ontario Loan and Debenture Company.

[Assented to 23rd July, 1894.]

WHEREAS the Ontario Loan and Debenture Company has Preamble.
prayed that an Act be passed to confer on the Company
the powers hereinafter mentioned, in addition to the powers
already granted to it by the Parliament of Canada, and it is 1889, c. 94.
expedient to grant the prayer of the said petition: Therefore
Her Majesty, by and with the advice and consent of the Senate
and House of Commons of Canada, enacts as follows:—

1. The Ontario Loan and Debenture Company, hereinafter Extension of
business be-
yond Ontario.
called “the Company,” may, subject to the laws of the several
provinces in that behalf, extend its business to and carry on
business in any part of Canada: Provided, however, that Proviso.
before the directors commence to carry on business in any
province other than Ontario they shall be empowered so to do
by a rule or by-law of the Company passed for that purpose.

2. The Company may, subject to the laws in that behalf of Real estate
outside of
Ontario.
any province to which it extends its business as hereinbefore
provided, acquire and hold such real estate in each of the said
provinces as is necessary for the transaction of its business, not
exceeding in any such province in yearly value the sum of ten
thousand dollars, or such real estate as, being mortgaged or
hypothecated to it, is acquired by it for the protection of its in-
vestments, and may from time to time sell, mortgage, lease or
otherwise dispose of the same; but the Company shall sell any
real estate acquired in satisfaction of any debt within seven
years after it has been so acquired, otherwise it shall revert to
the previous owner or to his heirs or assigns.

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most Excellent Majesty.



57-58 VICTORIA.

CHAP. 117.

An Act to incorporate the Nova Scotia Steel Company, Limited.

[Assented to 23rd July, 1894.]

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

Preamble.

1. Graham Fraser, James D. McGregor, Simon Fraser, George Forest McKay, Harvey Graham and Thomas Cantly, all of New Glasgow ; John McNab and J. Walter Allison, of the city of Halifax ; and Henry S. Poole, of Stellarton, in the province of Nova Scotia, together with such persons as have heretofore or shall hereafter become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Nova Scotia Steel Company, Limited," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The persons named in the first section of this Act shall be the first or provisional directors of the Company, a majority of whom shall form a quorum.

Provisional directors.

3. The head office of the Company shall be in New Glasgow, in the county of Pictou and province of Nova Scotia, or such other place in Canada as the directors determine by by-law.

Head office.

4. The Company hereby incorporated may—
(a.) purchase, hold, lease and sell mines and mining rights, and open or work the same in the province of Nova Scotia or elsewhere, and transact all business connected therewith, and mine and get therefrom coal, iron and other ores and all or any other of the minerals or metallic products there found and not reserved in the Crown grants, and manufacture therefrom coal oil and other substances from coal, and smelt the iron ores and other metallic substances, and manufacture

General powers.

ture iron, steel and other products therefrom, and trade in the products of such mines or manufactures, and transact business connected with the purposes aforesaid or any of them; and purchase, hold and convey real estate, mills, machinery, vessels, vehicles propelled by steam or otherwise, and other property, and mine coal and smelt, dress, and in every or any manner, and by every or any process manufacture iron ores, minerals and metallic or other products, and for such purposes make and execute all necessary and proper works, and do all necessary and proper acts, and purchase, hold, lease and erect and maintain all suitable furnaces, forges, mills, engines, houses and buildings, and if necessary acquire any patent privileges, or by assignment, license or otherwise acquire the right to use any patent invention connected with the purposes aforesaid; take or lease or otherwise acquire any lands or other property, construct and make, purchase, hold or lease such railroads, tramways or other roads for the transportation of coal, iron ores and such other mineral and metallic substances or products manufactured and unmanufactured from and to the mines of the Company, or from and to any other mines in Nova Scotia or elsewhere, to one or more places of transshipment, and do all other business necessary and usually performed on the same, and construct harbours and breakwaters, purchase or hire, build, construct or erect all such wharfs, docks, piers and machinery, and acquire such water lots as may from time to time appear expedient;

(b.) construct, purchase, operate and maintain or lease telephone and telegraph lines for public or private use, manufacture and sell gas of every kind and description, and electricity for public or private use,—such powers being granted only in connection with the lines of railway and works owned by the Company;

(c.) purchase or lease, sell or transfer, or construct, make and operate railroads, tramways, wire ropeways, electric tramways, or other roads for the public conveyance of passengers and goods, and for the transportation of coal, iron ores and such other minerals and metallic substances or products manufactured or unmanufactured, from and to the mines of the Company, or from and to any other mines in Nova Scotia or elsewhere, to one or more places of transshipment, or from and to any other point or points in Nova Scotia or elsewhere, and do all other business necessary and usually performed on the same;

(d.) construct and maintain or contribute towards the construction and maintenance of houses, churches, schools, hospitals and other buildings for the use and benefit of the workmen and others from time to time employed by the Company or dwelling upon its property;

(e.) buy, sell, trade, and deal in all kinds of merchandise, necessary or incidental to the business of the Company;

(f.) take such measures as may be needful or desirable in order to obtain the benefit of all Acts heretofore passed by the Parliament of Canada, or by the legislature of the province of Nova Scotia, or of any letters patent respecting the companies hereinafter mentioned or any of them, with such modifications or additions as may be thought desirable, and do all other matters and things which the Company may deem expedient, incidental or conducive to the attainment of the above objects or any of them.

5. The capital stock of the Company shall be five million dollars, divided into fifty thousand shares of one hundred dollars each, whereof shares numbered one to twenty thousand inclusive shall be issued as preference shares, and twenty thousand and one to fifty thousand inclusive as ordinary shares.

Capital stock to consist of preference and ordinary shares.

2. The preference shares shall have the special incidents and privileges defined by the following paragraphs, that is to say :—

Privileges of the preference shares.

(a.) The profits of each year shall be first applied to pay a cumulative preferential dividend at the rate of eight per cent per annum ;

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

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

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

6. The first general meeting of the Company shall be held at such time and place in the province of Nova Scotia as the provisional directors or any five of them determine, and notice of such meeting shall be given by mailing, at least fifteen days before the holding of such meeting, a written notice of such time and place, postage prepaid, to the address of each of the shareholders of the Company ; and at this or any subsequent meeting, the Company may be organized by the election of not less than five directors and of other necessary officers.

First meeting of company.

Notices.

7. The Company may receive either by grant from any government or from any individual or corporation, municipal or otherwise, as aid in the construction of the railway and works provided for in this Act, any Crown lands, or any other real or personal estate or property, or any sums of money or debentures, either as gifts by way of bonus or in payment, and

Grants in aid of construction.

legally dispose of the same, and alienate the land and other real and personal property for the purposes of the Company in carrying out the provisions of this Act.

Purchase or lease of business of other companies.

8. The Company may purchase, lease or otherwise acquire and take over as going concerns in whole or in part, upon such terms as may be agreed upon with the other companies hereinafter mentioned respectively, and may thereafter hold, exercise and enjoy the business, franchises, undertaking, property, rights, powers, privileges and assets or any of them of the New Glasgow Iron, Coal and Railway Company (Limited) and the Nova Scotia Steel and Forge Company (Limited), or of either of the said companies, and may pay the consideration therefor either wholly or partly in cash or wholly or partly in capital stock of the Company paid up or partly paid up or issued as wholly or partly paid up and whether subscribed for or not, or wholly or partly in debentures of the Company, or otherwise, as is agreed upon; or may, upon such terms as are agreed upon between them respectively, enter into and carry out any arrangement with either or both of such other companies for the working or carrying on by the Company of the business of either or both of such other companies; and in the event of such purchase, lease or other mode of acquirement or working arrangement being entered into, may also undertake, assume, pay or guarantee all or any of the obligations, liabilities, contracts and engagements of the said New Glasgow Iron, Coal and Railway Company (Limited), and the Nova Scotia Steel and Forge Company (Limited), or of either of them, or affecting the assets and property of the said companies or of either of them; and may also subscribe for, purchase or otherwise acquire, and may hold and dispose of the shares, debentures or other securities of the said companies or either of them in connection with any transaction entered into with the said other companies, or either of them, or otherwise, under this section: Provided always, that after such amalgamation the companies herein mentioned shall no longer exercise their corporate powers, or make use of their corporate name, for any purpose, except for the purpose of supporting and carrying into effect the said sale, or other absolute transfer and winding up of their affairs.

Payment may be made in paid-up stock.

9. The directors of the Company may make and issue as paid-up and unassessable shares of the capital stock of the Company, whether subscribed for or not and whether paid up or not, in payment for the businesses, franchises, undertaking, property, rights, powers, privileges and assets of the said companies or any one or more of them acquired under this Act, and may allot and hand over such shares to the said other companies or any one or more of them respectively or to their shareholders respectively, or to such other company, firm or firms, individual or individuals as partners, as may be agreed upon; and such issue and allotment of stock shall be binding on

the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be in any way liable thereon.

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 stock issued by the Company represented at a special general meeting duly called for considering the by-law—

Borrowing powers.

(a.) borrow money upon the credit of the Company and issue bonds, debentures or other securities for any sums borrowed, at such prices as are deemed necessary or expedient; but no such debentures shall be for a less sum than one hundred dollars;

(b.) hypothecate or pledge the real or personal property of the Company to secure any sums borrowed by the Company.

2. The amount borrowed shall not at any time be greater than seventy-five per cent of the actual paid-up stock of the Company, but this limitation shall not apply to commercial paper discounted by the Company.

Limit of borrowing powers.

11. Nothing herein contained shall in any way alter or abridge the rights heretofore acquired by the New Glasgow Iron, Coal and Railway Company (Limited) and the Nova Scotia Steel and Forge Company (Limited), nor shall anything in this Act discharge the said companies from any liabilities or affect or impair the rights of their creditors.

Saving.

12. *The Railway Act* shall apply only to the operation of any railway undertaking which the New Glasgow Iron, Coal and Railway Company (Limited) has heretofore engaged in or which the Company hereafter engages in.

1888, c. 29.

13. Sections eighteen and forty-one of *The Companies Clauses Act* shall not apply to the Company.

R.S.C., c. 118.

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57-58 VICTORIA.

CHAP. 118.

An Act to incorporate the Canadian Railway Accident Insurance Company.

[Assented to 23rd July, 1894.]

WHEREAS the persons hereinafter mentioned have by their Preamble.
petition prayed to be incorporated as a company for the
purpose of carrying on the business of accident insurance in
all its branches, and it is expedient to grant the prayer of the
said petition: Therefore Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. Albert Hudson, Alexander A. Henderson, William H. Incorporation.
Wood, William Prenter, William H. Colborne, John T. Phealen,
William Hughes, J. W. McRae, Hon. E. H. Bronson, Ezra
B. Eddy, Thomas Birkett, William Scott, William Anderson,
Robert Orr and Fred. A. McGuinness, all of the city of Ottawa,
Charles Pope, of Rat Portage, L. D. Jillett of St. Thomas,
George Mills of Toronto, in the province of Ontario; Ash.
Kennedy of Winnipeg, in the province of Manitoba; Thomas
McKenna of St. John, in the province of New Brunswick;
David Hopkins of the city of Ottawa, William Page of Brock-
ville, John Scott of Toronto Junction, John M. Dudley of
Carleton Place, Richard Fitzgerald and Thomas Lawrey of
St. Thomas, James Ryan, George Reid and M. C. Carey of
Rat Portage, in the province of Ontario; Charles Lalumière of
Montreal, in the province of Quebec; and Edward E. Austin
of Kamloops, 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 Canadian Railway Accident Insur-
ance Company," hereinafter called "the Company." Corporate name.

2. The head office of the Company shall be in the city of Head office and branch offices.
Ottawa, in the province of Ontario, and branches, sub-boards
or agencies may be established and maintained either within
Canada or elsewhere in such manner as the directors from time
to time appoint.

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

Capital stock may be increased.

2. The directors may, after the whole capital stock has been subscribed for and fifty per cent paid thereon in cash, increase the amount of the capital stock at any time or from time to time to an amount not exceeding one million dollars ; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented at a special general meeting of the shareholders duly called for that purpose.

Provisional directors.

4. The first twenty 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 for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company and withdraw the same for the purposes only of the Company, and may do generally whatever is necessary to organize the Company.

Quorum.

Proxies.

2. The provisional directors may vote and act by proxy, but such proxies shall be held by provisional directors only, and no provisional director shall hold more than two proxies.

Powers and business of corporation.

5. The Company may make and effect contracts of insurance with any persons against all accidents or casualties of whatsoever nature or from whatsoever cause arising to individuals whereby the insured may suffer loss or injury or be disabled, or in case of death from any accident or casualty secure to the representative of the person assured the payment of a certain sum of money, upon such terms and conditions as are agreed upon, and in like manner may also make and effect contracts of indemnity with any persons against claims and demands of the workmen and employees of such persons, or of the legal representatives of such workmen and employees, in respect of accidents or casualties of whatever nature or from whatever cause arising whereby the insured suffers pecuniary loss or damage or incurs costs and expenses.

First meeting of shareholders.

6. So soon as one hundred thousand dollars of the capital stock of the Company shall have been subscribed and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the said city of Ottawa, at which meeting the shareholders present in person

or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of directors.

2. No person shall be a director unless he holds in his own name and for his own use at least five shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

7. The largest amount of stock which any person shall hold in the Company at any one time shall be one hundred shares: Provided that the directors may at any time by by-law provide that any person may hold such greater number of shares of the capital stock as is provided in such by-law; but such by-law shall have no effect until it has been submitted to and confirmed by two-thirds in value of the shareholders present or represented at a special general meeting of the shareholders duly called for that purpose.

8. The shares of the capital stock subscribed for shall be paid by such instalments, and at such times and places, as the directors appoint; the first instalment shall not exceed twenty per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of the calling of each such subsequent instalment shall be given: Provided, that the Company shall not commence the business of insurance until at least thirty thousand dollars of capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act: Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.

9. The affairs of the Company shall be managed by a board of not less than seven nor more than twenty directors, of whom a majority shall form a quorum.

10. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business at its head office; and at such meeting a statement of the affairs of the Company shall be submitted; and special general or extraordinary meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders specifying in the notice the object of such meeting.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders, mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

11. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada, or of any province

of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, or on the security of any of the said debentures, bonds, stocks or securities, or on the security of paid-up shares of any building society, loan or investment company, and whether such debentures, bonds, stocks, securities or shares are assigned absolutely or conditionally or by assignment in the nature of a charge or mortgage thereon to the Company or to any officer of the Company or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds or other securities of the United Kingdom or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for term or terms of years, or in ground rents on real estate or other estate or interests in real property or mortgage security thereon in Canada, and may take, receive and hold all or any of such securities in the name of the Company, or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to.

Conditions of loans.

2. Any investment or loan above authorized to be made may be on such terms and conditions and in such manner and at such times and for such sums and in such sums of repayment whether of principal or interest or principal and interest as the directors from time to time determine, and either in satisfaction of or as collateral security for debts to the Company or judgments recovered against any person, or in security for the payment thereof or of any part thereof.

Additional security.

3. The Company may also take any additional security of any nature to further secure the repayment of any liability to the Company, or to further secure the sufficiency of any of the securities upon which the Company is above authorized to lend any of its funds.

Investment in foreign securities.

12. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Real estate.

13. The Company may hold such real estate as is mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered: Provided always, that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

Proviso.

R.S.C., c. 124.

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

15. *The Companies Clauses Act*, except sections eighteen R.S.C., c. 118. and thirty-nine thereof, shall extend and apply to the Company hereby incorporated and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

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



57-58 VICTORIA.

CHAP. 119.

An Act to incorporate The Canadian Railway Fire Insurance Company.

[Assented to 23rd July, 1894.]

WHEREAS the persons hereinafter mentioned have by Preamble.
their petition prayed to be incorporated as a company for the purpose of carrying on the business of fire insurance in all its branches, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Albert Hudson, Alexander A. Henderson, William H. Wood, William Prenter, William H. Colborne, John T. Phealen, William Hughes, John W. McRae, Honourable E. H. Bronson, Ezra B. Eddy, Thomas Birkett, William Scott, William Anderson, Robert Orr, and Fred A. McGuinness, all of the city of Ottawa, Charles Pope, of Rat Portage, L. D. Jillett, of St. Thomas, George Mills of Toronto, in the province of Ontario; Ash. Kennedy of Winnipeg, in the province of Manitoba; Thomas McKenna, of St. John, in the province of New Brunswick; David Hopkins, of the city of Ottawa, William Page, of Brockville, John Scott, of Toronto Junction, John M. Dudley, of Carleton Place, Richard Fitzgerald and Thomas Lawrey, of St. Thomas, James Ryan, George Reid and M. C. Carey, of Rat Portage, in the province of Ontario; Charles Lalumière, of Montreal, in the province of Quebec; and Edward E. Austin, of Kamloops, 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 Canadian Railway Fire Insurance Company," hereinafter called "the Company." Incorporation.
Corporate name.

2. The head office of the Company shall be in the city of Ottawa, in the province of Ontario, and branches, sub-boards or agencies may be established and maintained, either within Canada or elsewhere, in such manner as the directors from time to time appoint. Head office and branch offices.

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

Capital may be increased. **2.** The directors may, after the whole capital stock has been subscribed for and fifty per cent paid thereon in cash, increase the amount of the capital stock at any time or from time to time to an amount not exceeding two million dollars; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented at a special general meeting of the shareholders duly called for that purpose.

Provisional directors. **4.** The first twenty 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 for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company and withdraw the same for the purposes only of the Company, and may do generally whatever is necessary to organize the Company.

Quorum. **2.** The provisional directors may vote and act by proxy; but such proxies shall be held by provisional directors only, and no provisional director shall hold more than two proxies.

Proxies. **5.** The Company may make and effect contracts of insurance with any person against loss or damage by fire or lightning in or to any houses, dwellings, stores, or other buildings whatsoever, and to any goods, chattels, railway plant or personal estate whatsoever, for such time or times and for such premiums or considerations and under such modifications and restrictions and upon such conditions as are bargained and agreed upon or set forth by and between the Company and the insured.

Powers and business. **2.** The Company may also cause itself to be insured against any risk it may have undertaken in the course of its business.

Re-insurance. **6.** So soon as four hundred thousand dollars of the capital stock of the Company have been subscribed and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the said city of Ottawa, at which meeting the shareholders present in person or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of directors.

First meeting of company. **2.** No person shall be a director unless he holds in his own name and for his own use at least five shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

Directors.

Qualification of directors.

7. The largest amount of stock which any person shall hold in the Company at any one time shall be one hundred shares : Amount of stock to be held by one person. Provided that the directors may at any time by by-law provide that any person may hold such greater number of shares of the capital stock as is provided in such by-law ; but such by-law shall have no effect until it has been submitted to and confirmed by two-thirds in value of the shareholders present or represented at a special general meeting of the shareholders duly called for that purpose.

8. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint ; the first instalment shall not exceed twenty per cent and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of the calling of each such subsequent instalment shall be given : Payment of capital stock. Provided, that the Company shall not commence the business of insurance until at least eighty thousand dollars of capital stock have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act, and that within one year thereafter at least eighty thousand dollars of additional capital shall be called up and paid in: Proviso. Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.

9. The affairs of the Company shall be managed by a board of not less than seven nor more than twenty directors, of whom a majority shall form a quorum. Number and quorum of directors.

10. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business at its head office ; and at such meeting a statement of the affairs of the Company shall be submitted ; and special general or extraordinary meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders specifying in the notice the object of such meeting. Annual general meetings.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called and addressed to the addresses of the shareholders respectively given in the books of the Company. Special general meetings. Notice of meetings.

11. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada or of any province of Canada or of any municipal corporation in Canada, or in debentures of any building society, loan, or investment company, or on the security of any of the said debentures, bonds, stocks or securities, or on the security of paid-up shares of any building society, loan or investment company, and whether such debentures, bonds, stocks, securities or shares are assigned Investment of funds. absolutely

absolutely or conditionally or by assignment in the nature of a charge or mortgage thereon to the Company or to any officer of the Company or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds or other securities of the United Kingdom or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for term or terms of years, or in ground rents on real estate or other estate or interest in real property or mortgage security thereon, and may take, receive and hold all or any of such securities in the name of the Company or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to.

Conditions of loans.

2. Any investment or loan above authorized to be made, may be on such terms and conditions and in such manner and at such times and for such sums and in such sums of repayment, whether of principal or interest or principal and interest as the directors from time to time determine, and either in satisfaction of, or as collateral security for debts to the Company or judgments recovered against any person or in security for the payment thereof or of any part thereof.

Additional security.

3. The Company may also take any additional security of any nature to further secure the repayment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company is by this section authorized to lend any of its funds.

Investment in foreign securities.

12. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Real estate.

13. The Company may hold such real estate as is mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered: Provided always, that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

Proviso.

R.S.C., c. 124.

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

R.S.C., c. 118.

15. *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Company hereby incorporated and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.



57-58 VICTORIA.

CHAP. 120.

An Act to incorporate "The Colonial Mutual Life Association."

[Assented to 23rd July, 1894.]

WHEREAS the persons hereinafter named have, by their Preamble.
petition, prayed for an Act to incorporate them as
an association for the purposes and with the powers herein-
after 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:—

1. Charles King, Francis Pierce Buck, William Farwell, Incorporation.
Thomas James Tuck, all of the town of Sherbrooke; the
Honourable Félix Gabriel Marchand, of the town of St.
Johns; the Honourable Pierre Garneau, of the city of Quebec;
Thomas Thomson Turnbull, Robert Alfred Ernest Greenshields,
Charles John Chisholm, all of the city of Montreal; and Ed-
ward Desbarats Boswell, of the town of Fraserville, together
with such other persons as become members of the Association
hereby incorporated, are hereby constituted a body corporate,
under the name of "The Colonial Mutual Life Association," Corporate name.
hereinafter called "the Association."

2. The objects of the Association shall be to unite its mem- Objects.
bers for their mutual benefit and financial support; and by
means of assessments upon, dues, donations or other payments
by its members, to make provision for assisting widows and
orphans of deceased members, and for securing pecuniary bene-
fits to widows, heirs and beneficiaries of deceased members;
and generally to transact the business of life insurance on the
assessment system exclusively upon the lives of its members;
and the Association may make assessments upon its members
from time to time for such amounts and in such manner as the
by-laws determine for all or any of the said purposes, and may Assessment
also by by-laws provide conditions upon which, in case of non-
payment of any assessments or dues by any member, his mem-
bership shall cease, and he shall have no claim upon the pro-
perty or assets of the Association.

Investment of funds.

3. The Association may invest its funds on the security of mortgages or hypothecs on real estate in Canada, or in the bonds or other securities of the Dominion of Canada or of any of the provinces thereof, or of any building society, loan or investment company, or in the securities of any municipal or school corporation in the Dominion; and may hold for a period of seven years such real estate as is acquired by foreclosure of mortgage or in satisfaction of debts or judgments, and may sell, lease or otherwise dispose thereof, otherwise it shall revert to the previous owner, his heirs or assigns; and may hold such other real estate not to exceed in all the annual value of five thousand dollars as may be necessary for the purposes of the Association.

As to real estate.

Certificates of membership, and insurance policies.

4. The Association may issue certificates of membership and it may issue policies of insurance exclusively upon the lives of its members, but it shall not issue any policy of insurance until it has received at least five hundred applications for membership, calling for an amount of insurance not less than five hundred thousand dollars, or such number of applications for membership calling for such an amount of insurance as may be required by any amendment to *The Insurance Act* that may be passed during the present session of Parliament.

Issue of policies.

Annuities and endowments prohibited.

5. The Association shall not assure to any member a certain annuity, either immediate or deferred, whether for life or for a term of years, nor any endowment whatever.

Emergency fund.

6. The Association 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 certificate or policy holders thereof.

Guarantee and reserve funds.

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

Liability thereon.

Certificate and conditions of membership.

8. Every person who becomes a member of the Association shall receive a certificate of membership, on which shall be printed such by-laws, rules and regulations as relate 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.

Copies of forms and by-laws to be deposited.

9. Copies of all by-laws, of all forms of policy issued by the Association, and of all other printed or written forms used in connection with the business of the Association, all duly certified,

certified, shall be filed in the office of the Superintendent of Insurance before they are acted on or made use of by the Association.

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

Provisional directors.

11. Within sixty days from the passing of this Act a meeting of the members of the Association shall be called to elect directors, all of whom shall be members of the Association, and to make by-laws governing the election of directors, and the appointment of officers, and prescribing and defining their duties and powers, regulating the admission of new members, the amount and the time and the manner of payments of assessments, dues and other payments by members, and fixing the date of the annual general meeting, and such other by-laws as are proper and necessary.

First meeting of members.

By-laws

12. The head office of the Association shall be in the city of Montreal, but the Association may open local agencies or offices throughout Canada.

Offices.

13. An annual general meeting of the Association shall be held at the head office of the Association once in each year on such date as is fixed by by-law, at which meeting a statement of the affairs of the Association shall be submitted.

Annual general meeting.

14. This Act, and the Association hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in *The Insurance Act*, and any Act amending the same.

"The Insurance Act" to apply.
R.S.C., c. 124.

15. Notwithstanding anything contained in *The Companies Clauses Act*, sections seven, eight, eleven (except subsections *c* and *e* thereof), twelve, thirteen (except subsections *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.

Application of R.S.C., c. 117.



57-58 VICTORIA.

CHAP. 121.

An Act respecting the Dominion Burglary Guarantee Company (Limited).

[Assented to 23rd July, 1894.]

WHEREAS the Dominion Burglary Guarantee Company (Limited) has by its petition prayed that an Act be passed conferring on 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:—

1. The Dominion Burglary Guarantee Company (Limited) may, in addition to the powers conferred upon it by its Act of incorporation, chapter seventy-eight of the Statutes of 1893,—

(a.) operate and maintain in connection with its business an electric wire protection service and a patrol service or system of uniformed night watchmen, for affording both inside and outside protection against burglary and fire to all kinds of buildings in any part of Canada;

(b.) purchase, take over or otherwise acquire for the purpose of its business the electric wire service and patrol service now operated and carried on by John A. Grose, in the city of Montreal, and known as the John A. Grose Electric Service, or the business of any other electric protection service company, subject to the obligations affecting the same; and may pay the price thereof wholly or partly in cash, or wholly or partly in fully paid-up or partly paid-up shares or stock of the Company or otherwise; and in the event of purchasing or acquiring the same shall also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the said business so carried on by the said John A. Grose, and also the obligations affecting the assets and property so purchased from him.

2. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the Company may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such

Preamble.

Additional powers.

Company may enter upon public roads.

- places in any city, incorporated town, village, county, municipality, or other place, for the purpose of constructing, erecting, equipping, working and maintaining its line or lines of wires upon, along, across, over and under the same; and may erect, equip and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by wire; and may stretch wires and other contrivances thereon; and, as often as the Company, its agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say:—
- May erect poles. (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;
- And open public roads. (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;
- Travel, etc., not to be obstructed. (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;
- Height of wires. (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;
- Kind of poles. (e.) The Company shall be responsible for all damage which its agents, servants or workmen cause to individuals or property in carrying out or maintaining any of its said works;
- Cutting poles or wires in case of fire. (f.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree;
- Liability for damages. (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 supervision of such engineer or other person as the council appoints for that purpose, and shall be done in such manner as the council directs; the council may also direct and designate the places where the poles are to be erected in such municipality; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company;
- Trees. (h.) If in the removal of buildings, or if in the public right of travelling on or using any public road, highway or street, it
- Approval of municipality. becomes
- Temporary removal of wires.

becomes necessary that the said wires or poles be temporarily removed, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles; and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the head office of the Company, or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, then either at the said head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles require to be removed;

(i.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;

Carrying wires under ground.

(j.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified;

Workmen to wear badges.

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

Private rights.

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57-58 VICTORIA.

CHAP. 122.

An Act to incorporate the Northern Life Assurance Company of Canada.

[Assented to 23rd July, 1894.]

WHEREAS the persons whose names are hereinafter mentioned have by their petition prayed to be incorporated for the purpose of establishing a company to carry on the business of life insurance in all its branches, and have represented that such a company would be of public benefit; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Wm. McGregor, Thomas Long, John Ferguson, E. Jones Parke, John Campbell, T. H. Purdom, Donald A. Smith, A. Gunn, Frank E. Leonard, David Mills, F. A. Fitzgerald and William John Reid, together with such persons as become members of and shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Northern Life Assurance Company of Canada," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The Company may effect contracts of insurance throughout Canada, and elsewhere, with any persons or corporations on life or lives, and may grant, sell or purchase annuities, and grant endowments, and generally carry on the business of life insurance in all its branches.

Powers and business of corporation.

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

Capital stock.

2. The directors may, after the whole capital stock has been subscribed and five hundred thousand dollars have been paid thereon in cash, increase the amount of the capital stock at any time or from time to time to an amount not exceeding two million dollars; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has been first submitted to and confirmed by

Increase of capital stock.

a majority in number and amount of the shareholders at an annual general meeting of the Company, or at a special meeting of the shareholders duly called for that purpose.

Provisional directors.

4. The persons whose names are set forth in the first section hereof, with such other persons, not exceeding four, as they associate with them, shall be provisional directors of the Company, and five 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 Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

First meeting of shareholders.

5. So soon as three hundred thousand dollars of the capital stock of the Company have been subscribed and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the city of London, in the province of Ontario, 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.

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 fifty shares of the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Holders of participating policies members of company.

6. All persons who are actual holders of policies from the Company, whether such persons are shareholders of the Company or not, and who are by the terms of their policies entitled to participate in profits, and are referred to in this Act as holders of "participating policies," shall be members of the Company and be entitled to attend and vote in person at all general meetings of the Company, except at those called for the purpose of increasing the capital stock of the Company, and shall not be entitled to vote by way of confirmation or against the confirmation of any by-law for the increase, issue, allotment or sale of capital stock of the Company; and every holder of a participating policy of the Company for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy.

Who shall be deemed such.

2. A husband or father holding a participating policy on his life for the benefit of his wife or children shall be deemed a member of the Company.

Calls on capital stock.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the

directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice thereof shall be given: Provided, that the Company shall not commence the business of insurance until sixty-two thousand five hundred dollars of capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act: Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder

Proviso :
company not
to commence
business until
\$62,500 paid
up.

8. The affairs of the Company shall be managed by a board of not less than seven, nor more than twenty directors, of whom a majority shall be a quorum.

Board of
directors.

9. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business at its head office; and at such meeting a statement of the affairs of the Company shall be submitted.

Annual gener-
al meeting.

10. Until otherwise determined by the directors, the head office of the Company shall be in the city of London, and the directors may, from time to time, change the head office to some other place in Canada; and branches, sub-boards or agencies may be established, either within Canada or elsewhere, in such manner as the directors from time to time appoint.

Head office.

Branches.

11. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, or on the security of the policies of the Company, or on the security of any of the said debentures, bonds, stocks, securities or policies, or on the security of paid-up shares of any building society, loan or investment company, and whether such debentures, bonds, stock, securities, policies or shares are assigned absolutely or conditionally or by assignment in the nature of a charge or mortgage thereon to the Company or to any officer of the Company or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds, or other securities of the United Kingdom, or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for term or terms of years, or in ground rents on real estate or other estate or interests in real property or mortgage security thereon in any province of Canada; and may take, receive and hold all or any of such securities in the name of the Company, or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to.

Investment of
funds.

Conditions of loans.

2. Any investment or loan above authorized to be made may be on such terms and conditions, and in such manner, and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest, as the directors from time to time determine, and either in satisfaction of, or as collateral security for, debts to the Company or judgments recovered against any person or body corporate in its behalf, or in security for the payment thereof or of any part thereof.

Additional security.

3. Provided further that the Company may take any additional security of any nature to further secure the repayment of any liability to the Company, or to further secure the sufficiency of any of the securities upon which the Company is above authorized to lend any of its funds.

Investment in foreign securities.

12. The Company may invest or deposit such portions of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Real estate mortgaged to company.

13. The Company may hold such real estate as is *bonâ fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered: Provided always, that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

Proviso: such real estate to be disposed of within seven years.

Power to acquire real estate.

14. The Company may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accommodation of the Company; but the annual value thereof in any province of Canada shall not exceed five thousand dollars, except in the province of Ontario where it shall not exceed ten thousand dollars.

Dividends and bonuses.

15. The directors may, from time to time, set apart such portion of the net profits as they shall deem safe and proper, for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, but the portion of such profits which remain undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared and the directors shall not be obliged to allot such portion of profits to such holders of participating policies oftener than once in five years.

16. The directors shall also have power during any current dividend period to charge the holders respectively of participating policies with losses to the extent to which they have been credited with profits during such dividend period, if the losses require it, and retain the amount so charged out of such profits or such profits as are declared as such and credited to such holders of participating policies at any time; but the holders of policies shall not as such be liable to any other or greater extent than is expressed by the terms of their policies.

Power to charge losses to holders of participating policies.

17. Whenever any holder of a policy has paid two or more annual premiums thereon and fails to pay any further premium or desires to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum to be ascertained upon principles to be adopted by by-laws applicable generally to all such cases as may occur, provided he demands such paid-up and commuted policy or such cash payment while the original policy is in force, or within six months after his failure to pay a premium thereon.

Paid-up policies in case of surrender of policies or failure to pay premiums.

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

R.S.C., c. 124.

19. Notwithstanding anything contained therein or in any other Act, *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Company hereby incorporated, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 118.

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57-58 VICTORIA.

CHAP. 123.

An Act respecting the Ontario Mutual Life Assurance Company.

[Assented to 23rd July, 1894.]

WHEREAS the Ontario Mutual Life Assurance Company Preamble. has by its petition prayed that an Act be passed to extend its powers as to the investment of its funds, and it is expedient to grant the prayer of the said petition and further to 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:—

1. The Ontario Mutual Life Assurance Company, hereinafter called “the Company,” in addition to such powers as it now possesses with respect to the investment of its funds, may invest such funds in mortgages on real estate in any of the provinces of Canada, or in the bonds or debentures of any incorporated city, town or municipality therein authorized to issue the same. Investment of funds. 1878, c. 33.

2. The Company may invest or deposit such portions of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Investments or deposits in case of foreign branches.

3. The Company may also invest its funds in the bonds of the United States or in the bonds or debentures of any of the states of the United States or of any municipalities in the United States or in mortgages on real estate therein; but the amount so invested in the United States, including any sum invested or deposited under the authority of the next preceding section, shall not at any time exceed the reserve upon all outstanding policies in force in the United States, such reserve to be calculated upon the basis prescribed by *The Insurance Act*. Investments in United States. Amount limited.

4. Section nine of chapter thirty-three of the Statutes of 1878, intituled *An Act to incorporate the Ontario Mutual Life Assurance Company*, is hereby amended by adding the following subsection thereto:— 1878, c. 33, s. 9 amended.

Agents ineligible as directors.

Proviso: as to operation of this enactment.

“ 2. No agent of the Company shall, while he is such agent, be elected or continue to be a director of the Company. The provisions of this subsection shall have no force or effect until they have been approved of by a vote of two-thirds of the members of the Company present or represented by proxy at a special general meeting for that purpose, notice of which meeting shall be mailed to each member of the Company at his last known post office address at least thirty days previous to the day fixed for such meeting.”

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57-58 VICTORIA.

CHAP. 124.

An Act respecting the St. Lawrence Insurance Company.

[Assented to 23rd July, 1894.]

WHEREAS the incorporators of the St. Lawrence Insurance Company have by their petition prayed for an Act to amend, as hereinafter mentioned, chapter seventy-nine of the Statutes of 1893, 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.

Chapter 79 of 1893.

1. The time specified in section one of chapter seventy-nine of the Statutes of 1893 in which to obtain a license to transact business as required by section twenty-four of *The Insurance Act* is hereby extended for two years from the first day of April, eighteen hundred and ninety-four; and the said Act so amended shall be deemed to have continued and to be in full force and effect; subject however to the amendments hereinafter mentioned to the Company's Act of incorporation, being chapter one hundred and three of the Statutes of 1887.

Time for securing license extended.

R.S.C., c. 124.

2. Section twelve of the said Act of incorporation is hereby amended by adding thereto the following words: "Provided that the paid-up capital of the Company shall be increased to the sum of two hundred thousand dollars within one year from the holding of the first meeting of the shareholders."

Section 12 amended.

3. Section seventeen of the said Act of incorporation is hereby amended by striking out all the words after the word "assigns" in the fifteenth line of the said section.

Section 17 amended.

4. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada or of any province of Canada or of any municipal corporation in Canada, or in debentures of any building society, loan, or investment company, or on the security of any of the said debentures, bonds, stocks or securities, or on the security of paid-up shares of any building society, loan or investment company, and whether

Investment of funds.

such debentures, bonds, stocks, securities or shares are assigned absolutely or conditionally or by assignment in the nature of a charge or mortgage thereon to the Company or to any officer of the Company or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds or other securities of the United Kingdom or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for term or terms of years, or in ground rents on real estate or other estate or interest in real property or mortgage security thereon, and may take, receive and hold all or any of such securities in the name of the Company or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to.

Conditions of
loans.

2. Any investment or loan above authorized to be made, may be on such terms and conditions and in such manner and at such times and for such sums and in such sums of repayment, whether of principal or interest or principal and interest as the directors from time to time determine, and either in satisfaction of, or as collateral security for debts to the Company or judgments recovered against any person, or in security for the payment thereof or of any part thereof.

Additional
security.

3. The Company may also take any additional security of any nature to further secure the repayment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company is by this section authorized to lend any of its funds.

Investment in
foreign securi-
ties.

5. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

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57-58 VICTORIA.

CHAP. 125.

An Act to amend the Act to incorporate the Steam Boiler and Plate Glass Insurance Company of Canada.

[Assented to 23rd July, 1894.]

WHEREAS the Steam Boiler and Plate Glass Insurance Company of Canada 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:—

1. Subject to the provisions of *The Insurance Act*, and in addition to the privileges conferred upon the Company under its Act of incorporation, being chapter one hundred and eighteen of the Statutes of 1891, the Steam Boiler and Plate Glass Insurance Company of Canada may make, enter into and execute policies, contracts, agreements and undertakings guaranteeing engineers and firemen in actual attendance upon any boiler insured by the said Company against loss of life or injury to person resulting from the explosion thereof.

2. Section three of the said Act is hereby amended by striking out the proviso at the end thereof and substituting the following proviso therefor: "Provided that until forty thousand dollars have been *bonâ fide* paid on the subscribed capital stock of the Company, not less than ten per cent being paid on each and every share of such subscribed stock, the risks taken by the Company upon any one property shall not at any time exceed ten per cent of such paid-up capital."

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57-58 VICTORIA.

CHAP. 126.

An Act to incorporate the Alliance of the Reformed Baptist Church of Canada and the several churches connected therewith.

[Assented to 23rd July, 1894.]

WHEREAS a petition has been presented representing that Preamble.
a number of persons in Canada are associated together in churches constituting a religious denomination known as the Reformed Baptist Church of Canada, in connection with and under the supervision of a body known as The Alliance of the Reformed Baptist Church of Canada and composed of the ministers of the said denomination and delegates from the several churches thereof; and whereas the said petition prays for the incorporation of the said Alliance and churches, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The ministers of the religious denomination known as the Reformed Baptist Church of Canada, together with two delegates appointed by each local church, and the officers and delegates of the mission society connected with the said church, are hereby declared to be a body politic and corporate under the name of "The Alliance of the Reformed Baptist Church of Canada," hereinafter called "the Alliance," and the said Alliance shall have the direction and management of the general interests of the said denomination. Incorporation.

2. The first meeting of the Alliance shall be held on the first Wednesday next after the fourth Sunday in June in the present year, or at such other time and such place as are designated by a notice published in the paper styled *The King's Highway*, such notice to be signed by James E. Drysdale, Benjamin N. Goodspeed, and G. P. Bowers, or any two of them and published four weeks previous to the said meeting. All subsequent meetings of the Alliance may be held at such time and place as are fixed by the Alliance. First meeting of Alliance.

- Churches connected with Alliance incorporated. **3.** Every church organized in connection with the Alliance, on a vote of three-fourths of its members present at a meeting regularly called for business, and desirous of becoming incorporated under this Act, shall thereupon become and be a corporation under the name of "The Reformed Baptist Church of (*naming the place where located*)" subject to such provisions and conditions and with such powers as the Alliance determines; provided however, that such powers shall not be in excess of those conferred upon the Alliance by this Act; and any person holding property in trust for any such local church may, on such church becoming incorporated, convey to and vest in the corporation of such church all such property so held by him; and the conveyance or mortgage of any property held by any local church may be executed by such officers of the church, and in such manner, without seal, as is provided by its by-laws, subject to the laws of the province in which such real estate is situate.
- Corporate name.
- Proviso.
- Transfer of property.
- Form of conveyance.
- Value of real estate limited. **4.** The Alliance may hold real estate not exceeding in value one hundred thousand dollars; and any local church may hold real estate not exceeding fifty thousand dollars; and the Alliance or each church thereof shall, within seven years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the purposes of the Alliance, or of each church thereof; and any devise of real estate shall be subject to the laws respecting devises of real estate to religious corporations, in force at the time of such devise in the province in which such real estate is situate, so far as such laws apply to the Alliance or to any church thereof.
- Provincial laws.
- Liability of property of Alliance or churches. **5.** The property of the Alliance or of each church shall alone be liable for the debts and engagements of the respective corporations.
- Powers. **6.** The Alliance may make such by-laws, rules and regulations, not inconsistent with law and its rules of discipline, as it deems necessary and advisable for its own government, and may appoint such officers as are required, and define their duties; and any local church may make such by-laws, rules and regulations, not inconsistent with law, for its government, as may be necessary, and appoint such officers as may be required, and define their duties.



57-58 VICTORIA.

CHAP. 127.

An Act to incorporate the Dominion Woman's Christian Temperance Union.

[Assented to 23rd July, 1894.]

WHEREAS the Dominion Woman's Christian Temperance Union has by its petition prayed to be incorporated with the powers and for the purposes hereinafter mentioned, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Mrs. Letitia Youmans of Toronto, Ont., Mrs. Ella F. M. Williams, of Montreal, Que., Mrs. Harriot T. Todd, of St. Stephen, N.B., Miss Julia Tilley, of Toronto, Ont., Mrs. Annie O. Rutherford of Toronto, Ont., Mrs. Roberta E. Tilton of Ottawa, Ont., Mrs. Mary E. Sanderson, of Danville, Que., Mrs. May R. Thornley, of London, Ont., Mrs. Edith J. Archibald, of Cow Bay, Cape Breton, N.S., Mrs. M. A. Cunningham, of New Westminster, B.C., Mrs. Myrtle Blakely, of Winnipeg, Manitoba, Mrs. Elizabeth Middleton, of Quebec City, Que., Mrs. C. Spofford, of Victoria, B.C., Mrs. C. W. Strong, of Summerside, P.E.I., and all others who are now or hereafter become associated with them, according to their constitution and by-laws, shall be and are hereby constituted a body politic and corporate, under the name of "The Dominion Woman's Christian Temperance Union," hereinafter called "the Union."

2. The purposes of the Union are the banding together of Christian women, pledged to total abstinence for the preservation of the home, the education of the young, the elevation of public sentiment with respect to the cause of temperance, the reformation of the drinking classes by the power of divine grace, and the securing of laws which shall totally prohibit the carrying on of the liquor traffic in Canada.

3. The Union may acquire all land and property necessary for its purposes, provided that the annual value of the real estate held at any one time apart from that in the actual

- Proviso. use of the Union shall not exceed five thousand dollars: Provided that any devise of real estate shall be subject to the laws respecting devises of real estate to religious corporations, in force at the time of such devise in the province in which such real estate is situate, so far as such laws apply to the Union.
- Disposal of property not required. **4.** The Union shall, within seven years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the purposes of the Union.
- Regulations. **5.** The Union may also make and pass regulations and by-laws for the direction and management of the Union.
- Constitution and by-laws. **6.** The constitution and by-laws of the Union now in force are and shall be the constitution and by-laws of the Union hereby constituted until they are changed as provided therein.
- Head office. **7.** The head office of the Union shall be at Toronto, or at such other place as is by by-law determined.

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57-58 VICTORIA.

CHAP. 128.

An Act to amend the Act respecting the Ladies of the Sacred Heart of Jesus.

[Assented to 23rd July, 1894.]

WHEREAS the Ladies of the Sacred Heart of Jesus have Preamble.
by their petition prayed for the passing of an Act to amend 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:—

1. Section six of *The Act respecting the Ladies of the Sacred Heart of Jesus*, being chapter ninety-one of the Statutes of 1893, is hereby repealed and the following substituted therefor:— Section 6, c. 91, of 1893 repealed.

6. The Society may, for its use and benefit, borrow such sums of money as are necessary for the purchase of real estate for the purposes of the Society, for the construction and maintenance thereon of educational and other buildings and establishments in any province of Canada, and for the payment and reimbursement of all debts and obligations already contracted by the Society; and to secure the payment of the sums so borrowed, the Society may mortgage all or any of the properties which it now owns, or will own in the future, on such terms and conditions as the Society deems expedient.” Borrowing powers.

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57-58 VICTORIA.

CHAP. 129.

An Act for the relief of James St. George Dillon.

[Assented to 23rd July, 1894.]

WHEREAS James St. George Dillon, of the city of Montreal, in the district of Montreal, in the province of Quebec, merchant, has, by his petition, humbly set forth that on the twenty-seventh day of August, eighteen hundred and eighty-three, he was lawfully married at the city of Montreal aforesaid, to Dame Marie Catherine Charlotte Adrienne Barron; that after the said marriage they lived and cohabited together at the city of Montreal, until about six years ago, when, in consequence of her misconduct, they voluntarily separated; that they remained so separated until the thirty-first day of October, eighteen hundred and ninety-three, when he was granted a judicial separation from bed and board from her, and the custody of the children, issue of the said marriage, by the Superior Court for the district of Montreal; that she committed adultery with René Geoffroy de Villeneuve, of the city of Montreal, insurance broker, during the year eighteen hundred and ninety-three, and especially at the cities of Montreal and Quebec, in the said province, during the months of August and September in said year, and has subsequently been living openly as the mistress of the said de Villeneuve; and whereas the said James St. George Dillon has humbly prayed that the said marriage may be dissolved, and that he may be authorized to marry again, and that such further relief may be afforded him, as is deemed meet; and whereas he has proved the said allegations of his petition, and it is expedient that the prayer thereof 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:—

Preamble.

1. The marriage between the said James St. George Dillon and the said Dame Marie Catherine Charlotte Adrienne Barron, his wife, is hereby dissolved, and shall be from henceforth null and void, to all intents and purposes whatsoever.

Marriage dissolved.

Right to
marry again.

2. The said James St. George Dillon may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Dame Marie Catherine Charlotte Adrienne Barron had not been solemnized.

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57-58 VICTORIA.

CHAP. 130.

An Act for the relief of Caroline Jane Downey.

[Assented to 23rd July, 1894.]

WHEREAS Caroline Jane Downey, of the city of Toronto, Preamble.
in the county of York and province of Ontario, wife of
Donald Campbell Downey, heretofore of the town of Whitby,
in the county of Ontario, in the province of Ontario, merchant,
hath by her petition set forth that on the twenty-first day of
November, one thousand eight hundred and seventy-six, she
was lawfully married to him at the city of Toronto, in the said
province; that there is no issue of the said marriage; that he
has been guilty of adultery and cruelty and that on the seventh
day of October, one thousand eight hundred and eighty-nine,
he, without lawful reason or excuse, deserted her and has ever
since continued to live apart from her and has left her without
any means of support whatever; and whereas she has humbly
prayed that the said marriage may be dissolved and that she
be authorized to marry again, and that such further relief may
be afforded her as is deemed meet; and whereas she has proved
the said allegations of her petition, and it is expedient that the
prayer thereof should be granted: Therefore Her Majesty, by
and with the advice and consent of the Senate and House of
Commons of Canada, enacts as follows:—

1. The said marriage between the said Caroline Jane Downey Marriage dis-
and Donald Campbell Downey, her husband, is hereby dissolved solved.
and shall be henceforth null and void to all intents and pur-
poses whatsoever.

2. The said Caroline Jane Downey may, at any time here- Right to
after, marry any man whom she might lawfully marry in case marry again.
the said marriage with the said Donald Campbell Downey had
not been solemnized.

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most Excellent Majesty.



57-58 VICTORIA.

CHAP. 131.

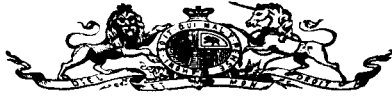
An Act for the relief of Joshua Nicholas Filman.

[Assented to 23rd July, 1894.]

WHEREAS Joshua Nicholas Filman of the township of Preamble.
East Flamborough in the county of Wentworth and province of Ontario, yeoman, has by his petition humbly set forth in effect that on the twelfth day of February, one thousand eight hundred and seventy-three, at the township of Nelson in the county of Halton and said province, he was married to Emma Matilda Sovereign of the said township of Nelson, spinster, according to the rites and ceremonies of the Wesleyan Methodist Church; that they cohabited together as husband and wife until the first day of September, one thousand eight hundred and ninety-two, and had issue of the said marriage five children; that on or about the twelfth day of September, one thousand eight hundred and ninety-two, and on several subsequent days the said Emma Matilda Filman committed adultery; and whereas he has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his 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, enacts as follows:—

1. The said marriage between the said Joshua Nicholas Marriage dissolved.
Filman and Emma Matilda Sovereign, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatever.

2. The said Joshua Nicholas Filman may at any time here- Right to marry again.
after marry any woman whom he might lawfully marry in case the said marriage with the said Emma Matilda Sovereign had not been solemnized.



57-58 VICTORIA.

CHAP. 132.

An Act for the relief of Orlando George Richmond Johnson.

[Assented to 23rd July, 1894.]

WHEREAS Orlando George Richmond Johnson, of the Preamble. township of Kingston in the county of Frontenac, in the province of Ontario, florist, has by his petition humbly set forth that on the second day of August, one thousand eight hundred and seventy-nine, he was married to Henrietta Overton ; that there were born of the said marriage four children, three of whom are still living and are under his care ; that in or about the month of July, one thousand eight hundred and eighty-four, she separated from him by mutual agreement, but in about a month returned to his home and was received back by him ; that in or about August or September, one thousand eight hundred and eighty-four, she again left him and went to reside in the city of Kingston, taking away with her their then infant child ; that she committed adultery at the said city of Kingston with one William Whalen and also with one Levi Presnail and others, in the month of September, one thousand eight hundred eighty-four ; that by a deed of agreement dated the twenty-fourth day of December, one thousand eight hundred and eighty-four, they agreed to live separate and apart, and that she should maintain the said infant child ; that since the last mentioned date they have so lived separate and apart ; that in or about the month of June, one thousand eight hundred and eighty-five, she abandoned the said infant child and left Canada ; that during the summer of one thousand eight hundred and ninety-three, she lived in the city of Buffalo, in the state of New York, one of the United States of America, in a house of ill-fame, where she committed adultery ; and whereas the said Orlando George Richmond Johnson has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded him as is deemed meet ; and whereas he has proved the said allegations of his petition and it is expedient that the prayer thereof 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 marriage between the said Orlando George Richmond Johnson and the said Henrietta Overton, his wife, is hereby dissolved and shall be from henceforth null and void to all intents and purposes whatsoever.

Right to
marry again.

2. The said Orlando George Richmond Johnson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Henrietta Overton had not been solemnized.

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most Excellent Majesty.



57-58 VICTORIA.

CHAP. 133.

An Act for the relief of William Samuel Piper.

[Assented to 23rd July, 1894.]

WHEREAS William Samuel Piper, of the town of Fort Preamble.
William, in the district of Thunder Bay, and province of Ontario, Canada, merchant, has by his petition set forth that, on the first day of December, one thousand eight hundred and eighty-six, he was married to Mary Ann McKenzie; that the said marriage was never consummated and that he and she have never cohabited together; that shortly after the said marriage she went to the city of Brantford where she committed adultery with one of the persons named in his petition; that she subsequently committed adultery with other persons referred to in his petition, with one of whom therein named she lived as wife with husband in and for a long time subsequent to the month of April, one thousand eight hundred and ninety, and to whom she has borne two illegitimate children; and whereas the said William Samuel Piper has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between William Samuel Piper and Mary Ann McKenzie, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.
2. The said William Samuel Piper may, at any time hereafter, marry any woman whom he might lawfully marry if the said marriage with the said Mary Ann McKenzie had not been solemnized. Right to marry again.



57-58 VICTORIA.

CHAP. 134.

An Act for the relief of Joseph Thompson.

[Assented to 23rd July, 1894.]

WHEREAS Joseph Thompson, of the city of Belleville, in Preamble.
the county of Hastings and province of Ontario, gentleman, has by his petition humbly set forth that on the twenty-ninth day of May, one thousand eight hundred and seventy-eight, he was lawfully married to Hattie Huffman, spinster, at the town of Trenton, in the county of Hastings, in the province of Ontario; that afterwards they lived together and cohabited as man and wife at the township of Ameliasburg, in the county of Prince Edward, at the township of Sidney, in the county of Hastings, and at the city of Belleville, in the county of Hastings, all in the province of Ontario; that no issue was born of the said marriage; that on or about the fifteenth day of November, one thousand eight hundred and eighty-seven, she committed adultery with Robert Stevenson, in the city of Belleville, aforesaid; and whereas the said Joseph Thompson has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further relief be afforded him as is deemed meet; and whereas he has proved the said allegations of his petition and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between the said Joseph Thompson and Hattie Huffman, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes. Marriage dissolved.

2. The said Joseph Thompson may at any time hereafter marry any other woman whom he might lawfully marry in case the said marriage with the said Hattie Huffman had not been solemnized. Right to marry again.



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