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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA,

PASSED IN THE SESSION HELD IN THE
FIFTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE
THIRD SESSION OF THE SIXTH PARLIAMENT,

*Begun and holden at Ottawa, on the Thirty-first day of January, and
closed by Prorogation on the second day of May, 1889.*



HIS EXCELLENCY

THE RIGHT HONORABLE SIR FREDERICK ARTHUR STANLEY, BARON STANLEY OF PRESTON.
GOVERNOR GENERAL.

VOL. II.
LOCAL AND PRIVATE ACTS.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1889.



52 VICTORIA.

CHAP. 48.

An Act to incorporate the Victoria, Saanich and New Westminster Railway Company.

[Assented to 20th March, 1889.]

WHEREAS a petition has been presented praying for Preamble.
the incorporation of a company to construct and operate a railway and ferry 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 Hon. Amor De Cosmos, the Hon. John Herbert Incorporation.
Turner, M.P.P., John Grant, M.P.P., Charles E. Redfern, jeweller, Alexander Wilson, merchant, Alexander Alfred Green, banker, and James Stuart Yates, barrister-at-law, all of the city of Victoria, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of Corporate name.
“The Victoria, Saanich and New Westminster Railway Company,” hereinafter called the Company.

2. The head office of the Company shall be in the city of Head office.
Victoria aforesaid.

3. The Company may lay out, construct, equip and oper- Line of rail-
way describ-
ed.
ate a main line of railway of the gauge of four feet eight and one-half inches, from a point in or near the said city of Victoria to a point at or near Swartz Bay, North Saanich, Vancouver Island, with a branch line from Victoria aforesaid to the harbor of Esquimalt, then on the mainland of British Columbia from a point near Point Roberts, north of the International boundary line, thence by way of Ladner's Landing, Fraser River, to the city of New Westminster, so as to connect there with the Canadian Pacific Railway, with power to construct and operate, from the said main line, Branch lines
branch lines to the city of Vancouver and to a point at or near Canoe Pass, as well as to a point at or near Garry Poin.

Point, Lulu Island, and to the International boundary line, so as to connect with the railway system of the United States at or near the town of Blaine in Washington Territory; and the company may, for the purposes of their railway, construct, maintain, own and operate a steam ferry from Swartz Bay aforesaid across the Strait of Georgia to the terminus of their mainland line at Point Roberts aforesaid, as well as to either or both of the termini of their branch lines to Garry Point and Canoe Pass aforesaid

Steam ferry.
Powers as to steam or other vessels.

4. The Company may purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair, steam and other vessels from time to time to ply on the rivers or inland waters of the Province of British Columbia and elsewhere, in connection with the said railway, and also make arrangements and agreements with steam-boat and vessel proprietors, by chartering or otherwise, to ply on the said rivers and waters in connection with the said railway.

Additional property may be acquired and elevators, &c., constructed.

5. The Company may, at Shoal Harbour, Swartz Bay, Point Roberts, Canoe Pass and Garry Point, purchase and hold as its own absolute property, piers, docks and water lots; and upon the said water lots and in and over the waters adjoining the same, may build and erect elevators, storehouses, warehouses and engine houses, sheds, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, worked or controlled by the Company, or any other steam or other vessels; and may collect wharfage and store charges for the use of the same; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and may dredge, deepen and enlarge such works; and in its discretion may sell, lease or convey the said wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portion thereof:

Works may be sold.

Conditions of construction.

2. No such work or any part thereof shall be constructed so as in any way to materially obstruct navigation, or the flow of water on any navigable river; and the Company shall not commence the construction of the same until the plans and site of each of such works have first been submitted to and approved of by the Governor in Council.

Provisional directors.

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

7. The capital stock of the Company shall be one 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 centum on the shares subscribed. Capital stock and calls thereon.

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

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

10. 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 ; and such bonds shall be called " A " bonds ; and in addition thereto bonds to an amount not exceeding two hundred thousand dollars may be issued for the construction of the steam ferry boats hereinbefore mentioned, and shall be called " B " bonds :

2. To specially secure series " B " bonds, tolls for the use of such ferry shall, from time to time, be fixed, imposed, changed, varied and regulated by the by-laws of the Company ; but such by-laws, before being enforced, shall be first submitted to and approved by the Governor in Council ; and the tolls to be levied shall be uniformly imposed upon all companies and corporations using the said ferry, and shall be paid to such persons and at such places, and under such regulations as the said by-laws direct. Tolls for use of ferry to secure bonds.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



52 VICTORIA.

CHAP. 49.

An Act respecting the Kootenay and Athabasca Railway Company.

[Assented to 20th March, 1889.]

Preamble.

WHEREAS the Kootenay and Athabasca Railway Company has, by its petition, prayed that an Act may be passed to re-enact, as hereinafter set forth, the Act incorporating the said Company, passed in the forty-ninth year of Her Majesty's reign and chaptered eighty-three, and it is expedient to grant the 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:—

Repeal of 49 V., c. 83.

1. The Act incorporating the Kootenay and Athabasca Railway Company, passed in the forty-ninth year of Her Majesty's reign and chaptered eighty-three, is hereby repealed.

Incorporation.

2. McLeod Stewart, James Isbester, Clarence W. Moberly, Alexander MacLean and Walter Moberly, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Kootenay and Athabasca Railway Company," hereinafter called the Company.

Corporate name.

Head office

3. The head office of the Company shall be in the city of Victoria, in the Province of British Columbia, or at such other place in Canada or Great Britain, as a majority of the shareholders at any annual general or special meeting determine.

Line of railway described.

4. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near Revelstoke, in the Province of British Columbia, on the main line of the Canadian Pacific Railway, to a point at or near the head of Kootenay Lake,

Lake, following the valleys of the Columbia and Ilcomopolux Rivers, Trout Lake and Lardeaux Creek, thence to the International boundary line at or between the Kootenay and Columbia Rivers, with a branch line to Slocum Lake:

2. The Company may also own or hire and run and operate steam or other vessels for carrying freight and passengers in connection with its line of railway, and may sell or dispose of the same. Steam and other vessels.

5. The persons mentioned by name in the second 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, as they deem necessary; but no one call shall exceed ten per centum on the shares subscribed. Capital stock and calls thereon.

7. The annual general meeting of the shareholders shall be held on the first Wednesday in February in each year. Annual general meeting.

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

9. Notwithstanding the provision contained in section fifty-five of "*The Railway Act*," the directors may vote and act by proxy,—such proxy to be held by a director only; but 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,—the remaining number of directors required to form a quorum being represented by proxies: Voting by proxy.

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. Renewal of proxies.

10. 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. Amount of bonds, &c., limited.



52 VICTORIA.

CHAP. 50.

An Act to incorporate the Alberta Railway and Coal Company.

[Assented to 20th March, 1889.]

Preamble.

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

Incorporation.

1. The Honorable Sir Alexander Tilloch Galt, G.C.M.G., of Montreal, Sir Roderick Cameron, of New York, William Miller Ramsay, of Montreal, William G. Conrad, of Fort Benton, Montana, Samuel T. Hauser, of Helena, Montana, Walter Shanly, M.P., of Montreal, Elliott T. Galt, of Lethbridge, and Donald Watson Davis, M.P., of Fort Macleod, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Alberta Railway and Coal Company", hereinafter called the Company.

Corporate name.

Head office.

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

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the railway of the North-Western Coal and Navigation Company, Limited, at or near Lethbridge, in the District of Alberta, in the North-West Territories, southerly to the boundary line between Canada and the United States of America, to connect with the railway system in the Territory of Montana; and the undertaking hereby authorized is declared to be a work for the general advantage of Canada.

Declaratory.

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 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 centum on the shares subscribed.

Capital stock and calls thereon.

6. 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 one week's notice thereof in two daily newspapers published in the city of Montreal, and by mailing postpaid to the last known address of each shareholder a notice of such meeting.

Notice of first meeting of shareholders.

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

Annual general meeting.

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

Number of directors.

2. In the event of the Company availing itself of the powers granted under section eleven of this Act, 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.

Increase of number.

9. Notwithstanding the provision contained in section fifty-five of "The Railway Act." the directors may vote and act by proxy,—such proxy to be held by a director only; but 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,—the remaining number of directors required to form a quorum being represented by proxies:

Voting by proxy.

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.

Renewal of proxies.

10. 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 only be issued in proportion to the length of railway constructed or under contract to be constructed.

Amount of bonds, &c., limited.

11. 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 North-Western

Certain property may be acquired.

Increase of capital therefor and conditions.

Issue of bonds to improve railway acquired.

Redemption of bonds of company from which railway is acquired.

Rank of bonds issued to improve railway acquired.

What the agreement shall provide.

Ratification by shareholders.

Effect thereof.

Western Coal and Navigation Company, Limited, upon such terms and conditions as may be agreed upon by the directors of the said companies, and for such purpose may, in addition to the powers conferred by sections five and ten of this Act, increase its capital stock to such an amount as is necessary, by the issue of ordinary shares or by the creation and issue of preferential shares bearing interest not exceeding eight per centum per annum; and the present share capital of the North-Western Coal and Navigation Company, Limited, shall thereupon be called in and cancelled; and further, the Company may, for the purpose of making the gauge of the said railway four feet eight and one half inches, and otherwise improving the railway of the said North-Western Coal and Navigation Company, Limited, issue bonds, debentures or other securities to an amount not exceeding fifteen thousand dollars per mile of the said railway now in operation from Lethbridge to Dunmore; and the Company shall, out of the proceeds from the sale of the said bonds, debentures or other securities, set aside a sufficient sum to pay off and cancel all and any bonds that may heretofore have been issued by the said North-Western Coal and Navigation Company, Limited:

2. The bonds, debentures or other securities issued under the provisions of this section shall, if so agreed, constitute a first and preferential charge upon the railway and property of the said North-Western Coal and Navigation Company, Limited, when so acquired; and the holders of the said bonds, debentures or other securities shall have the same rights and privileges as are conferred upon the holders of the bonds, debentures or other securities issued under the tenth section of this Act:

3. The agreement for such purchase or lease shall provide that all Acts relating to the North-Western Coal and Navigation Company, Limited, shall be respected, and that all obligations entered into by that Company shall be carried out by the Alberta Railway and Coal Company, who may be sued therefor; and that all the rights and privileges and claims of any bondholder or of any person, in respect of either Company shall, in no way, be impaired by such sale and purchase:

4. Such agreement shall not be valid until it has first been ratified by two-thirds of the votes at special general meetings, to be held in London, England, of the shareholders of each company, duly called for the purpose of considering the same,—at which meetings shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy.

12. Upon the ratification of the said agreement in the manner above mentioned, the railway and works, capital stock, assets, rights, privileges, property and franchises of the North-Western Coal and Navigation Company, Limited, shall

shall be vested in the Alberta Railway and Coal Company; and any suit, action or proceeding pending, or judgment existing, at the time when such agreement takes effect, by or against either Company, may be continued and completed and enforced by or against the Alberta Railway and Coal Company.

13. The failure of the Company to commence and complete the railway within the time limited by section eighty-nine of "The Railway Act" shall not, in any respect, affect or alter any agreement, lease or obligation which the Company may have entered into with the North-Western Coal and Navigation Company, Limited, or the powers conferred by this Act in relation thereto.

Agreement not to be affected by failure to build railway hereby authorized.

14. The Company may purchase, or acquire and hold in trust, as security for the shares, bonds or other securities to be issued by them as hereinafter provided, the shares, bonds and other securities that may lawfully be issued by any company formed under the laws of the Territory of Montana, for the purpose of constructing, equipping and operating a line of railway from the city of Helena, or such suitable point as may be agreed upon, in the Territory of Montana, in a northerly direction to a point on the International Boundary line between the United States of America and Canada, at or near the Sweet Grass Hills, in the Territory of Montana, upon such terms and conditions as may be agreed upon by the directors of the said companies; and the Company may, for the purpose of acquiring the shares, bonds and other securities hereinbefore mentioned, in addition to the powers conferred by sections five, ten and eleven of this Act, increase their capital stock to an amount not exceeding six hundred thousand dollars, by the issue of additional ordinary shares; and may also issue bonds, debentures or other securities to an amount not exceeding seventeen thousand five hundred dollars per mile of such railway in Montana, and its 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:

Company may acquire bonds, &c., of a certain U.S. railway Co.

Increase of capital and issue of bonds for that purpose.

2. The bonds, debentures or other securities issued under the provisions of this section, shall, if so agreed, constitute a first and preferential charge upon the railway in Montana; and the holders of the said bonds, debentures or other securities shall have the same rights and privileges as are conferred upon the holders of bonds, debentures or other securities issued under the said tenth and eleventh sections of this Act; and the proceeds realized from the sale of the said shares, bonds, debentures or other securities shall be applied to the construction and equipment of the railway in Montana, and the remainder thereof to the general purposes of the Company:

Ranking of such bonds.

Rights of holders.

Application of proceeds

Ratification
by share-
holders.

3. The agreement for such purchase or acquisition shall not be valid until it first has 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 the same,—at which meetings shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy; and the meeting of the shareholders of the Alberta Railway and Coal Company, provided for in this subsection, may be held in London, England.

Deposit of
agreements.

Notice of de-
posit.

15. A duplicate of the agreements referred to in sections eleven and fourteen of this Act shall be filed in the office of the Secretary of State at Ottawa, and notice thereof shall be given in the *Canada Gazette*, and the production of the *Gazette* containing such notice shall be *prima facie* evidence that the requirements of this Act have been complied with.

Equal rank of
bondholders.

16. The holders of the bonds, debentures or other securities issued under the provisions of sections eleven and fourteen of this Act shall rank *pari passu* with the holders of the bonds, debentures or other securities issued under the provisions of section ten of this Act.

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52 VICTORIA.

CHAP. 51

An Act to incorporate the Calgary, Alberta and Montana Railway Company.

[Assented to 20th March, 1869.]

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. Arthur Edwin Shelton, James Delamere Lafferty, John Lee Bowen, Wesley Fletcher Orr, William Baillie, James Gerald Fitzgerald, John Lineham, Alexander Allan, Howard Douglas, James Walker, Archibald Grant, William Leigh Bernard, Edwin Robert Rogers, Isaac Sanford Freeze, George Charles Marsh, Charles Edward Dudley Wood, Donald Watson Davis, John Crowdry and John Basset Smith, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Calgary, Alberta and Montana Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point within the limits of the corporation of the town of Calgary, thence southerly, crossing Fish Creek on section three, township twenty-three, range one west of the fifth meridian, and Pine Creek on or about section eleven, township twenty-two of the same range ; thence southeasterly, crossing Sheep Creek near its mouth ; thence southerly, crossing High River at the present crossing of the Calgary-McLeod trail, and Mosquito Creek near the Forks in section twenty-two, township sixteen, range

Line of railway described.

twenty-eight west of the fourth meridian ; thence southeasterly, passing through the town of Fort McLeod at some point west of fifth avenue and north of fifteenth street ; thence southerly, crossing the Waterton or Kootenay River at about Pace's Crossing, and continuing in a southerly direction, crossing the north fork of Milk River to the International boundary in range twenty-four west of the fourth meridian.

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 of dollars, and may be called up by the directors from time to time as they deem necessary ; but no one call shall exceed ten per centum on the shares subscribed.

Annual general meeting.

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

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, &c., 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 Canadian Pacific Railway Company, or with any railway company whose line of railway may run to the International boundary line from a southerly direction, 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 received the approval of the Governor in Council :

Sanction of the shareholders.

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

Notice of application for approval.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



52 VICTORIA.

CHAP. 52.

An Act to incorporate the Red Deer Valley Railway and Coal Company.

[Assented to 20th March, 1889.]

Preamble.

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

Incorporation.

1. Joseph Ick Evans, Daniel McFarlane, Joshua T. Johnston, Henry Percy Withers and John Bain, all of the city of Toronto, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Red Deer Valley Railway and Coal Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Toronto, in the Province of Ontario, or at such other place in Canada or Great Britain as a majority of the shareholders at any annual or special meeting determine.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one half inches, from a point near the town of Calgary, in the District of Alberta, in the North-West Territories, running generally in a north-easterly direction, to a point on the Red Deer River in township thirty-two, range twenty-one, west of the fourth principal meridian, and passing through townships twenty-four in the twenty-ninth range, twenty-five in the twenty-eighth range, twenty-five in the twenty-seventh range, twenty-six in the twenty-sixth and thirty-fifth ranges, twenty-seven and twenty-eight in the twenty-fourth range, twenty-nine and thirty in the twenty-third range, thirty, thirty-one and thirty-two in the twenty-

second range, west of the fourth principal meridian ; and also from at or near Cheadle Station, on the Canadian Pacific Railway, in a northerly direction to a point of junction with the line from Calgary in or near township twenty-six, range twenty-five, west of the fourth principal meridian ; and also a branch or spur from a point on the main line in township twenty-four, range twenty-nine west of the fourth principal meridian, to a point between Sheppard and Calgary stations on the Canadian Pacific Railway ; and also a branch from a point on the main line in township thirty, range twenty-three, west of the fourth principal meridian, running in an easterly direction to the Red Deer River ; with liberty to the Company to vary its line a distance of five miles on either side of the course hereby directed.

Branch lines.

Line may be varied.

4. The Company may buy, lease, acquire, sell and mortgage coal and other mineral lands and mines, and may mine coal and other minerals, and may manufacture and sell the products of such mines and lands, and may also acquire, purchase, mortgage and operate steamers and barges in connection with its said business, and may purchase, sell and mortgage, construct and own, all buildings, machinery and plant that it deems necessary for carrying on and operating its business.

Powers as to mines, steamers, &c.

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

Provisional directors.

6. The capital stock of the Company shall be 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 centum on the shares subscribed.

Capital stock and calls thereon.

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

Annual general meeting.

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

Number of directors.

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

Amount of bonds, &c., limited.



52 VICTORIA.

CHAP. 53.

An Act to incorporate the Assiniboia, Edmonton and Unjiga Railway Company.

[Assented to 20th March, 1889.]

Preamble.

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

Incorporation.

1. The Hon. Herbert E. Wilson, Appleton Jones Patison, Thomas Bell Lee, Henry Joseph Dennis, Robert McCleary and James R. Roaf, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of “The Assiniboia, Edmonton and Unjiga Railway Company,” hereinafter called “the Company.”

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Toronto.

Line of railway described.

3. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one half inches, from a point in or near the village of Swift Current on the line of the Canadian Pacific Railway, thence north-westerly crossing the South Saskatchewan River near the junction of the Red Deer River, thence north-westerly to a point near the north end of Sullivan Lake, thence generally northerly to the north-east corner of Beaver Lake, thence northerly and westerly to the Saskatchewan, thence south-westerly to Edmonton, thence north-westerly to the Peace River at or near to the junction of the Smoky River.

Provisional directors.

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

5. The capital stock of the Company shall be four million six hundred and eighty 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 centum on the shares subscribed. Capital stock and calls.

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

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. Number of directors

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. Amount of bonds, &c., limited.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



52 VICTORIA.

CHAP. 54.

An Act to incorporate the Moose Jaw and Edmonton Railway Company.

[Assented to 16th April, 1889.]

Preamble.

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

Certain persons incorporated.

1. J. P. Simpson, A. R. Turnbull, Thos. B. Baker, O. B. Fysh, R. H. Riddell, J. G. Gordon, E. N. Hopkins, James H. Ross, Wm. Grayson and G. M. Annable, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Moose Jaw and Edmonton Railway Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the town of Moose Jaw, in the North-West Territories, or in such other place in Canada or Great Britain as is fixed by by-law of the Company passed at any annual general or special meeting of the shareholders called for that purpose.

Railway may be constructed.

3. The Company may lay out, construct, and operate a railway of the gauge of four feet eight and one-half inches, from a point on the line of the Canadian Pacific Railway Company at or near Moose Jaw, in the District of Assiniboia, in the North-West Territories, to a point on the elbow of the South Saskatchewan River, and thence in a north-westerly direction to Edmonton.

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

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

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

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. Election of directors.

8. The Company may issue bonds, debentures or other securities, to the extent of twenty-five thousand dollars per mile of the railway, 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. Amount of bonds, &c., limited.

9. The Company may acquire and work elevators, and may acquire, build, 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. Elevators, and steam and other vessels.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



52 VICTORIA.

CHAP. 55.

An Act to incorporate the Lac Seul Railway Company.

[Assented to 20th March, 1889.]

Preamble.

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

Incorporation.

1. William Forbes Alloway, Daniel Emes Sprague, William Bain Scarth, Valentine Charles Alloway and William Robinson, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of “The Lac Seul Railway Company,” hereinafter called “the Company.”

Corporate name.

Declaratory.

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

Head office.

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

Line of railway described.

4. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point at or near Shelley Station on the Canadian Pacific Railway in the Province of Manitoba, in a north-easterly direction to a point at or near White Mud Lake on the Winnipeg River.

Provisional directors.

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

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

Capital stock and calls thereon.

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

Annual general meeting.

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

Number of directors.

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

Amount of bonds, &c., limited.

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52 VICTORIA.

CHAP. 56.

An Act to incorporate the Saskatchewan Railway and Mining Company.

[Assented to 16th April, 1889.]

Preamble.

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

Incorporation.

1. John W. Cheeseworth, J. H. C. Willoughby, G. N. Grant, B. W. Clark, Archibald Young, J. E. Scheller, A. H. Royce, George Eldon Kidd and F. R. Powell, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Saskatchewan Railway and Mining Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Toronto or in such other place in Canada as is fixed by by-law of the Company, passed at any annual or special general meeting of the shareholders.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near Dunmore Station on the Canadian Pacific Railway, thence northerly to a crossing of the South Saskatchewan River at or near Drowning Ford, thence across the Red Deer River near its mouth, thence by the best route to a crossing of the South Saskatchewan River at or near Saskatoon:

Line may be varied, &c.

2. The Company may vary its line a distance of fifteen miles to the north or south of the course hereby authorized, and may utilize the navigable waters along or near the proposed route of the said railway, for the purposes of transport:

Vessels may be owned and worked.

3. The Company may construct, purchase, lease, charter or own steam and other vessels for the transport of their traffic

on the said navigable waters ; and may work ferries in connection with their railway on the waters near to or touched by the said railway and also sell, lease or dispose of such of the said vessels as they do not require.

4. The Company may buy and sell coal, iron and other mines and coal lands in connection with their business, and may mine for coal, iron and other minerals and sell and dispose of the product of the same. Mines, &c., may be acquired.

5. The Company, at any terminal point or at any point where the railway, or any branch thereof, touches or crosses any navigable waters, may, for the purposes of its business, purchase and hold as its own absolute property, piers, docks and water lots ; and upon the said water lots and in and over the waters adjoining the same, may build and erect elevators, storehouses, warehouses and engine houses, sheds, docks, piers and other erections for the use of the Company, and of the steam and other vessels owned, worked or controlled by the Company, or any other steam or other vessels ; and may collect wharfage and store charges for the use of the same ; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same ; and may dredge, deepen and enlarge such works ; and in its discretion may sell, lease or convey the said wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portion thereof. Additional property may be acquired for certain purposes.

2. No such work or any part thereof shall be constructed so as to cause any obstruction in or impede the free navigation of any navigable water ; and the Company shall not commence the construction of any dock or pier on any navigable water until the plans and site of each such dock or pier have first been submitted to and approved of by the Governor in Council : Conditions of such acquisition.

3. The Governor in Council may, from time to time, notwithstanding the approval of any of the said plans or works, require the same to be altered, or other works to be added or substituted, so as to make the works effective for the purposes intended, and so as to protect as far as possible the public interests and the rights which may be affected by the exercise of the powers conferred by this section. Governor in Council may order changes &c.

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

2. If any provisional director dies or resigns his office before the first general meeting of the Company, the vacancy may be filled by the remaining provisional directors. In case of vacancy.

Capital stock
and calls.

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

Annual gen-
eral meeting.

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

Amount of
bonds, &c.,
limited.

10. 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 only be issued in proportion to the length of railway constructed or under contract to be constructed.

Agreements
with other
companies.

11. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Winnipeg and Hudson Bay Railway and Steamship Company, or the Great North-West Central Railway Company for conveying or leasing to one of such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, 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 :

Sanction of
the share-
holders.

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

And of Go-
vernor in
Council.

Notice of ap-
plication for
approval.



52 VICTORIA

CHAP. 57.

An Act to incorporate the Lake Manitoba Railway and Canal Company.

[Assented to 16th April, 1889.]

WHEREAS a petition has been presented praying for the incorporation of a Company to construct and operate a railway, as hereinafter set forth, and to improve and connect the water communication between Lakes Manitoba and Winnipegosis and the North Saskatchewan River by the construction and maintenance of canals, and to own and operate steam or other vessels to ply upon the said lakes, rivers and canals, and it is expedient to grant the 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. M. P. Davis, John Graham, A. J. MacNab, Guy C. Noble, H. Lurge and William H. Davis, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Lake Manitoba Railway and Canal Company," hereinafter called "the Company."

Incorporation.
Corporate name.

2. The head office of the Company shall be in the town of Portage la Prairie, in the County of Marquette, in the Province of Manitoba.

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 Portage la Prairie, in the Province of Manitoba, running in a northerly direction to deep water at the southern boundary of Lake Manitoba ; and the said railway is hereby declared to be a work for the general advantage of Canada.

Line of railway described.

4. The Company may improve and connect the water communication, for the purposes of traffic and navigation, between Lakes Manitoba and Winnipegosis and the North Saskatchewan

Canals may be constructed.

Saskatchewan River, by the construction and maintenance of canals, and may erect and maintain dams for the purposes of such canals.

Steam and other vessels.

5. The Company may purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair steam and other vessels, from time to time, to ply on the lakes, rivers and canals of the Province of Manitoba and the North-West Territories of the Dominion of Canada, in connection with the said railway; and may also make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply upon the said lakes, rivers and canals, in connection with the said railway.

Powers as to water lots, elevators, wharves, &c.

6. The Company, at any point where the terminus of the railway, or of any branch thereof, reaches any navigable water, or where the railway or any branch thereof crosses any navigable water, may, for the necessary purposes of the Company, acquire and hold as its own absolute property, piers, docks and water lots; and upon the said water lots and in and over the waters adjoining the same, may build and erect elevators, storehouses, engine-houses, sheds, docks, piers and other structures for the use of the Company, and of the steam and other vessels owned, worked or controlled by the Company, or of any other steam or other vessels, and may collect wharfage and store charges for the use of the same; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and may dredge, deepen and enlarge such works; and in its discretion may sell, lease or convey the said piers, docks, water lots, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any thereof, or any portion thereof:

Charges may be collected.

Sale.

Navigation not to be obstructed.

2. No such work or any part thereof shall be constructed so as to cause any obstruction in or impede the free navigation of any navigable water.

Provisional directors.

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

Capital stock and calls thereon.

8. The capital stock of the Company shall be five 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 centum on the shares subscribed.

First meeting of shareholders.

9. The first meeting of the shareholders for the election of directors shall be held at such place in the city of Ottawa, in the Province of Ontario, as the provisional directors determine:

2. The annual general meeting of the shareholders shall be held on the first Thursday in June in each year. Annual general meeting.

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

11. 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; and such bonds shall be called "A" bonds; and in addition thereto bonds to an amount not exceeding five hundred thousand dollars may be issued for the construction of the canal between Lakes Manitoba and Winnipegosis, and shall be called "B" bonds. Amount of bonds on railway and on canal.

12. All tolls and charges levied or imposed by the Company shall be according to a tariff which shall be approved by the Governor in Council before any such tolls or charges shall be exacted or recovered; such tariff may be revised and altered by the Governor in Council from time to time; and the tolls and charges imposed thereunder shall be imposed uniformly on all persons and corporations using the works of the Company. Tolls and charges subject to approval.

13. The Company may specially secure the "B" bonds by the assignment of the canal tolls. Security for canal bonds.

14. No canal or work for utilizing or rendering available the water of the said river or lakes shall be commenced or proceeded with until the plans and the site of the said works have been approved of by the Governor in Council, and such conditions as he thinks fit to impose for securing the free navigation of the said river and lakes and the public good have been complied with; nor shall any such plan be altered or any deviation therefrom be allowed except by the permission of the Governor in Council and upon such conditions as he imposes. Canal works subject to approval.

15. The works authorized by this Act shall be commenced within three years and completed within six years from the passing of this Act; otherwise the rights and powers hereby conferred shall cease and determine. Time for commencement and completion



52 VICTORIA.

CHAP. 58.

An Act respecting the incorporation of the Northern Pacific and Manitoba Railway Company.

[Assented to 16th April, 1889.]

Preamble.

Acts of Manitoba, 52 V. (1) c. 2; 52 V. (2) cc. 7 and 17.

WHEREAS certain Acts were passed by the Legislature of the Province of Manitoba, that is to say, an Act passed in the first session of the seventh Legislature held in the fifty-second year of Her Majesty's reign and chaptered two, and two Acts passed in the second session of the seventh Legislature held in the fifty-second year of Her Majesty's reign and chaptered seven and seventeen respectively, for the purpose of incorporating the persons therein named under the name of the Northern Pacific and Manitoba Railway Company, and of authorizing and empowering the said Company among other things to acquire, complete, lay out, locate, construct, furnish, maintain, operate and enjoy the railway lines with the appurtenances, in the said Province, mentioned in the said Acts, that is to say: the railway known as the Red River Valley Railway, located between the International boundary line and the city of Winnipeg, and an extension thereof from a point at or near the city of Winnipeg to the town of Portage la Prairie; and also a line of railway from a point at or near the town of Morris to the city of Brandon; and a branch line of railway commencing at a point on the line of railway between the said town of Morris and the said city of Brandon (which point the said railway Company may hereafter select and determine), and extending in a south-westerly direction to or near the boundary line between the Province of Manitoba and the District of Assiniboia; and whereas, pursuant to the terms of the said Acts, the said Northern Pacific and Manitoba Railway Company has agreed to purchase from the Province of Manitoba the railway known as the Red River Valley Railway, which extends from the city of Winnipeg to the International boundary line at or near the town of West Lynne, and under the said agreement the said Northern Pacific and Manitoba Railway Company has contracted to construct, equip, operate and maintain all the railway

railway lines above described, and is now in possession of and operating the said Red River Valley Railway line, and engaged in the construction of the other lines above described: and whereas doubts have been raised as to the validity of the incorporation of the said Company by the said Legislature of Manitoba, and it is expedient to do away with such doubts by having such incorporation made valid and effectual by the Parliament of Canada as from the fourth day of September, one thousand eight hundred and eighty-eight; and whereas the said Northern Pacific and Manitoba Railway Company is also desirous of extending the said branch line into the District of Assiniboia to a point at or near the one hundred and fourth degree of longitude west of Greenwich and beyond the Province of Manitoba: and whereas a petition has been presented by the Company praying amongst other things to have the said incorporation made valid and effectual by the Parliament of Canada as aforesaid, and it is considered 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 the House of Commons of Canada, declares and enacts as follows:--

1. All the said lines of railway in the said recited Acts and in this Act mentioned are hereby declared to be works for the general advantage of Canada. Declaratory.

2. The incorporation of the Northern Pacific and Manitoba Railway Company, hereinafter referred to as "the Company," with all the powers, rights and privileges in the said recited Acts mentioned (subject to the exception hereinafter contained) is hereby made valid and effectual as and from the fourth day of September, one thousand eight hundred and eighty-eight; and the Company shall have all the said rights, powers and privileges; and all acts, matters and things which have been done or which have purported to have been done in pursuance of the said recited Acts shall be deemed to have been and to be as valid and effectual as if the said Company had been incorporated by the Parliament of Canada on the said fourth day of September, one thousand eight hundred and eighty-eight, with all the said powers, rights and privileges in the said recited Acts mentioned, except in so far as any of them may be inconsistent with "*The Railway Act.*" Validity of provincial incorporation, and of acts already done thereunder.

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

4. In addition to the lines of railways in the said recited Acts mentioned, the Company may acquire, lay out, construct, complete and operate a line of railway of the gauge of four feet eight and one-half inches, commencing on the Additional railway may be built.

said line of railway between the said town of Morris and the city of Brandon, at a point within twenty miles from Souris City, to be hereafter selected by the Company and extending westerly to a point in the district of Assiniboia, south of township six, at or near the one hundred and fourth degree of longitude west of Greenwich.

Steam and other vessels.

5. The Company may build, purchase, acquire, charter, possess, work, and operate, steam and other vessels on such lakes, rivers or navigable waters as they deem expedient and proper in connection with their lines of railway.

Capital stock and calls thereon.

6. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary.

Annual general meeting.

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

Directors.

8. The number of the directors, their qualification, the mode and time of their election, and the manner and time of holding their meetings shall be, and shall be deemed to have been from the fourth day of September, one thousand eight hundred and eighty-eight, regulated by the provisions contained in the said recited Acts so far as the same provide therefor: Provided always, that this section shall only remain in force until the annual general meeting next after the date when all payments agreed to be made by the Company to the Province of Manitoba under the said recited Acts shall have been made; and at and after such annual general meeting the matters in this section mentioned shall be governed by "*The Railway Act.*"

Proviso.

New provisions as to issue of bonds.

9. In lieu of the provisions relating to the issue of bonds contained in the said recited Acts, the directors of the Company under the authority of the shareholders given at any special general meeting, called for that purpose in the manner provided by section forty-one of "*The Railway Act,*" or at a special general meeting called for that purpose in such manner and with such notice as may be agreed to in writing by every shareholder of the Company,—at which meeting shareholders who represent 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,—may issue bonds, debentures or other securities, not to exceed twenty thousand dollars per mile of the whole length of the railway and branch railways of the Company mentioned herein and authorized hereby, and may secure such bonds, debentures or other securities as provided by the ninety-fourth and following

Amount which may be issued.

sections of "*The Railway Act*," and, from time to time, as the work of construction of the said railways proceeds, may sell or otherwise dispose of such bonds, debentures or other securities at the best price and upon the best terms and conditions obtainable, — the Company being hereby authorized and empowered, from time to time, as each mile of the said railways and branch railways is completed, fit for the running of trains thereon, to sell or otherwise dispose of the mileage proportion of the said bonds, debentures or other securities proportionately attributable thereto.

10. In addition to the borrowing powers hereinbefore granted, the Company may issue separate bonds, debentures or other securities on the terminal property it now has or may hereafter acquire in the city of Winnipeg (being all the property of the Company, situate north of the Assiniboine River in the said city of Winnipeg) to the amount of the value of such property, and may secure the same by a separate mortgage deed on the said terminal property, and may declare such bonds, debentures or other securities to be a first charge or lien on the said terminal property, and may secure the said bonds, debentures or other securities as provided in section ninety-four and the following sections of "*The Railway Act*."

Issue of bonds
on terminal
property in
Winnipeg.

Security.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



52 VICTORIA.

CHAP. 59.

An Act to incorporate the North-Western Junction and Lake of the Woods Railway Company.

[Assented to 2nd May, 1889.]

Preamble.

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

Incorporation.

1. The Hon. Francis Clemow, Senator, John R. Booth, Charles Magee, Robert Blackburn, Alexander Mutchmor, and James Hartley Gordon, all of the city of Ottawa, the Hon. A. W. Ogilvie, Senator, and William Grier, both of the city of Montreal, and F. E. Burnham, of the town of Emerson, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The North-Western Junction and Lake of the Woods Railway Company." hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Ottawa.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point in or near river lots thirteen or fifteen in the Parish of Ste. Agathe, in the town of West Lynne, in the county of Manchester and Province of Manitoba, in a north-westerly direction to a point in the town of Portage la Prairie, and from a point at or near Rosenfeld Junction in a westerly direction to the city of Brandon, thence in a north-westerly direction to Harrowby, with a branch from Brandon in a south-westerly direction to a point at or near South Antler Creek, and a branch from West Lynne, in an easterly direction to a point on the Lake of the Woods.

4. If the Company build and complete a bridge, for railway purposes, across the Assiniboine River on the line of the railway at some suitable point in or near the town of Portage la Prairie, the Company may also, as part of the said bridge, in their discretion, at any time construct or arrange the said bridge as well for the use of foot passengers and carriages, or either, as they think best.

Bridge over the Assiniboine river.

Carriage and foot bridge.

5. If the Company construct or arrange the said bridge 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 of, and may be amended and modified from time to time, by the Governor in Council, but the Company may, at any time, reduce the same; and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

Tolls on such bridge subject to approval of Governor in Council.

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 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 centum on the shares subscribed.

Capital stock and calls thereon.

8. The annual general meeting of the shareholders shall be held on the first Monday in March 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 nine persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Number of directors.

10. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, either exclusive or inclusive of any railway bridge over the Assiniboine River constructed as part thereof, and secured by a deed of mortgage describing clearly the property charged as security for such bonds or debentures; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed, and shall be designated as "Series A"; and in addition thereto bonds to an amount not exceeding one hundred and fifty thousand dollars may be issued in aid of the construction of the bridge hereinbefore mentioned, if such bridge is so excluded from such charge, and shall be designated as "Series B," and shall in like manner be secured by a deed of mortgage specifying the security therefor; and such last-men-

Amount of bonds, &c., limited.

Series "A."

Series "B"

Tolls to specially secure series "B" bonds.

tioned deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such last mentioned bonds constituting "Series B," and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of such bridge by similar corporations,—which rates and tolls shall also be charged as security for said bonds "Series B."

Agreements with other companies.

11. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Manitoba and North-Western Railway Company, the Northern Pacific and Manitoba Railway Company or the Great North-West Central Railway Company for conveying or leasing to one of such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, 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 :

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.

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52 VICTORIA.

CHAP. 60.

An Act to incorporate the Manitoba and South Eastern Railway Company.

[Assented to 2nd May, 1889.]

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. Thomas Horsefield Carman, of the city of Winnipeg, in the Province of Manitoba, contractor ; Roger Marion, of St. Boniface, mayor ; Edmond Trudel, of the same place, journalist ; James O'Connor, of the said city of Winnipeg, hotel keeper ; William R. Sinclair, of the same place, contractor ; James Flanagan, of the same place, commission merchant, and Robert Bullock, of the town of Selkirk, in the Province of Manitoba, merchant, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Manitoba and South Eastern Railway Company," hereinafter called the Company.

Incorporation.

Corporate name.

2. The head office of the Company shall be in the city of Winnipeg.

Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point in or near the city of Winnipeg in a southerly or south-easterly direction to a point on the international boundary line between ranges eight and sixteen east of the first principal meridian, in the Province of Manitoba, with branch lines from Ste. Anne on the main line of the said railway to the town of Selkirk and from another point between Ste. Anne and the International boundary line on the main line of the said railway to the town of Morris in the said Province ; and the railway and branches hereby authorized

Line of railway described.

Branch lines.

to be constructed are hereby declared to be works for the general advantage of Canada.

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 seven hundred and fifty thousand dollars, and may be called up by the directors from time to time as they deem necessary: but no one call shall exceed ten per centum on the shares subscribed.

Annual general meeting. 6. The annual general meeting of the shareholders shall be held on the first Tuesday in June 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, &c., 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, either exclusive or inclusive of any railway bridge or bridges over the Red River, constructed or acquired as part thereof, and secured by a deed of mortgage describing clearly the property charged as security for such bonds or debentures; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed, and shall be designated as "Series A:" and in addition thereto bonds to an amount not exceeding one hundred and fifty thousand dollars for each bridge so excluded from such charge, may be issued in aid of the construction of such bridges; and such bonds shall be designated as "Series B," and shall, in like manner, be secured by a deed or deeds of mortgage specifying the security therefor; and such last mentioned deed or deeds of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge or bridges by other corporations or persons shall be specially charged and pledged as security for such last mentioned bonds constituting "Series B," and may also provide that the Company shall pay to the trustees of such mortgage or mortgages similar rates and tolls to those fixed for the use of such bridge or bridges by similar corporations,—which rates and tolls shall also be charged as security for such bonds "Series B."

Series "A."

Series "B."

Tolls to specially secure series "B" bonds.

Bridge over Red River. 9. If the Company build bridges, for railway purposes, across the Red River, one on the main line of the railway at some suitable point in or near the city of Winnipeg, another on the southern branch of the railway in or near the town

town of Morris, and another on the northern branch of the railway in or near the town of Selkirk, or any of the said bridges, the Company may also, in their discretion, at any time construct or arrange the said bridges, or any of them, as well for the use of foot passengers and carriages, or either, as they think best.

Carriage and
foot bridge.

10. If the Company construct or arrange any such bridge 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 of, and may be amended and modified from time to time, by the Governor in Council; but the Company may, at any time, reduce the same; and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

Tolls to be
subject to ap-
proval.

11. The Company may enter into an agreement with any existing company or corporation for the purchasing or leasing from such company or corporation any existing bridges across the said Red River, at any of the points hereinabove mentioned, for the use of the railway.

Bridges may
be purchased
or leased.



52 VICTORIA.

CHAP. 61.

An Act to incorporate the Ontario, Manitoba and Western Railway Company.

[Assented to 16th April, 1889.]

Preamble.

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

Incorporation.

1. D. F. Burk, Charles S. Morris, James Conmee, Thomas A. Gorham, Philip McRae, Luke Madigan and D. McDermid, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Ontario, Manitoba and Western Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the town of Port Arthur, in the Province of Ontario.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near Port Arthur, in the Province of Ontario, westerly to the city of Winnipeg, in the Province of Manitoba, crossing the Narrows of the Lake of the Woods, and south of the line of the Canadian Pacific Railway, and a branch line from some point on the main line at or near the Seine River to a point at or near Rainy River.

Steam and other vessels.

4. The Company may purchase, build, charter, sell, navigate, operate and work, in connection with its railway, steam and other vessels on the rivers, lakes and inland waters of the Provinces of Ontario and Manitoba for the purpose of its traffic.

5. The Company, at any point where the railway, or any branch thereof, approaches Rainy River or the Lake of the Woods, may purchase and hold as its own absolute property, piers, docks and water lots; and upon the said water lots and in and over the waters adjoining the same, may build and erect elevators, storehouses, warehouses and engine houses, sheds, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, worked or controlled by the Company or any other steam or other vessels; and may collect wharfage and store charges for the use of the same; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and may dredge, deepen and enlarge such works; and in its discretion may sell, lease or convey the said piers and docks, water lots, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof:

Docks, elevators, &c.

Power of sale.

2. No such work nor any part thereof shall be constructed so as in any way to materially obstruct navigation, or the flow of water on any navigable river; and the Company shall not commence the construction of any wharf, dock or pier on any navigable water until the plans and site of each such wharf, dock or pier have first been submitted to and approved of by the Governor in Council:

Navigation not to be obstructed.

3. The Governor in Council may, from time to time, notwithstanding the approval of any of the said plans or works, require the same to be altered, or other works to be added or substituted, so as to make the works effective for the purposes intended, and so as to protect as far as possible the public interests and the rights which may be affected by the exercise of the powers conferred by this section.

Governor in Council may require works to be altered.

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 two million dollars, and may be called up by the directors from time to time as they deem necessary; but no call shall exceed ten per centum on the shares subscribed.

Capital stock and calls thereon.

8. The annual general meeting of the shareholders shall be held on the second Tuesday in July 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 nine persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Number of directors.

Amount of
bonds, &c.,
limited.

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

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52 VICTORIA.

CHAP. 62.

An Act to incorporate the Cobourg, Northumberland and Pacific Railway Company.

[Assented to 16th April, 1889.]

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. Samuel Clarke, John Bowman, William Webster, Thomas Carlow, Artemus Blodgett, James Crossen, Robert Mulholland, William Kerr and Roderick Pringle, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Cobourg, Northumberland and Pacific Railway Company," hereinafter called the Company.

Incorporation.

Corporate name.

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

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 Cobourg Harbor to a point upon the Trent River, then crossing the said river to a point on the Ontario and Quebec branch of the Canadian Pacific Railway, and then to a point at or near the mining region of the townships of Marmora and Belmont:

Line of railway described.

2. The Company may acquire by purchase or lease any portion of the existing line of railway between Cobourg and Rice Lake, and the owner or owners of such existing line are hereby empowered to sell or lease the same or any part thereof to the Company, with all franchises, rights and privileges pertaining thereto.

A certain line may be acquired by purchase.

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 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 centum on the shares subscribed.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the second Tuesday of July 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, &c., limited.

8. The Company may issue bonds, debentures or other securities to the extent of six 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 for conveying or leasing to it 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 or in Council:

Sanction of the shareholders.

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.

And of the Governor in Council.

Notice of application for approval.

Representation of corporations holding stock.

10. The municipal council of a municipality holding stock in the Company may appoint any one of its members or any other person to be the proxy of the municipality, with the powers given under section forty-five of "*The Railway Act*."



52 VICTORIA.

CHAP. 63.

An Act to incorporate the Union Railway Company.

[Assented to 2nd May, 1889.]

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

1. William Murray, William Moffat, W. B. McAllister, Archibald Foster, Richard White, Francis E. Fortin and John G. Forgie, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Union Railway Company," hereinafter called the Company.

2. The head office of the Company shall be in the town of Pembroke, in the Province of Ontario.

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 Pembroke, in the county of Renfrew, in the Province of Ontario, thence through the townships of Pembroke, Westmeath and Ross, through or near Perreton, Beachburg and Forrester's Falls to a point in the township of Ross on the Ottawa River, and a branch line from the said point on the Ottawa River through the township of Horton to the village of Renfrew; and the railway hereby authorized to be constructed is declared to be a work for the general advantage of Canada.

2. The Company may, in connection with their railway, construct, acquire, maintain and employ steam ferry boats to ply across the Ottawa River, for the purpose of carrying cars, freight and passengers over the same.

4. The Company may build and complete a bridge, for railway purposes, across the Ottawa River from a suitable point in the township of Ross on the line of the railway to

Carriage and
foot bridge.

some suitable point in or near the village of Portage du Fort in the county of Pontiac, in the Province of Quebec, with one or more tracks, with the necessary approaches, machinery and appliances to enable the Company to use the said bridge; and the Company may also, as part of the said bridge, in their discretion at any time construct or arrange the said bridge as well for the use of foot passengers and carriages, or either, as they think best.

Tolls on such
bridge subject
to approval of
Governor in
Council.

5. If the Company construct or arrange the said bridge 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 of, and may be amended and modified from time to time, by the Governor in Council; but the Company may, at any time, reduce the same; and a notice showing the tolls authorized to be charged, shall, at all times, be posted up in a conspicuous place on the said bridge.

Provisional
directors.

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

Capital stock
and calls
thereon.

7. The capital stock of the Company shall be 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 centum on the shares subscribed.

Annual gen-
eral meeting.

8. The annual general meeting of the shareholders shall be held on the first Monday in October 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.

Amount of
bonds, &c.,
limited.

10. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, either exclusive or inclusive of any railway bridge over the Ottawa River, constructed as part thereof, and of any steam ferry boats constructed or acquired, and secured by a deed of mortgage describing clearly the property charged as security for such bonds or debentures; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed; and such bonds shall be designated as "Series A"; and in addition thereto bonds to an amount not exceeding six hundred thousand dollars may be issued in aid of the construction of the bridge and steam ferry boats hereinbefore mentioned, if such bridge and steam ferry boats are so excluded from such charge, and shall

Series A.

shall be designated as "Series B," and shall in like manner be secured by a deed of mortgage specifying the security therefor; and such last-mentioned deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge or steam ferry boats by other corporations and persons shall be specially charged and pledged as security for such last-mentioned bonds constituting "Series B," and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of such bridge or steam ferry boats by similar corporations,—which rates and tolls shall also be charged as security for said bonds "Series B."

Series B.

Tolls to specially secure Series B bonds.

11. The bridge shall be commenced within three years and completed within five years from the passing of this Act; otherwise the powers granted under section four of this Act shall cease and be null and void.

Time for construction of bridge.

12. The Company may enter into an agreement with the Portage du Fort and Bristol Branch Railway Company, the Pontiac Pacific Junction Railway Company, the Canadian Pacific Railway Company, or the Kingston and Pembroke Railway Company for conveying or leasing to one of such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, 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:

Agreements with other companies.

Sanction of the shareholders.

And of the 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.



52 VICTORIA.

CHAP. 64.

An Act to incorporate the Three Rivers and Western Railway Company.

[Assented to 16th April, 1889.]

Preamble.

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

Incorporation.

1. Pierre Benjamin Vanasse, Louis Adolphe Robitaille, John Ross, Téléphore E. Normand, William McDonnell Dawson, Geo. Balcer and Edward V. Wright, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Three Rivers and Western Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Three Rivers.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one half inches, from a point in or near the city of Three Rivers, in as direct a line as is found practicable, by the head waters of the River Rouge, crossing the Rivers Lièvre and Gatineau and passing by the south end of Lake Kakebonga to the plateau dividing the waters that flow north to the upper Ottawa and south by the Coulonge and Dumoine rivers to the lower Ottawa, and on by the Quinze Rapids to a point at or near the third mile post, on the western boundary of the Province of Quebec, and thence to a connection with the line of the Nipissing and James' Bay Railway Company, in the Province of Ontario.

Provisional directors.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, with power to add two more to their number.

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 centum on the shares subscribed. Capital stock and calls thereon.

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

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. Number of directors.

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. Amount of bonds, &c., limited.

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52 VICTORIA.

CHAP. 65.

An Act respecting the Alberta and Athabasca Railway Company and to change the name of the Company to "The North-Western Railway Company of Canada."

[Assented to 16th April, 1889.]

Preamble.

WHEREAS a petition has been presented by the Alberta and Athabasca Railway Company praying that an Act may be passed granting to it certain 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:—

Name changed.

1. The name of the Company is hereby changed from "The Alberta and Athabasca Railway Company" to "The North-Western Railway Company of Canada"; but such change in name shall not, in any way, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favor 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.

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

Directors.

3. Mackworth Bulkley Praed, John Maurice Lloyd, John Dale and James Lloyd, all of the city of London, England; Charles T. Drummond, of the city of Winnipeg, William White, Q.C., of the city of Sherbrooke, and C. C. Colby, M.P., shall be the directors of the Company and shall hold office until the next annual meeting of the shareholders of the Company.

Paid up stock may be issued to certain persons.

4. The directors shall make and issue as paid up stock shares in the Company, and shall allot and hand over such stock to the present subscribers for the stock of the Com-

pany, to an amount not exceeding the amount of money actually paid in to the funds of the Company by the said subscribers on their several subscriptions; and thereupon the said subscribers shall be relieved from further payments on the said original subscriptions, and the stock so issued and allotted in accordance with the provisions of this section shall not be assessable for calls: Provided however, that the operation of this section shall not limit or affect in any way the liability of any shareholder in relation to the existing debts or obligations of the Company.

5. Notwithstanding the provision contained in section fifty-five of "*The Railway Act*," the directors may vote and act by proxy,—such proxy to be held by a director only; but 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,—the remaining number of directors required to form a quorum being represented by proxies: Directors may vote by proxy.

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. Renewal of proxy.

6. The Company may extend its line from some point north of the Red Deer River in a northerly direction to the Peace River, at or near Dunvegan; and also from its southern terminal point in a southerly direction to Lethbridge, or to a point on the International boundary line, and may build a branch line not exceeding fifty miles in length running easterly from a point on the main line at or near the Red Deer River: Extension of line authorized.

2. If the Company constructs the extension to the International boundary line, as authorized by the next preceding subsection, such extension shall be so located as not to approach within twenty miles distance the line of railway of the Alberta Railway and Coal Company authorized by an Act of the present session of Parliament. Provido: as to location.

7. The Company shall complete one hundred miles of its line of railway, from its point of intersection with the line of the Canadian Pacific Railway Company, in a northerly direction towards Edmonton, by the first day of December, one thousand eight hundred and ninety; and the remainder of the said line to a point at or near Edmonton by the first day of December, one thousand eight hundred and ninety-one; and shall also complete its line in a southerly direction to Lethbridge, or to a point on the International boundary line, by the first day of December, one thousand eight hundred and ninety-two; otherwise the powers granted by the Acts relating to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction.

Section 8 of
48-49 V., c.
88, amended.

8. Section eight of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, and chaptered eighty-eight, is hereby amended by striking out on line one the words "one million" and substituting therefor the words "two millions."

Section 1 of
50-51 V., c. 78,
amended.

9. Section one of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-eight, is hereby amended by striking out all the words after "authorized" in line thirty-two to the end of the section, and substituting therefor the words "Provided that the aggregate amount of the bonds to be issued under the Acts relating to the Company shall not exceed twenty-five thousand dollars per mile of the said railway and branches and extension authorized by this Act; and the said bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed."

Amount of
bonds limited.

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52 VICTORIA.

CHAP. 66

An Act respecting the Wood Mountain and Qu'Appelle Railway Company.

[Assented to 16th April, 1889.]

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. The second section of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chapter sixteen, is hereby repealed and the following substituted therefor:—

Section 2 of 48-49 V., c. 16, repealed; new section.

“ 2. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one half inches from a point on the International boundary line, at or near range sixteen, west of the second principal meridian, in a northerly direction by Qu'Appelle Station to Fort Qu'Appelle, thence in a north-easterly direction to a point at or near the north-west corner of Lake Winnipegosis, in the North-West Territories of Canada.”

New line of railway described.

2. Notwithstanding anything contained in section nine of the Act passed in the forty-sixth year of Her Majesty's reign, chapter seventy-four, the shareholders of the Company may, at any annual general or special meeting duly called for that purpose, reduce the number of directors to any number not less than five, of whom a majority shall form a quorum.

46 V., c. 74: number of directors may be reduced.

3. Section four of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chapter sixteen, and section one of the Act passed in the fifty-first year of Her Majesty's reign, chapter eighty-seven, are hereby repealed.

Repeal of 48-49 V., c. 16, s. 4, and 51 V., c. 87, s. 1.

Time for
completion.

4. The Company shall complete its line of railway between its point of intersection with the line of the Canadian Pacific Railway Company and Fort Qu'Appelle on or before the first day of August, one thousand eight hundred and ninety, and shall complete not less than fifty miles each year thereafter, and the whole line of railway as defined by section one of this Act within seven years from the passing of this Act; otherwise the powers granted by the Acts relating to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted

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52 VICTORIA.

CHAP. 67.

An Act to amend the Charter of Incorporation of the Great North-West Central Railway Company.

[Assented to 16th April, 1889.]

WHEREAS by an Act of the Parliament of Canada, Preamble. passed in the fifty-first year of Her Majesty's reign, intituled "*An Act to confirm the charter of incorporation of the Great North-West Central Railway Company,*" ^{51 V., c. 85.} the charter of incorporation granted by Order in Council to the persons therein named, under the provisions of an Act passed in the forty-ninth year of Her Majesty's reign, intituled "*An Act to authorize the grant of certain subsidies in land for the construction of railways therein mentioned,*" ^{49 V., c. 11.} was confirmed and enacted as embodied in the schedule to the said first mentioned Act; and whereas in and by the said charter, in the twenty-sixth section thereof, it is enacted that "the Governor in Council shall have, for and on behalf of the Canadian Pacific Railway, running powers over the said road, subject to such terms as shall be agreed upon with the Company, or, on failure to agree, as shall be fixed and determined by arbitrators to be appointed by such Company and the Governor in Council respectively, and such third person as shall be appointed by a judge of the Supreme Court of Canada at the request of the said Company or of the Minister of Railways and Canals;" and whereas the said Company have, by their petition, set forth that the foregoing section tends to the prejudice of the said Company in obtaining capital to advance their undertaking, since the exercise of the powers thus vested in the Governor in Council would seriously affect the independent character of the Company's road, and have accordingly prayed that the foregoing section of the said Company's charter be rescinded and repealed; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 26 of
charter re-
pealed.
51 V., c. 85.

1. The twenty-sixth section of the said Company's charter (as set out in the schedule to the Act passed in the fifty-first year of Her Majesty's reign, and intituled "*An Act to confirm the charter of incorporation of the Great North-West Central Railway Company*") is hereby repealed.

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52 VICTORIA.

CHAP. 68.

An Act to amend the Act to incorporate the Winnipeg and North Pacific Railway Company.

[Assented to 16th April, 1889.]

WHEREAS the Winnipeg and North Pacific Railway Company have, by their petition, prayed for an Act to amend, as hereinafter mentioned, the Act incorporating the said Company, being the Act forty-ninth Victoria, chapter eighty-four, and to extend the time for the commencement of the works thereby authorized, 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.

49 V., c. 84.

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

Section 21 repealed; new section.

“21. The works hereby authorized to be constructed shall be commenced within two years from the first day of January, one thousand eight hundred and eighty-nine, and the Company may prosecute the said works from time to time as they deem necessary, or the circumstances of the case require, so long as not less than twenty-five miles of the said railway are constructed and operated in each year after the said works have been commenced; and upon the failure to construct and operate twenty-five miles of railway in any one year, as above provided, then the power thereafter to continue the construction shall cease and determine, but the right of the Company to the portion constructed shall not thereby be affected.”

Time for construction extended.

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52 VICTORIA

CHAP. 69.

An Act respecting the Canadian Pacific Railway Company.

[Assented to 16th April, 1889.]

Preamble.

WHEREAS the Canadian Pacific Railway Company has, by its petition, represented that its railway system is composed of various railways, having an aggregate mileage of five thousand and ninety-seven and one-half miles, principally lying within the Dominion of Canada, each of which it now holds either as owner or lessee; that it has entered into obligations in respect thereof, in some cases for debts and securities created by other parties upon such railways and assumed by it as part of the price of acquisition thereof, in some cases for the rental of leased railways, payable to the holders of shares and securities issued by the lessors, and in other cases for charges created by itself upon the railways owned by it,—such obligations bearing different rates of interest, being payable at different periods respectively, and being described in detail in the schedules A and B, to this Act appended; that for the purpose of consolidating its said obligations, and for the other purposes in its said petition and hereinafter described, it desires to issue consolidated debenture stock, bearing interest at a rate not exceeding four per cent per annum, and constituting a charge upon its entire railway system; and whereas it has prayed for authority to consolidate its said indebtedness and to make the said issues of consolidated debenture stock upon such conditions and with such powers as Parliament deems fit, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The Canadian Pacific Railway Act, 1889.*"

Interpretation.

2. The expression "the Company" when used in this Act means the Canadian Pacific Railway Company, as now constituted.

3. The Company, being first authorized so to do by at least two-thirds of the votes of the shareholders present or represented at a special general meeting duly called for the purpose, may, from time to time, issue consolidated debenture stock, payable either in Canadian currency or in sterling money of Great Britain, and bearing interest at a rate not exceeding four per cent per annum,—which consolidated debenture stock shall, subject to the priorities created in respect of charges existing at the time of such issue and to the payment of any penalty imposed for non-compliance with the requirements of the "*The Railway Act*" respecting returns to be made to the Minister of Railways and Canals, and to the payment of working expenses as at present defined by law, become a first charge upon and over the whole of the undertaking, railways, works, rolling stock, plant, property and effects of the Company, including all the rights of the Company in the several railways held by it under lease, and all branches or extensions of the said railways now held by the Company either as lessees or proprietors thereof, including the branch from Mission hereinafter mentioned; but the charge created by such consolidated debenture stock on any branch or extension of any railway, or any part thereof, held or operated by the Company and lying in whole or in part beyond the international boundaries of Canada, shall be according to the law of the State in which such branch or extension or portion thereof is situate: Provided always, that nothing in this Act shall take from any of the securities mentioned in the said schedules any right or priority which it now has, or give it any new right.

Consolidated debenture stock may be issued.

To be a first charge on the undertaking.

Subject to certain provisions of law.

Proviso: rights saved.

4. The amount of consolidated debenture stock which may be so issued by the Company shall be composed of,—

(a.) Such amounts as are issued for the purpose of satisfying the said existing obligations or of acquiring the stock or other security in respect of which they exist, upon such terms as are, from time to time, agreed on between the Company and the holders thereof;

(b.) Such further amounts for the general purposes of the Company, the annual interest upon which, in addition to the annual interest upon the consolidated debenture stock issued under the next preceding paragraph, together with the annual interest, dividends and rentals, as the case may be, payable in respect of so much of the said existing obligations as are still outstanding, shall never exceed the annual charges on the Company set out in the schedules to this Act, namely the sum of four million three hundred and sixty-five thousand and twenty-nine dollars, or its equivalent in sterling money;

Of what composed.

Existing obligations.

General purposes.

(c.) A further amount to be issued for the improvement of the said railways held by the Company either as owner or lessee, including double tracks, sidings, permanent bridges, grain elevators, warehouses, workshops, wharves and grounds,

Improvement of lines.

grounds, and for additions to its plant and equipment, not exceeding in the aggregate five hundred pounds sterling per mile of such railways ;

Branch line
in British
Columbia.

(d.) And a further amount not exceeding three hundred and thirty thousand dollars for the completion of a branch line of eleven miles, now under construction from Mission in British Columbia to a point south thereof on the International boundary.

Application.

5. The consolidated debenture stock authorized to be issued under paragraphs (a), (b), (c) and (d) of the next preceding section of this Act respectively, and the proceeds thereof, if sold, shall be used exclusively for the purposes mentioned in the said several paragraphs respectively and for no other purposes whatever.

Security of
holders of
obligations
set forth in
schedules.

6. So long as any portion of any one of the said obligations set out in the schedules to this Act is not satisfied, or the stock or other security in respect of which such obligation exists is not acquired under the provisions hereof, the portion of such obligation, if any, which has been satisfied and the portion of such stock or other security which has been acquired, shall be held by the Company as still subsisting and continuing as a security *pro tanto* for the benefit of the holders of the said consolidated debenture stock, in the same way, in all respects, as if the portion so satisfied or acquired had been duly transferred to and was held by trustees for the benefit of the holders of the said consolidated debenture stock ; and when the whole of any one of such obligations shall be satisfied, or the stock or other security in respect of which it exists shall be acquired, then it may be either cancelled or continued in force, in the way above mentioned, whichever shall be most for the advantage of the holders of the debenture stock so to be issued under this Act as aforesaid and of the shareholders of the Company ; but unless and until default is made in payment of any interest on such stock, the revenue derived from the portion so redeemed, acquired or converted shall be considered as part of and included in the general revenue of the Company.

When obligations
are satisfied.

Revenue to be
general revenue
until default.

When only
holders of
consolidated
stock may
vote.

7. The holders of the said consolidated debenture stock shall not have the right of voting thereon, unless and until the Company makes default in the payment of a portion of an instalment of the interest due thereon, constituting not less than ten per cent of such instalment of interest on the outstanding consolidated debenture stock, nor unless and until such default has continued for the space of ninety days :

Right to vote
if there is
failure to pay
interest.

2. But if such default occurs, and as often as it occurs and continues for ninety days, all holders of debenture stock issued and outstanding shall *ipso facto* have the right

right to vote thereon as shareholders, at all meetings of the shareholders of the Company, in the proportion of one vote for every one hundred dollars thereof (not including fractions of such sum) and shall have all the rights and powers of ordinary shareholders; and from and after the period at which holders of the said consolidated debenture stock acquire such right, the ordinary shareholders or holders of the common stock shall cease to have the right to vote or act as shareholders of the Company:

Ordinary shareholders' right to vote shall cease.

3. But if, at the end of any calendar year which elapses after such default, the net earnings up to that date are sufficient to satisfy all interest in arrears, including the interest matured for and during that year, or, if not sufficient, if the shareholders pay the deficiency, then, in either of such cases and thereafter, the right of the holders of consolidated debenture stock to vote as aforesaid shall cease, and the right of ordinary shareholders or holders of common stock to vote and act as shareholders shall revive and shall thereafter have full force and effect, but subject from time to time to all the provisions hereof in the event of a subsequent default in the payment of interest as aforesaid for ninety days.

When the right shall revive.

8. Previous to the issue of any of the consolidated debenture stock hereby authorized, the Company shall make by-laws prescribing the amounts in which, or in multiples of which, the said stock shall be issued, and the rate or respective rates of interest thereon, and whether different issues shall bear different rates of interest, if deemed expedient, and the dates and places at which such interest shall be payable, containing also provisions for the convenient transfer and registration of such consolidated debenture stock, which registration may be in classes if such stock is issued at different rates of interest (each class comprising only stock bearing one and the same rate of interest.) and the due exercise of the remedies of the holders thereof, and for all other matters incidental to the said issue, its protection and general management; and such by-laws shall form the basis of the issue of such consolidated debenture stock, and shall not be altered in any matter affecting the interests of the holders of such stock otherwise than as is therein provided; and a certified copy of such by-laws, authenticated by the seal of the Company, shall be deposited for reference in the office of the Secretary of State of Canada.

By-laws respecting issue of such stock.

By-laws to form basis of issue.

Deposit of copy.

9. The amount of the debenture stock to be issued under this Act in respect of the Atlantic and North-West first mortgage bonds shall be governed by the annual charge thereon specified in Schedule A until the subsidy in respect of that railway specified in Schedule B shall cease to be paid, after which

As to issue in respect of Atlantic and North-West Railway.

And of North
Shore Rail-
way.

which time the Company may make a further issue of debenture stock in respect of those bonds,—on which further issue the interest shall not exceed one hundred and eighty-six thousand, six hundred dollars per annum ; and no debenture stock shall be issued under this Act in respect of the North Shore Railway bonds mentioned in Schedule B until the liability of the Company to pay interest thereon shall have become positive.

Act not to ap-
ply to lands
acquired as
subsidy.

10. This Act shall not apply to any of the lands to which the Company is or may become entitled by way of subsidy under the terms of the Act which authorized its incorporation, nor shall this Act affect any present incumbrance on such lands or any part thereof or any agreement in respect of the same.

SCHEDULE A.

Obligations.	Amount.		Rate of Interest.	Interest or Annual Charges.		Date of Maturity.
	£	\$		£	s.	
Canadian Pacific Railway—First Mortgage Bonds.....	7,191,500	34,998,633	5	359,575	1,749,932	July 1, 1915.
Algoma Branch—First Mortgage Bonds.....	750,000	3,650,000	5	37,500	182,500	do 1, 1937.
Canada Central—First Mortgage Bonds, original issue £500,000; interest to maturity on deposit with Dominion Government, amount £10,500, added each year and bonds retired, leaving amount to be paid at maturity.....	200,000	850,000	6	10,500	51,100	Sept. 1, 1899.
St. Lawrence and Ottawa—First Mortgage Bonds.....	200,000	973,333	4	12,000	58,400	Nov. 1, 1910.
Manitoba South-Western Colonization Ry.—First Mortgage Bonds.....	1,330,000	6,472,667	5	8,000	38,933	June 15, 1910.
Atlantic and North-West—First Mortgage Bonds.....	1,330,000	6,472,667	5	28,013 14	127,200	do 1, 1934.
do Guaranteed and Preferred Stock.....	126,600	3,240,000	5	6,330	137,033	Jan. 1, 1937.
North Shore Railway—First Mortgage Bonds.....	719,000	3,499,133	5	28,760	139,965	April 20, 1904.
Toronto, Grey and Bruce—First Mortgage Bonds.....	4,007,382	2,000,000	6	200,369	120,000	July, 1904.
Ontario and Quebec—Ordinary Stock.....	.....	19,502,591	5	.....	975,129	.....
do Debenture do.....	.....	3,500,000	5	.....	175,000	.....
Province of Quebec on Q. M. O. & O. Ry.....	.....	3,500,000	5	.....	175,000	Sept. 1, 1902.
do North Shore Ry.....	.....	86,319,810	5	.....	4,122,968	do

SCHEDULE B.

North Shore Railway—First Mortgage Bonds in hands of the Government on which there is a contingent liability of the Company to pay interest in case at some future time the earnings of that road become adequate for the purpose.....	227,800	1,108,626	5	11,390	55,431	April 20, 1904.
Atlantic and North-West—First Mortgage Bonds above mentioned on which there will be an increased yearly charge of \$186,600 after the Government subsidy of that amount expires at the end of 20 years.....	.....	.....	5	38,486 6	186,600	Jan. 1, 1937.
.....	.....	1,108,626	.....	.....	242,031	.....



52 VICTORIA.

CHAP. 70.

An Act respecting the South Ontario Pacific Railway Company.

[Assented to 20th March, 1889.]

Preamble.

50-51 V., c. 85.

WHEREAS the South Ontario Pacific Railway Company has, by its petition, represented that it has commenced its railway within the time prescribed therefor in its Act of incorporation, and has prayed for an extension of the time during which it may exercise the powers granted by that Act, and it is expedient to grant the prayer of its petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for completion extended

1. Notwithstanding anything contained in section thirty-one of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered eighty-five, the Company may complete its railway within five years, and its bridge within seven years, from the passing of this Act, otherwise the powers granted by the said Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

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52 VICTORIA.

CHAP. 71.

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

[Assented to 16th April, 1889.]

WHEREAS the Atlantic and North-West Railway Company has, by its petition, represented that it has commenced its railway within the time prescribed therefor in its Act of incorporation, and has completed and put in operation the portion thereof lying between Mattawamkeag, in the State of Maine, and a point on the south side of the River St. Lawrence, a distance of about three hundred and twenty-three miles, and has prayed for an extension of the time within which it may complete the remainder of its railway, and has also represented that it has acquired as part of its said railway the lines or portions of the lines of other railway companies whose respective head offices are at places other than Montreal, and has prayed that each of such other railway companies may be empowered to fix Montreal as the place where it shall have its head office and where the general meetings of its shareholders shall be held; 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.
42 V., c. 65.

1. Notwithstanding anything contained in the Acts respecting the Atlantic and North-West Railway Company, the Company may complete its railway within five years after the passing of this Act, otherwise the powers granted by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted: Provided, that the extension of time granted by this Act in respect of the portion of the line between Harvey and Salisbury or Moncton, shall not be continued beyond the first day of January, one thousand eight hundred and ninety, unless before that day the Company shall have expended on that portion at least the sum of one hundred thousand dollars to the satisfaction of an engineer to be appointed by the Minister

Time for completion extended.
As to line from Harvey to Salisbury or Moncton.

ter of Railways and Canals; in which case the time for the completion of that portion shall be extended for a further period of two years.

Head office of
certain com-
panies.

2. Any railway company whose line of railway or a portion of whose line of railway has been acquired by the Atlantic and North-West Railway Company may, by by-law, fix Montréal as the place where its head office shall be located and where the general meetings of its shareholders shall be held.

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52 VICTORIA.

CHAP. 72.

An Act respecting the St. Lawrence and Atlantic Junction Railway Company.

[Assented to 16th April, 1889.]

WHEREAS a petition has been presented, praying for an extension of the respective periods within which the St. Lawrence and Atlantic Junction Railway Company may commence and complete the line of railway mentioned in its Act of incorporation, forty-ninth Victoria, chapter seventy-eight, and it is expedient to grant the 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 commence the railway described in its Act of incorporation within two years, and may complete it within seven years, from the passing of this Act; and unless the railway is commenced and completed within the times mentioned in this section, the powers granted by the said Act of incorporation shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for construction extended.

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52 VICTORIA.

CHAP. 73.

An Act respecting Steam Vessels to be used in connection with the Canadian Pacific Railway:

[Assented to 20th March, 1889.]

Preamble.

WHEREAS the Canadian Pacific Railway Company has, by its petition, represented that under the authority conferred by its charter, it is desirous of acquiring ocean steamships of the first class for the purpose of establishing a steamship line across the Pacific Ocean in connection with its railway, and also other steam vessels, for use as lighters, or in connection with terminal points of its railway or otherwise, and for those purposes requires to have power to obtain financial aid in the acquisition of such steamships and other steam vessels, and has prayed that such powers be granted to 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, enacts as follows:—

Interpretation.

1. The expression “the Company” in this Act means the Canadian Pacific Railway Company.

Issue of bonds on vessels.

2. The Company being first authorized by a resolution passed at a special general meeting of its shareholders duly called for the purpose, may, from time to time, issue bonds in aid of the acquisition of any such steam vessels as by its charter it is authorized to acquire, not exceeding in amount the cost thereof; and the proceeds of such bonds shall be applied exclusively in aid of the acquisition by purchase or construction of such steam vessels, according to the terms and intention of such resolution; and each such resolution shall indicate by some general description the vessel or vessels, or the class of vessels, in respect of which it authorizes bonds to be so issued as aforesaid, and whether the same be then acquired, or are to be thereafter acquired, by the Company.

What resolution shall specify.

Mortgage deed on vessels.

3. For the purpose of securing each issue of such bonds the Company shall execute a deed of mortgage not inconsistent

sistent with the law or with the provisions of this Act, in such form and containing such provisions as shall be 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 plan and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms thereof, and for the protection of the holder of such bonds; and 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 in respect of which it is made.

What such deed may contain.

Revenue may be charged.

Effect of deed.

4. Each issue of bonds intended to be secured by any one of such deeds of mortgage 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.

Ranking of bonds.

Deposit of duplicate.



52 VICTORIA.

CHAP. 74.

An Act to ratify an exchange of land between the Ontario and Quebec Railway Company and the Land Security Company.

[Assented to 16th April, 1889.]

Preamble.

WHEREAS the Ontario and Quebec Railway Company has, by its petition, prayed for the ratification of an exchange of land between the said Company and the Land Security 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:—

Conveyance confirmed.

1. The conveyance of land from the Ontario and Quebec Railway Company to the Land Security Company by a deed bearing date the fifth day of September, one thousand eight hundred and eighty-eight, whereby a certain lot of land in the city of Toronto was conveyed to the Land Security Company in exchange for land of equal value conveyed by the Land Security Company to the Ontario and Quebec Railway Company, the said parcel of land being part of lot number twenty-nine in concession two from the bay, formerly in the Township of York, but now in the city of Toronto, and which is described by metes and bounds in the said conveyance, which was duly registered in the registry office for the city of Toronto, on the twenty-second day of December, one thousand eight hundred and eighty-eight, as number four thousand nine hundred and sixty F. in book F. ten, is hereby ratified and confirmed; and the said Land Security Company may take and hold the land so conveyed to it, free and clear of all incumbrances created thereon by the Ontario and Quebec Railway Company.



52 VICTORIA.

CHAP. 75.

An Act respecting the Berlin and Canadian Pacific Junction Railway Company.

[Assented to 16th April, 1889.]

WHEREAS the Berlin and Canadian Pacific Junction Railway Company has, by its petition, prayed that the Act of incorporation of the said Company, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered eighty-nine, may be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

50-51 V., c. 89.

1. The second section of the said Act is hereby repealed and the following section substituted therefor:—

Section 2 repealed; new section.

“ 2. The Company may lay out, construct and operate a railway from some point in the town of Berlin, in the County of Waterloo, to some point at or near Dumfries Station, or at or near Galt Station, on the Credit Valley Railway (now leased to or under the management or control of the Canadian Pacific Railway Company) in the said County of Waterloo, and may extend the same northward from the said town of Berlin to connect with the Credit Valley Railway at Elora, or with any other railway under the management of the Canadian Pacific Railway Company between Berlin and Elora.”

Line of railway described.

2. The twenty-first section of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the railway shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers granted by the said Act and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for construction extended.



52 VICTORIA.

CHAP. 76.

An Act respecting the Hamilton Central Railway Company.

[Assented to 20th March, 1889.]

Preamble.

WHEREAS the Hamilton Central Railway Company have, by their petition, represented that they are desirous of having the time extended for the commencement and completion of their railway: and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction extended.

1. The time for the commencement of the said railway is hereby extended for three years from the passing of this Act, and the railway shall be completed within four years thereafter; otherwise the powers granted by the Act of incorporation and amending Act, and this Act shall be forfeited as to any part not so completed.

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52 VICTORIA.

CHAP. 77.

An Act respecting the Kingston and Pembroke Railway Company and the Napanee, Tamworth and Quebec Railway Company.

[Assented to 16th April, 1889.]

WH^{ereas} a certain agreement dated the ninth day of ^{Preamble.} February, one thousand eight hundred and eighty-nine, was made by the Napanee, Tamworth and Quebec Railway Company of the first part, the Kingston and Pembroke Railway Company of the second part, and the corporation of the city of Kingston of the third part; and whereas the said companies have, by their respective petitions, prayed that the said agreement on the part of the said two companies shall be made legal, valid and binding, and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement made by the Napanee, Tamworth and Quebec Railway Company of the first part, the Kingston and Pembroke Railway Company of the second part, and the corporation of the city of Kingston of the third part, as set out in the schedule to this Act, is hereby declared legal, valid and binding on the Kingston and Pembroke Railway Company and the Napanee, Tamworth and Quebec Railway Company respectively; and each clause and the provisions thereof shall, as regards the said companies respectively, and all others their respective successors and assigns whomsoever therein referred to, have the same force and effect as if each clause and the provisions thereof were set out and enacted herein at length, and shall be taken, held and considered accordingly.

Agreement in schedule confirmed.

2. The Napanee, Tamworth and Quebec Railway Company shall, at all times, carry cordwood from Tweed and points between Tweed and Harrowsmith to the city of Kingston, at a rate not to exceed nine dollars per car carrying six cords

Charge for carrying cordwood fixed.

of dry wood, or twelve tons of green or soft or wet wood, provided the Kingston and Pembroke Railway Company afford the facilities in the said agreement mentioned; and further the wood shall be loaded and unloaded by the consignors or consignees at their own expense, and the cars shall be loaded and unloaded with all reasonable despatch:

If new line is built.

2. Provided however, that if the Napanee, Tamworth and Quebec Railway Company provide a new line of its own into the city of Kingston in lieu of the connection between Yarker and Harrowsmith, and user of the Kingston and Pembroke Railway Company's line as in the agreement in the schedule to this Act annexed mentioned, the said Napanee, Tamworth and Quebec Railway Company shall carry out the provisions of this section for the carriage of cordwood by such new line:

Obligation to be binding on assigns, &c.

3. This section shall be binding on the successors, lessees and assigns of the last mentioned company, and any company with which it amalgamates or which owns, controls or operates the lines and works of the said railway companies.

Connection at Yarker.

3. The Napanee, Tamworth and Quebec Railway Company may, with the consent of the corporation of the city of Kingston, expressed by by-law, make the connection at Yarker in the said agreement mentioned on lots forty-one and forty-two in the first concession of the township of Camden, instead of within the limits of the second concession of the said township, and may with the like consent, make the said connection with the use of a Y, on the said lots numbered forty-one and forty-two, instead of in the manner mentioned in the said agreement.

SCHEDULE.

This deed, made (in triplicate) this ninth day of February, in the year of Our Lord, one thousand eight hundred and eighty-nine, by and between the Napanee, Tamworth and Quebec Railway Company, hereinafter called "The Napanee Company," of the first part; the Kingston and Pembroke Railway Company hereinafter called "The Kingston Company," of the second part; and the corporation of the city of Kingston, hereinafter called "The city," of the third part;

Whereas the city has granted to the Napanee Company a bonus of \$75,000 to aid and assist the said Company, by a by-law entitled "A by-law to aid and assist the Napanee, Tamworth and Quebec Railway Company by granting a bonus thereto of seventy five thousand dollars for the purpose and upon the conditions therein mentioned and contained," finally passed on the 17th day of December, 1888,

and this deed is entered into by the parties thereto in connection with the granting of said bonus ;

Now this deed witnesseth, that the parties hereto have and they hereby do, for the considerations hereinafter shown and expressed, covenant, promise and agree, each with the other in the manner following, that is to say :—

1. The Napanee Company agree with the others that within twenty-four months from the thirty-first day of December, one thousand eight hundred and eighty-eight, they will extend their railway from Tamworth to the village of Tweed, to a junction at that place with the Ontario and Quebec Railway, now worked by the Canadian Pacific Railway Company and complete the same ready for use.

2. That they will also complete and put in working order an extension from a point on their line at or near Yarker within the second concession of the township of Camden to a point at or near Harrowsmith, on the line of the Kingston Company, not further north than the gravel pit on lots numbers seven and eight in the fifth concession of the township of Portland and that the connections at Yarker and Harrowsmith aforesaid shall be so made that a train can pass direct through from Tamworth to Kingston and *vice versa* without the use of a Y or turntable, or reversing either engine or cars.

3. The Kingston Company, in consideration of the above and of the further considerations hereinafter mentioned, hereby grant to the Napanee Company for all time to come, independent running powers for the Napanee Company's trains, engines and cars between such junction at or near Harrowsmith and the said city of Kingston and including the use at such junction and in the city of Kingston and points between of the stations, sidings, terminal and other facilities, present and future, for receiving and delivering, or either, of passengers, goods and property, and equal running privileges, except that the trains of the Kingston Company shall have precedence over the Napanee Company's trains of the same classes. The above shall include and it is intended to include the use of freight houses and all other the appliances of the Kingston Company used by them, which are or may be necessary for the convenient or proper exercise of the powers above granted ; and further the Kingston Company agree they will at cost, plus ten per cent., provide the Napanee Company with stores, fuel and water, when required, when on the said section of the line of the Kingston Company as aforesaid, also that they the Kingston Company will make any necessary repairs to cars and engines, at cost price, with ten per cent. thereon added to cover contingencies, if required.

4. The Kingston Company also agree with the Napanee Company that if required to do so, they will sell at their stations at Harrowsmith and Kingston and at all intermediate points and stations the tickets from said respective

points on the Kingston Company's line to points on the line of the Napanee Company, and beyond if so arranged for by the said companies and so desired by said Napanee Company; and the Napanee Company will, at their said stations sell tickets from any points on the line of the Napanee Company to said city of Kingston, and also to any intermediate points between Kingston and Harrowsmith, both of said places included.

5. That if at any one or more of the said points on the line of the Kingston Company, the Napanee Company desire, they may put in their own ticket clerks and freight clerks, or either, to sell tickets or book freight or both from said point or any of them to points on the Napanee Company's line or beyond, and that in such case the Kingston Company will afford office room and all freight accommodation in the offices and freight sheds and such like used by them, and reasonable facilities for doing the business.

6. That at Kingston and Harrowsmith and at all stations between, the Kingston Company will receive and receipt for freight and receive and deliver freight, carried or to be carried over or which shall arrive by the cars and trains of the Napanee Company consigned from or to such points respectively or beyond, and in all respects with the same care and despatch in the receipt of freight and in the delivery of freight and in the sale of tickets and in collecting (if required) the freight and charges on goods delivered by them for the Napanee Company which is necessary and usual on any well managed railway.

7. The Kingston Company shall, in each week, on such day from time to time as shall be agreed upon, account for and pay over to the Napanee Company all moneys received by them, the Kingston Company, under the terms of this agreement for the Napanee Company, and the Kingston Company shall be responsible to the Napanee Company for the faithful collection and prompt accounting for and paying over of all moneys collected by them and their agents for the Napanee Company; and in like manner, the Napanee Company shall, in each week, on said day or days as agreed upon from time to time, pay over to the Kingston Company all moneys received by them, the Napanee Company, under the terms of this agreement for the Kingston Company; and the Napanee Company shall be responsible to the Kingston Company for the faithful collection and prompt accounting for and paying over of all moneys collected by them, and their agents for the Kingston Company.

8. And the said the Kingston Company and the Napanee Company further agree that the trains of the Napanee Company, while on the Kingston Company's line, shall be worked under the rules and regulations of the Kingston Company and shall be under their control.

9. That in working, the order of precedence shall be as follows:—The passenger trains of the Kingston Company shall have precedence of passenger trains of the Napanee Company; passenger trains of the Napanee Company shall have precedence over mixed trains of the Kingston Company; mixed trains of the Kingston Company shall have precedence over mixed trains of the Napanee Company, and mixed trains of the Napanee Company shall have precedence over freight trains of the Kingston Company, and freight trains of the Kingston Company shall have precedence over freight trains of the Napanee Company; but each party shall in all cases use their best exertions to so work as to cause to the other the least possible inconvenience.

10. That from time to time the superintendents of both lines or other proper officers shall agree upon the time tables upon which the trains in so far as they relate to the Napanee Company between Harrowsmith and Kingston shall be worked, and shall make regulations for the safe and convenient working of the trains between the points aforesaid, which shall be obeyed and observed by their respective servants and agents.

11. For the purposes of this agreement the employees of the Kingston Company shall be regarded as the employees of the Napanee Company, and the employees of the Napanee Company shall be regarded as the employees of the Kingston Company, and the section of the Kingston Company's railway between Harrowsmith and Kingston, both places included for all purposes, shall be regarded as the railway of the Napanee Company as well as that of the Kingston Company; and each party hereto assumes for itself all loss arising from damage or injury from any cause to its own passengers, freight, employees or property, and all liabilities to third persons arising from its acts or the acts of its employees so defined. Any employee of either company on the line between Kingston and Harrowsmith, both places included, shall be removed on the reasonable complaint and request of one company to the other.

12. The Kingston Company further agree to keep and maintain their line and facilities hereinbefore mentioned, at and between the said points on which said running powers are to be exercised, in good working order: Provided, however, the Napanee Company shall, in case any defect comes to their knowledge, at once give notice thereof to the Kingston Company.

13. That if the Napanee Company at any time choose to do so they may establish and provide for themselves passenger stations, freight sheds, sidings and other conveniences, or any of them in the city of Kingston and between Harrowsmith and Kingston; and in such case, from the time they cease to use said Kingston Company's sidings and freight sheds or passenger stations or any of them, a reasonable and proper reduction in the compensation herein

agreed upon shall be made to the Napanee Company; if the amount of such reduction is not agreed upon, then the same shall be fixed by arbitration as hereinafter provided.

14. The Napanee Company may provide a line of their own to Kingston and may continue to use the terminal facilities in Kingston of the Kingston Company, and in that case, to the extent the said line between Harrowsmith and Kingston stations or other facilities of the Kingston Company are not used, the compensation to be paid as herein provided shall be reduced to such extent as may be agreed upon, or failing agreement, as may be fixed by arbitration as hereinafter provided.

15. That the Napanee Company shall not carry local traffic, freight or passengers passing between Kingston and Harrowsmith or either way or to and from points between; the only traffic the Napanee Company shall take on the Kingston Company's line shall be traffic coming from and going to points beyond Harrowsmith and which, but for this agreement, would change cars at Harrowsmith: Provided however, that if by accident or mistake any passenger or passengers take the train or trains of the Napanee Company between said local points, or either of said local points,—in every such case the Napanee Company shall pay over to the Kingston Company such proportion of the fare as may be in such case reasonable, and as the parties shall, from time to time, agree upon.

16. It is further agreed that the compensation to be made and paid by the Napanee Company to the Kingston Company for the services so rendered, and the rights and facilities so granted as in this agreement contained, shall be ascertained and fixed thus: For the purposes of this agreement, the rates and fares received by the Napanee Company for all passengers and freight from any point on their line to Kingston, or to any point between Harrowsmith and Kingston or from Kingston or any point between Kingston and Harrowsmith to any point on the Napanee Company's line, shall be divided on an equal or mileage rate for the distance carried, and that part thereof which at said rate may be earned on the Kingston Company's line, shall be charged with the following payments: The Napanee Company thereout shall pay towards the maintenance of the Kingston Company's line between Kingston and Harrowsmith, and the stations, sidings and terminal facilities of the Kingston Company which they the Napanee Company may, from time to time, use, such proportion of the whole cost of said maintenance of the line and stations and facilities used as aforesaid, as the mileage of the Napanee Company's engines and cars shall bear to the whole mileage of engines and cars which may for the same time pass over the said section of the Kingston Company's line; but in making such calculation a reasonable reduction shall be made from said whole mileage,

age, for the non-user of any of said stations and facilities not used by the Napanee Company. And in case of the Kingston Company handling freight and booking passengers and traffic of and for the Napanee Company, the latter company, from said portion of said receipts calculated as aforesaid on the said mileage basis, shall pay the Kingston Company a sum per passenger and per ton for said handled freight, which shall be the actual cost of handling said freight and booking said passengers and traffic, at the several stations between Kingston and Harrowsmith, Kingston included, and points between used by the Napanee Company, such cost to be the proportion of the whole cost of handling the freight and booking passengers and traffic at said stations, which the passengers and freight and traffic handled and booked for the Napanee Company bears to the whole freight and passengers and traffic handled and booked at said stations, the intention being that the Napanee Company, for business done for them in the respects aforesaid, shall only be charged actual and proper cost for the work done. And that for the use of the Kingston Company's line or such part thereof as may be used by the Napanee Company between Kingston and Harrowsmith, both places included, and for the use of such of the stations and all other the facilities above mentioned used by the Napanee Company from time to time, they, the Napanee Company, out of the balance of said portion of said earnings of the Napanee Company on the Kingston Company's line, will pay to the Kingston Company such proportion as may, from time to time, be agreed upon by the Napanee Company and the Kingston Company, and failing agreement as shall be fixed by arbitration as in this agreement provided; but in fixing such compensation the capital account of either party and the interest on capital account, or the salaries of the officers of either party, shall not be considered or form any element in the calculation; and for the convenience of the said parties hereto the arbitrators shall fix the compensation to be paid out of the said portion of the balance of income applicable to the said section of the Kingston Company's line under this agreement as above specified at a rate per ton per mile on freight, and a rate per passenger per mile, or upon the wheel basis as the arbitrators may deem just or elect between said companies, parties hereto. The provisions above contained shall apply, from time to time, as and according to the use for the time being the Napanee Company may make of the line, stations and facilities of all kinds of the Kingston Company at and between the points aforesaid.

17. That for all matters pertaining to this agreement each party shall keep correct accounts and shall give to the other full and free access to all papers, books and accounts, and give each to the other all reasonable information necessary to enable each party to see that all business is carried

on properly and that all accounts are correctly kept and rendered.

18. That in case of dispute as to the observance of this agreement by either company, in each of such cases, unless the parties can agree otherwise the same shall be settled by arbitration as hereinafter provided.

19. The compensation for the use of the line and facilities above agreed upon, unless it is thought proper in the meantime by mutual consent to change the same, shall continue in force for five years—when if either party so desire, a re-adjustment shall be made, but if neither party so desire, then the same shall continue for the further period of five years—but no adjustment made shall continue for a longer period than five years unless by mutual consent,—the intention being, that if from time to time the then existing adjustment as to compensation for the use of the line and facilities works unjustly or unfairly to either party, and that re-adjustment is not agreed upon, the then existing rate of said compensation shall not be binding for more than five years but must be re-adjusted.

20. That this agreement shall be binding upon the Kingston Company, their successors and assigns, or any company with which they may amalgamate, and upon any person or persons or corporations whatsoever, which may, from time to time, and for the time being, own or work the railway and works of the Kingston Company mentioned above, now used or owned, or which may hereafter be used or owned, by the Kingston Company, or any part thereof, for the purposes of traffic to and from and on said railway: Provided however, and it is hereby agreed, that in the event of any said property owned or used as aforesaid ceasing to be required for the purposes of the two companies aforesaid, in such case nothing herein contained shall prevent the Kingston Company from selling or disposing thereof as they shall think proper.

21. The City and the Napanee Company mutually covenant and agree each with the other as follows, that is to say: That they, the Napanee Company, will build and complete the said connection of their line from a point at or near Yarker, within the limits of the second concession of the Township of Camden, to the line of the Kingston Company at or near Harrowsmith and not further north than the gravel pit on lots seven and eight, in the fifth concession of the township of Portland, within fifteen months from the thirty-first day of December one thousand eight hundred and eighty-eight, and the said connection shall be made in such manner that a train can pass directly through from Tamworth to Kingston and *vice versa* without the use of a Y or turntable or reversing either engine or cars; and also that they will complete their line ready for use from Tamworth to Tweed above named, in the manner above in this agreement mentioned within twenty-four months

months from the thirty-first day of December, one thousand eight hundred and eighty-eight.

22. That the Kingston Company, their successors and assigns and the owner or owners for the time being of the property, railway and facilities now owned or used by the Kingston Company, or any part thereof required for the purpose of carrying out this agreement in good faith, keeping and performing this agreement and affording the running powers and other facilities, present and future, above provided for between said junction and the city of Kingston as aforesaid and points between, to the extent in the said city by-law and in this agreement above mentioned, in the manner and on the terms above expressed, the Napanee Company will as soon as the said extensions are completed as above provided and according as the same are so completed, from thenceforth maintain a train service between Tamworth and Kingston and between Tweed and Kingston as aforesaid, with not less than one passenger and freight train, that is, not less than one mixed train for the accommodation of local passenger and merchandise traffic, daily (Sundays excepted) from Tamworth and Tweed aforesaid, timed to arrive at Kingston aforesaid between the hours of 8 and 10 in the forenoon, and one such train timed to leave Kingston aforesaid between the hours of one and eight in the afternoon: Provided however, that a train such as above mentioned from Tweed stopping at Tamworth and way stations and a like train to Tweed stopping at Tamworth and way stations shall be a compliance with this covenant; and it is hereby further agreed that the Kingston Company in all things keeping their agreement with the Napanee Company as above expressed, in case of default by the Napanee Company, the city may by injunction or otherwise compel the maintenance of such efficient train service besides having any further satisfaction that may be open to the said the city, and further that they the Napanee Company will not charge any less rate per mile for passengers and freight between points on their line and Napanee or any extension beyond Napanee, than between said points and Kingston: Provided however, and it is hereby declared that in case by any means the Napanee Company are deprived, without default on their part of the facilities above agreed to be provided by the Kingston Company, no such injunction or remedy shall exist as against the Napanee Company.

23. And in consideration of the covenants above expressed, and the covenants, stipulations and provisions hereinafter contained the city covenant and agree with the Napanee Company that they the city shall and will pay the Napanee Company the sum of seventy-five thousand dollars by way of bonus and not as a loan, in the manner and on the terms following, that is to say:—

24. The sum of twenty-five thousand dollars on the completion of the said extension from at or near Yarker

to the line of the Kingston Company at the point as above provided, with daily trains as aforesaid, running between Tamworth and Kingston and the said extension between Tamworth and Tweed being under construction, and the sum of fifty thousand dollars on the completion of the said extension from Tamworth to Tweed with daily trains as aforesaid running between Tweed and Kingston; but out of the last mentioned sum payments on account of the last mentioned extension shall be made at the rate of two thousand dollars per mile as sections of five miles in length from Tamworth aforesaid westward are completed to the satisfaction of Thomas O. Bolger, of Kingston, civil engineer, the inspection and approval by the Dominion Government Engineer to be conclusive as to the right of the Napanee Company to the payment of the bonus mentioned.

25. It is further agreed that the said extensions shall be laid with steel rails weighing not less than 50 pounds to the yard, and be equal in character and construction to the other portion of the Company's railway already constructed.

26. That the connection between the line of the Kingston Company and the Napanee Company above mentioned shall be completed within the period above mentioned and the said extension to Tweed within the time also above mentioned, and in default thereof then said debentures and coupons or the unearned portion thereof shall become null and void, and the Napanee Company shall have no claim thereto.

27. It is also agreed that all the said interest coupons which may accrue due before the Napanee Company becomes entitled to the bonus granted by the city as aforesaid shall be detached from the said debentures and delivered by the trustees to the said Treasurer of the city for the benefit of the city as they accrue due.

28. The Napanee Company shall only be entitled to interest on the moneys or debentures payable to them, the Napanee Company, from the respective dates or times on which the several payments to be made on account thereof respectively as herein provided become payable, and from such dates or times each payment only as it becomes due shall bear interest.

29. The city shall have the right by the sale of debentures or otherwise to pay said aid in cash instead of by said debentures, or by debentures at a par value. In case the city pay in cash the debentures and coupons shall be handed back to the treasurer of the city for the purposes of the city.

30. The Napanee Company shall give the trustees fifteen days' notice of any application for said debentures or any of them.

31. That should the Napanee Company at any time provide a line of railway of their own connecting with the city

city of Kingston, in such case this agreement so far as respects the user of the Kingston Company's line to be at an end, but the provisions of this agreement on the part of the Napanee Company as to trains and train service shall remain in full force and be binding on the Napanee Company; and the said connection and train service shall be accepted by the city as a satisfaction of the obligation of the Napanee Company under this agreement with the city.

32. The Kingston Company covenant and agree, with the city that the covenants, conditions and provisoes on their part in this agreement contained, shall be binding upon them, their successors, lessees and assigns, and any Company with which they may amalgamate or become a part, and upon all persons or corporations whomsoever owning or controlling the railway and properties now owned, occupied or controlled by them, the Kingston Company, for the time being, and the several parts thereof, and that the Kingston Company and all their successors in possession as aforesaid shall and will carry out the same fully and in all respects according to the spirit, true intent and meaning thereof. The Napanee Company covenant and agree with the city and also with the Kingston Company in like manner that this agreement shall be binding upon the Napanee Company, their successors, lessees and assigns or any company with which they may amalgamate or become a part, who shall fully and in all respects carry out the same in like manner as aforesaid.

33. It is further agreed by and between the Napanee Company and the Kingston Company that the Napanee Company may, under the superintendence of the officers of the Kingston Company, do their own shunting at Kingston and other stations included in this agreement between Kingston and Harrowsmith, both places included, or the Kingston Company will, at any time and from time to time, on the request of the officers of the Napanee Company, do the shunting or any part thereof, at Kingston at such a proportion of the whole cost of shunting as may be agreed upon, or in case of dispute as shall be settled by arbitration as herein provided.

34. It is hereby further agreed by and between the Kingston Company and the Napanee Company, that if any dispute shall arise as to the working out of this agreement between the Kingston Company and the Napanee Company all and each and every such dispute shall be settled by arbitration; that in such case each party shall, within twenty days after being notified in writing by the other party, appoint one competent disinterested person; these two shall within twenty days thereafter appoint a third, and the award of the said three persons or any two of them shall be final and conclusive.

35. Provided however, that it shall be competent for the said two companies to agree upon one arbitrator whose decision shall be final as aforesaid.

36. That if the question of the compensation for the use of the Kingston Company's line and facilities by the Napanee Company is left to arbitration as above in section 16 provided, any award shall only remain in force for five years from its date, unless the parties agree otherwise; provided however, that it shall be competent for the said two companies to alter, change and vary said terms as often as they may think proper to do so. In case of an arbitration thirty days notice shall be given so as to enable each party to properly attend the same.

37. It is further agreed that the Kingston Company shall not carry passengers or freight from Harrowsmith to Kingston or Kingston to Harrowsmith or points between at a less rate per mile than is charged by the Napanee Company for freight or passengers carried by them over said section of the Kingston Company's line to or from points on the Napanee Company's line.

38. It is also agreed that so long as the Napanee Company use in Kingston the freight sheds of the Kingston Company for the purposes of their freight business the Kingston Company shall do the cartage of the Napanee Company, but at the same rates and not more than they charge to or receive from those doing business with the Kingston Company for such like services.

39. It is also agreed, that the compensation above agreed for as to maintenance, handling freight and booking passengers and use of line, stations and other facilities shall be paid monthly, on such day in each month as the parties from time to time may agree upon, and that, when and so often as the sums payable to the Kingston Company are fixed and agreed upon by the parties hereto or shall be fixed by final judgment, and that, if the same shall remain thirty days in arrear, the Kingston Company, until said sum is paid, may retain the moneys which under this agreement they may collect and receive for or on account of the Napanee Company under this agreement.

40. It is also declared and agreed that this agreement supersedes all other documents signed or sealed by either party hereto in relation to the subject matters of this agreement.

41. That the said covenants for compensation and the mode of fixing the same shall apply to the use of such or all of the rights and privileges above contemplated or such of them as from time to time may be used by the Napanee Company according to the spirit and intentions above expressed.

42. Each party hereto hereby covenants with the other to observe, perform and keep the above agreement according to the spirit, true intention and meaning thereof.

43. The Kingston Company shall not take or carry freight or passengers to Harrowsmith from Kingston or intermediate points between Kingston and Harrowsmith which are going beyond Harrowsmith to points on the Napanee Company's line or points beyond *viâ* the Napanee Company's line, but all such shall be handed over to the Napanee Company at the point of departure

44. That in case either party do not appoint its arbitrator as provided in clause thirty-four of this agreement or in case the two arbitrators mentioned in said clause 34 of this agreement do not agree upon the third arbitrator as mentioned in said clause, then such arbitrator or such third arbitrator may be appointed by the Chief Justice or any justice of any of the divisions of the High Court of Justice at Toronto on the application of either party on twenty days' notice to the other.

In witness whereof the said parties hereto have hereunto set their respective corporate seals on the day and year first above written

Signed, sealed and delivered, in the presence of	}	WM R. AYLSWORTH, (Seal) <i>Vice-President,</i> <i>The Napanee, Tamworth and</i> <i>Quebec Railway Company.</i>
R. C. CARTER.		C. F. GILDERSLEEVE, (Seal) <i>President, Kingston and</i> <i>Pembroke Railway Company.</i>
		J. DUNCAN THOMPSON, (Seal) <i>Mayor.</i>

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



52 VICTORIA.

CHAP. 78.

An Act respecting the Kingston and Pembroke Railway Company.

[Assented to 16th April, 1889.]

Preamble.

WHEREAS the Kingston and Pembroke Railway Company has, by its petition, prayed for certain amendments, as hereinafter set forth, 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 :—

Time for completion extended.

1. The railway and the branches authorized by the said Acts shall be completed within seven years from the passing of this Act, otherwise the powers thereby granted shall cease and be null and void as respects so much of the railway and branches as then remains uncompleted : Provided always, that the extension of time hereby granted shall be without prejudice to the rights of any person or persons in or under any legal proceedings between such person or persons and the said Company, either now pending or in which judgment has been rendered, respecting any lands in the city of Kingston, or respecting the powers of the said Company to expropriate any such lands ; and provided also, that nothing in this Act shall be construed to extend, enlarge or revive the said Company's powers of expropriating the lands of any such person or persons situate in the city of Kingston.

Proviso : rights saved.

Proviso : expropriation powers not revived.

Disposal of lands.

2. Any lands acquired by the Company before the passing of this Act, which are not required for the right of way or actual working of the railway, may be sold, leased, exchanged or otherwise disposed of as the directors of the Company think necessary or advantageous for the purposes of the Company ; and the lands so sold, leased, exchanged or otherwise disposed of shall not be subject to any lien or charge for the bonds or debentures issued by the Company : Provided always, that the proceeds of the lands sold,

sold, leased, exchanged or disposed of as aforesaid shall be applied towards the reduction of the bonded debt of the Company or for the improvement of the Company's property covered by the mortgage bonds ; but the purchaser of any of the said lands shall not be bound to see to the application of the said proceeds.

Proviso; application of proceeds.

3. The directors of the Company shall make, within three months after each sale, a report to the Minister of Railways and Canals describing the property sold and the terms of the sale and stating the application of the proceeds.

Report to Minister of Railways.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.



52 VICTORIA.

CHAP. 79.

An Act to amend the Act incorporating the Kingston, Smith's Falls and Ottawa Railway Company.

[Assented to 20th March, 1889.]

Preamble. **W**HEREAS the Kingston, Smith's Falls and Ottawa Railway Company have, by their petition, prayed that certain amendments be made to the Act incorporating 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:—

Section 2 amended. **1.** Section two of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered eighty-eight, is hereby amended by adding thereto: "and to the village of Lanark, in the County of Lanark."

Section 26 repealed; new section. Limitation of time. **2.** Section twenty-six of the said Act is hereby repealed and the following substituted therefor:—
"26. The works upon the main line of the railway shall be commenced within two years from the thirtieth day of June, one thousand eight hundred and eighty-nine, and completed within five years from the said date; otherwise the powers granted by the Act incorporating the Company and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted."

Issue of first preference bonds authorized. **3.** The directors of the Company, with the consent of a majority of the shareholders of the Company, present in person or represented by proxy at a meeting specially called for the purpose, may make and issue first preference bonds or debentures, which shall, except as otherwise provided in the fifth section of this Act, and except as to the payment of any penalty imposed for non-compliance with the requirements of "*The Railway Act*," respecting returns to be made to the Minister of Railways and Canals, be and form a first preference claim and charge on the undertaking,

undertaking, lands, buildings, rolling stock, plant, property, net tolls and income of the Company, after deduction, from the tolls and income, of the working expenses of the railway; and such bonds or debentures shall express and state on their face the total amount of such first preference bonds; and thereafter and until such bonds are redeemed, or the amount of all such bonds outstanding is deposited in some chartered bank of the Dominion, to the credit of the Company, in trust for the redemption of such bonds, no further or other first preference bonds shall be issued. The principal of such preference bonds shall be payable at such times as the Company may think expedient, not exceeding thirty years from the date of the issue of such bonds; and such bonds shall bear interest at such rate or rates as the Company may determine; and such bonds shall, without registration or formal conveyance, be taken and considered to be, except as aforesaid, the first preferential claims and charges upon the undertaking and property aforesaid of the Company, real and personal and then existing and at any time thereafter acquired, and all extensions made or to be made; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro ratâ*, with all the other holders thereof, upon the aforesaid undertaking and property of the Company and all extensions thereof as aforesaid, in priority to all other charges and incumbrances.

Preference bonds, when payable.

Bonds to be a first charge.

4. The directors, with the consent of a majority of the shareholders of the Company, present in person or represented by proxy, at a meeting specially called for the purpose, may also make and issue second preference bonds, which shall be and form a second preference claim and charge on the undertaking, lands, buildings, rolling stock, plant, property, net tolls and income of the Company, after deduction from the tolls and income of the working expenses of the railway; and such bonds or debentures shall express or state the total amount of such second preference bonds; and thereafter and until such bonds are redeemed, or the amount of all such bonds outstanding is deposited in some chartered bank of the Dominion to the credit of the Company, in trust for the redemption of such bonds, no further or other second preference bonds shall be issued. The principal of such preference bonds shall be payable at such times as the Company may think expedient, not exceeding thirty years from the date of the issue of such bonds; and the said bonds shall bear interest at such rate or rates as the Company may determine; and such bonds shall, without registration or formal conveyance, be taken and considered to be the second preferential claims and charges upon the undertaking and property aforesaid of the Company, real and personal and then existing and at any time thereafter acquired, and all extensions made or to be made; and each holder of the said bonds shall be deemed to be a

Issue of second preference bonds authorized.

Ranking thereof.

When payable.

Bonds to be a second charge.

Conditions as to issue of first preference bonds.

Amount of issue limited.

mortgagee and incumbrancer, *pro ratâ*, with all the other holders thereof, upon the aforesaid undertaking and property of the Company and all extensions thereof as aforesaid, in priority to all other charges and incumbrances, save and except first preference bonds. And the directors shall not increase the issue of first preference bonds if any second preference bonds and the bonds or debentures referred to in the fifth section of this Act have been issued and are outstanding, unless and until the said second preference bonds are redeemed, or the amount of all such bonds outstanding is deposited in some chartered bank of the Dominion, to the credit of the Company, in trust for the redemption of such bonds: Provided that the total amount of such first and second preference bonds shall not, in the aggregate, exceed twenty thousand dollars per mile of the said railway constructed, or under contract to be constructed, under and by virtue of the Act incorporating the Company, or of this Act.

Section 18 of 50-51 V., c. 88 repealed.

Proviso: as to bonds issued and sales of stock effected.

5. The eighteenth section of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered eighty-eight, is hereby repealed; but all bonds or debentures heretofore issued under and by virtue of the said section are hereby declared to be, until redeemed, a first charge on the undertaking, lands, buildings, tolls and income of the Company as provided for in the said Act, and all sales of bonds and stock heretofore made by the Company are hereby declared valid and binding upon the terms and conditions upon which the same may have been made.

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52 VICTORIA.

CHAP. 80.

An Act to amend the Act to incorporate the Prescott County Railway Company, and to change the name of the Company to "The Central Counties Railway Company."

[Assented to 16th April, 1889.]

WHEREAS the Prescott County Railway Company have, Preamble.
by their petition, represented that they are desirous that the name of the said Company be changed, and have also prayed for an Act to amend, as hereinafter mentioned, the Act incorporating the said Company, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, and chaptered eighty-two; 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:— 50-51 V., c. 82.

1. The name of the Company is hereby changed from "The Prescott County Railway Company" to "The Central Counties Railway Company"; but such change in name shall not in any way alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending either by or against the Company, or judgment existing, 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. Name changed. Existing rights and obligations not to be affected.

2. The third section of the Act cited in the preamble is hereby amended by adding the following subsections thereto:— Section 3 amended.

"2. The Company may also extend their line of railway from some point in the county of Stormont or Russell, on the line of the Canada Atlantic Railway Company, to the village of Rockland. Extension may be built.

Steam ferry boats may be employed.

"3. The Company may construct, acquire, maintain and employ steam ferry boats to ply across the Ottawa River, in connection with their railway, for the purpose of carrying cars, freight and passengers over the same."

Bridge over the Ottawa river may be constructed.

3. The Company may build and complete a bridge, for railway purposes, across the Ottawa River on the line of the railway at some suitable point in or near the village of Rockland, with one or more tracks, with the necessary approaches, machinery and appliances to enable the Company to use the said bridge; and the Company may also, as part of the said bridge, in their discretion, at any time construct or arrange the said bridge as well for the use of foot passengers and carriages, or either, as they think best.

Carriage and foot bridge.

Sanction of Governor in Council required.

4. The Company shall not commence the said bridge over the Ottawa River, or any work appertaining thereto, until they have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge 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 may any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council and upon such conditions as he imposes:

Provision if construction of draw-bridge is required.

2. If the Governor in Council determines that such bridge shall be a drawbridge, the same shall be constructed so as to have one draw in the main channel of such river, —which draw shall be of such width as the Governor in Council determines, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draw shall, at all times during the season of navigation, be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the Company so as not to hinder unnecessarily the passage of any vessel; and from sundown until sunrise during the season of navigation suitable lights shall be maintained on such bridge, to guide vessels approaching the said draw:

Lights.

No discrimination as to passage or rates.

3. When the said bridge is completed and ready for traffic, all trains of all railways terminating at or near the said bridge, and now constructed or hereafter to be constructed, including the cars of any other railway company which may be brought over such railway, 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 thereto or in tariff rates for transportation shall be made in

favor of or against any railway whose trains or business pass over the said bridge :

4. In case of any disagreement as to the rights of any railway whose trains or business pass over the bridge hereby authorized to be constructed, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Provinces of Ontario or Quebec, upon application to such court,—due notice thereof having been given to the parties interested ; and the award of the said arbitrators or a majority of them shall be final :

Arbitration in case of disagreement.

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

Tolls on carriage and foot bridge subject to approval of Governor in Council.

5. The tenth section of the hereinbefore cited Act is hereby amended by striking out all the words after the word "undertaking" in the sixteenth line thereof to the end of the said section, and by adding the following subsections thereto :

Section 10 of Act amended.

"2. The amount of such bonds so issued, sold or pledged, shall not exceed twenty-five thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed, and such bonds shall be called "A" bonds ; and in addition thereto bonds to an amount not exceeding six hundred thousand dollars may be issued for the construction of the bridge and steam ferry boats hereinbefore mentioned, and shall be called "B" bonds :

Amount of bonds limited.

Series A.

Series B.

"3. To specially secure series "B" bonds, tolls for the use of the said bridge, not exceeding four dollars for each car, and tolls for such ferry shall, from time to time, be fixed, imposed, changed, varied and regulated by the by-laws of the Company ; but such by-laws, before being enforced, shall be first submitted to and approved of by the Governor in Council, and the tolls to be levied shall be uniformly imposed upon all companies and corporations using the said bridge, and shall be demanded and received as well from the Central Counties Railway Company as from all railway companies and other corporations and persons using the same, for all cars passing over the said bridge,

Tolls to specially secure Series B bonds.

and shall be paid to such persons and at such places, and under such regulations as the said by-laws direct."

Limitation of
time for con-
struction of
railway.

6. The eighteenth section of the hereinbefore cited Act is hereby repealed, and in lieu thereof it is hereby enacted that the railway authorized by the said Act and this Act shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

And as to
bridge.

7. The bridge shall be commenced within three years and completed within five years from the passing of this Act; otherwise the powers granted under section three of this Act shall cease and be null and void.

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52 VICTORIA.

CHAP. 81.

An Act respecting the Lake Nipissing and James' Bay Railway Company, and to change the name of the Company to "The Nipissing and James' Bay Railway Company."

[Assented to 20th March, 1889.]

WHEREAS the Lake Nipissing and James' Bay Railway Company have, by their petition, represented that they are desirous that the name of the Company be changed, and have also prayed for an Act to amend, as hereinafter mentioned, the Act incorporating the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

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

Name changed.

Existing rights not affected.

2. The members of the provisional board of directors may add three others to their number.

Directors.

3. Notwithstanding anything contained in section eight of the said Act incorporating the Company, the provisional directors for the purpose of commencing construction on the first section of their line of railway as defined by section one of the Act passed in the forty-ninth year of Her Majesty's reign, chaptered seventy-seven, may, so soon as twenty-five per centum of shares to the extent of four hundred thousand dollars of the capital stock has been

When meeting may be called.

49 V., c. 77.

subscribed

subscribed and ten per centum paid thereon into one of the chartered banks in Canada, call a meeting of the subscribers in the manner provided by the said section :

When second section may be begun.

2. Before commencing construction on the second section of the said line of railway as defined by section one of the Act mentioned in this section, twenty-five per centum of shares to the extent of five hundred thousand dollars more of the capital stock shall be subscribed and ten per centum paid thereon as aforesaid :

When third section may be begun.

3. Before commencing construction on the third section of the said line of railway as defined by section one of the Act mentioned in this section, twenty-five per centum of shares to the extent of one million one hundred thousand dollars more of the capital stock shall be subscribed and ten per centum paid thereon as aforesaid.

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52 VICTORIA.

CHAP. 82.

An Act respecting the Pontiac Pacific Junction Railway Company.

[Assented to 20th March, 1889.]

WHEREAS the Pontiac Pacific Junction Railway Company has, by its petition, prayed for the passing of an Act further extending the time for the completion of its railway, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything contained in section ten of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-three, the time for completing the construction of the Pontiac Pacific Junction Railway to the town of Pembroke is hereby extended to the first day of January, one thousand eight hundred and ninety-one; and in default of the construction being so completed the powers granted by the Acts relating to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Preamble.

Time for completion extended.
50-51 V., c. 73.

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52 VICTORIA.

CHAP. 83.

An Act to revive and amend the Acts relating to the Saint Gabriel Levee and Railway Company.

[Assented to 16th April, 1889.]

Preamble.

WHEREAS a petition has been presented praying that an Act may be passed to revive and amend, as hereinafter set forth, the Acts relating to the Saint Gabriel Levee and Railway Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

49 V., c. 85,
50-51 V., c. 72
revived.

1. The Acts relating to the Company, being the Act forty-ninth Victoria, chapter eighty-five, and the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-two, are hereby revived and continued in full force, subject to the provisions hereinafter contained.

Section 6 of
50-51 V., c.
72, repealed.

2. Section six of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-two, is hereby repealed.

Agreement
with city of
Montreal au-
thorized

3. The Company may make and enter into an agreement with the city of Montreal, respecting the levee or dyke and works already erected, or respecting the use, maintenance or extension thereof, or respecting the construction and use of a railway track or tracks thereon ; and if provided for by such agreement may convey to the said city the whole or any part of the levee or dyke, or works to be constructed, or deal with the same in the manner provided for by such agreement.

Time for com-
pletion ex-
tended.

4. Notwithstanding the provision contained in section two of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-two, the time for the completion of the said levee or dyke is hereby extended to the first day of January, one thousand

eight hundred and ninety-two, and for the construction of the said railway or so much thereof as may be found expedient and necessary by the Company, to the first day of January, one thousand eight hundred and ninety-three.

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52 VICTORIA.

CHAP. 84.

An Act to amend the Act incorporating the Massawippi Junction Railway Company.

[Assented to 16th April, 1880.]

Preamble.

50-51 V., c. 94.

WHEREAS the Massawippi Junction Railway Company has, by its petition, prayed for the passing of an Act to amend, as hereinafter set forth, the Act incorporating the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 1 amended.

1. Section one of the said Act is hereby amended by adding, in line three, after the name “Wheeler” the following names: “William H. Lovell, Walter C. Webster, Leonidas C. Bachand and Jean Baptiste Gendreau.”

Section 3 amended.

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

Extension authorized.

“2. The Company may also lay out, construct and operate an extension of its line of railway from Ayer’s Flat to the town of Coaticook in the county of Stanstead”

Section 5 amended.

3. Section five of the said Act is hereby amended by striking out, on line one, the word “two” and substituting therefor the word “five.”

Section 10 amended.

4. Section ten of the said Act is hereby amended by striking out all the words after “railway” in line twenty and substituting therefor the words “and extension authorized by this Act; and such bonds may be issued only in proportion to the length of railway constructed or under contract to be constructed.”

Section 17 amended.

5. Section seventeen of the said Act is hereby amended by inserting in line two after the word “Company” the words “the Grand Trunk Railway Company of Canada.”

6. Section eighteen of the said Act is hereby repealed and in lieu thereof it is enacted that the railway shall be commenced within two years and completed within five years from the passing of this Act ; otherwise the powers granted by the said Act and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Section 18
repealed ;
time for con-
struction ex-
tended.

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52 VICTORIA.

CHAP. 85.

An Act respecting the New Brunswick and Prince Edward Railway Company and to change the name of the Company to "The New Brunswick and Prince Edward Island Railway Company."

[Assented to 20th March. 1889.]

Preamble.

N.B., 37 V., c
65 ; 45 V., cc.
36 and 37.

WHEREAS a petition has been presented by the New Brunswick and Prince Edward Railway Company (a Company incorporated by an Act of the Legislature of the Province of New Brunswick, passed in the thirty-seventh year of Her Majesty's reign, chapter sixty-five, which Act was amended by subsequent Acts of the same Legislature, being chapters thirty-six and thirty-seven of the Acts passed in the forty-fifth year of Her Majesty's reign) praying that its railway may be declared to be a work for the general advantage of Canada and that certain additional powers, as hereinafter set forth, may be conferred on the Company ; and whereas it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Declaratory.

1. The railway of the New Brunswick and Prince Edward Railway Company is hereby declared to be a work for the general advantage of Canada, and the name of the said Company is hereby changed to "The New Brunswick and Prince Edward Island Railway Company," hereinafter called "the

Change of name.

Rights saved.

Company," but the powers, rights and liberties of the Company shall not be affected in any manner by such change of name, and all contracts made, powers exercised, and rights and property acquired, and liabilities incurred by the said Company under its prior corporate name shall remain valid and binding and become and be the contracts, powers, rights, property and liabilities of the New Brunswick and Prince Edward Island Railway Company.

Capital stock reduced.

2. The capital stock of the Company is hereby reduced from the sum of nine hundred and fifty thousand dollars to the sum of five hundred thousand dollars, divided into shares

shares of fifty dollars each ; and the issue of stock heretofore made by the directors under the authority of the Acts of the Province of New Brunswick, passed in the forty-fifth year of Her Majesty's reign, chaptered thirty-six and thirty-seven is hereby declared valid and is confirmed.

Issue of stock declared valid.

3. Notwithstanding anything contained in the third section of the Act passed by the Legislature of the Province of New Brunswick in the forty-fifth year of Her Majesty's reign, chaptered thirty-seven, the directors of the Company shall cause a book to be kept in which shall be entered consecutively each and every issue of the bonds, debentures or other securities to be issued under this Act, showing the number, date, amount, rate of interest, and time of payment of each such bond, debenture or other security, which book shall, at all reasonable times, be open to the inspection of any shareholder of the Company ; and it shall not be necessary to file any list of bonds or debentures in the office of the Registrar of deeds in the County of Westmoreland.

Record of bonds to be kept.

4. The Company may extend and continue its line of railway from its intersection with the Intercolonial Railway to Wood Point in the County of Westmoreland, and to a deep water terminus on the shore of the Bay of Fundy, near the said village of Wood Point, and may exercise all the rights, powers and privileges with regard to such extension as are exercised and enjoyed by the said Company with respect to their present line : Provided however, that with respect to the extension authorized by this Act, "*The Railway Act*" of Canada shall apply to the expropriation of lands and all matters to which "*The Railway Act*" of Canada would apply if the said Company had been originally incorporated by the Parliament of Canada.

Line may be extended.

"The Railway Act" to apply.

5. The issue of debentures to the extent of one hundred thousand dollars by the New Brunswick and Prince Edward Railway Company and the deed of trust to Thomas E. Kenny, M P., John A. Humphrey, M.P.P., and Edward Cogswell, to secure the same as set forth in the schedule to this Act, are hereby severally ratified, confirmed and declared valid.

Issue of debentures and deed of trust ratified.

6. The said mortgage or deed of trust is hereby declared to extend to and include the extension of the said railway authorized by this Act and the works and undertakings thereof, in the same manner and to the like extent as if they were expressly mentioned and described in the said mortgage or deed of trust.

Mortgage to apply to extension.

7. The Company may, subject to the provisions of "*The Railway Act*," in addition to the debentures hereinbefore mentioned, make a further issue of bonds, debentures or other

Further issue of bonds.

Amount
limited.

Priority.

other securities, to an amount not exceeding three hundred thousand dollars, and the mortgage deed to secure the same, as well as any other deed of the Company, shall be valid and binding if signed by the president or vice-president and secretary and have the seal of the Company attached thereto; but the amount of bonds issued or to be issued by the Company shall not exceed in all the sum of four hundred thousand dollars, and the present mortgage deeds and issue of bonds shall have priority over any subsequent issue.

SCHEDULE.

THIS INDENTURE, made the first day of June in the year of our Lord one thousand eight hundred and eighty-seven, between the New Brunswick and Prince Edward Railway Company, a corporation organized and existing under the laws of the Dominion of Canada and the Province of New Brunswick, of the first part, hereinafter called "The Company," and Thomas E. Kenny, of Halifax, in the Province of Nova Scotia, Esquire, a member of the Parliament of Canada; John A. Humphrey, of Moncton, in the Province of New Brunswick, mill owner, a member of the Legislature of the Province of New Brunswick, and Edward Cogswell, of Sackville, in the County of Westmoreland, Province of New Brunswick, hereinafter called "The Trustees," of the second part:

Whereas the Company is authorized and empowered to borrow money, under the provisions of an Act of the Legislature of New Brunswick, not exceeding ten thousand dollars per mile, and at a meeting of stockholders the directors thereof were directed to borrow the sum of one hundred thousand dollars upon such terms and conditions as they should deem advisable;

And whereas at a meeting of the directors held on the twenty-sixth day of April last, the following resolution was passed:—

"Resolved that the sum of \$100,000 be borrowed by the Company under the provisions of 45 Victoria, chapter 37, and that debentures be issued for the sum of \$500 each, payable ten years after the first day of June, A.D. 1887, the interest to be payable at six per cent. half yearly, on the first days of December and June in each year, at the Merchants' Bank of Halifax, or at their branches in St. John, N.B., or Sackville, N.B., the debenture to be in such form as settled by counsel, and to be executed with coupons attached as required by the said Act, and further that the said debentures be secured to the holders thereof by a mortgage to Thomas E. Kenny, Esquire, of Halifax, John A. Humphrey, Esquire, of Moncton, N.B., and Edward Cogswell, Esquire, of Sackville, as trustees of the railway, under-

takings and other assets, rights, and profits of the Company, and that counsel be directed to prepare a mortgage in accordance with this resolution ;”

And whereas in pursuance of the said resolution the said Company has had prepared a form of debenture, which is as follows :—

DOMINION OF CANADA.

\$500.

\$500.

No. .

PROVINCE OF NEW BRUNSWICK.

First Mortgage Bond

Issued by the New Brunswick and Prince Edward Railway Company, a corporation duly organized and existing under the laws of the Province of New Brunswick and Dominion of Canada.

The New Brunswick and Prince Edward Railway Company, for value received, hereby promises to pay to the bearer or registered holder thereof, on the first day of June, A.D. 1897, the sum of five hundred dollars, Canadian currency, at the office of the Company, in Sackville, New Brunswick, with interest thereon at the rate of six per cent. per annum, payable semi-annually on the first days of December and June in each year, at the Merchants' Bank, Halifax, N.S., or its agencies in St. John, N.B., or Sackville, N.B., at the option of the holder, on presentation and surrender of the interest warrants and coupons hereto annexed, as they severally become due.

This bond is a series of two hundred bonds of like amount, tenor and date, numbered from one to two hundred inclusive and amounting in the aggregate to one hundred thousand dollars, all equally secured by a first mortgage or deed of trust executed by the said Company to Thomas E. Kenny, John A. Humphréy and Edward Cogswell, Esquires, as trustees, covering the entire railway of the said Company, and all its lands and territories, rolling stock, equipments, rights, franchises, easements, privileges and appurtenances.

This bond shall pass by delivery, unless registered in the name of the owner on the books of the Company at its office in Sackville, N.B. After a registration of ownership, certified hereon by the transfer agent or officer of the Company, no transfer, except on the books of the Company, shall be valid unless the last preceding transfer shall have been to bearer, which shall restore transferability by delivery, but this bond shall continue subject to successive registrations and transfers to bearer as aforesaid at the option of each holder. This bond shall not become valid or obligatory until authorized by a certificate indorsed thereon signed by two of the said trustees.

In witness whereof the said New Brunswick and Prince Edward Railway Company has caused its corporate seal to be hereto affixed, and these presents to be signed by its president and countersigned by its treasurer the first day of June, A.D. 1887.

President.

Treasurer.

Coupon No.

The New Brunswick and Prince Edward Railway Company will pay the bearer fifteen dollars at the Merchants' Bank, Halifax, N.S., or its agencies in St. John, N.B., or Sackville, N. B., on the first day of A.D. 18 , being six months' interest on its first mortgage bond No.

President.

Treasurer.

TRUSTEES' CERTIFICATE.

We hereby certify that the above bond is one of the series of two hundred bonds all of the same amount, tenor and date, the payment of which is secured by the mortgage or deed of trust within mentioned, duly executed and delivered to us and duly recorded in the records of the County of Westmoreland, in the Province of New Brunswick.

Trustees.

Now this INDENTURE WITNESSETH that the said New Brunswick and Prince Edward Railway Company in consideration of the premises and the sum of one dollar lawful money of Canada to it in hand well and truly paid before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, and in order to secure the payment of the said two hundred mortgage bonds and interest thereon as aforesaid has granted, bargained, sold, conveyed and transferred and by these presents does grant, bargain, sell, convey and transfer unto the said Thomas E. Kenny, John A. Humphrey and Edward Cogswell, trustees as aforesaid, their heirs, executors, administrators and assigns as joint tenants and not as tenants in common, all the railway of the Company, being from Sackville Station, on the Intercolonial Railway, to Cape Tormentine, in the County of Westmoreland aforesaid, and the right of way over which the same is built and constructed and located as above set forth, and also all the lands, tenements and hereditaments of the Company now owned or hereafter acquired by it, and also all the railways, ways, rights of way, main lines, branch lines, sidings, tracks, superstructures, depots, depot grounds, station houses, engine houses, car houses, freight houses, wood houses, sheds, watering places, workshops, machine shops, buildings, bridges, viaducts, culverts, fences,

wharves and fixtures held or acquired or hereafter to be acquired in connection with the said railway or the business thereof, and all the locomotives, engines, cars, tenders, machines, tools, implements, telegraph poles, lines and instruments, equipments and appurtenances, fuel and materials of the said Company now held or hereafter to be held, together with its corporate rights, privileges, immunities and franchises now held or hereafter to be acquired (including the franchise to be a corporation) and all the tolls, fares, freights, rents, incomes, issues and profits thereof and all reversion and reversions, remainder and remainders thereof, and also all the estate, right, title, interest, use, possession, property, claim or demand either at law or in equity of the Company of, in, to or out of the same and every part and parcel thereof with the appurtenances;

To have and to hold all and singular the said lands, tenements, hereditaments, railway property, premises, things, rights, privileges, immunities, easements, franchises and equipments hereby conveyed or intended so to be, to the parties hereto of the second part, their heirs, executors, administrators and assigns forever, as joint tenants and not as tenants in common, in trust however for the uses and purposes following, namely: -

Article First. Until default shall be made in the payment of the principal and interest of the bonds hereby secured or some one or more of them, or until default shall be made in the due observance of the covenants and agreements hereinafter contained on the part of the Company, the said Company shall be suffered and permitted in every respect to have and retain full and undisturbed possession, control and management of the said railways, property, lands, premises and appurtenances and to exercise the franchises and rights relating thereto, and to collect, receive and use the tolls, income and revenues, moneys and profits thereof in any manner which will not impair the lien created by this indenture.

Article Second. In case default shall be made in the due payment of interest on any of the said bonds after demand thereof and such default shall continue for a period of six months, or in case default shall be made in the payment of the principal of any such bonds or in the observance or performance of any other matter or thing, in the said bonds or in these presents mentioned and agreed or required to be observed and performed by the Company, its successors or assigns, and such default shall continue for a period of six months, the trustees may and upon the written request of the holders of at least one-fourth of the amount of said bonds then outstanding, accompanied by a tender on behalf of such bondholders or any of them of security satisfactory to the trustees against personal loss or liability, must personally or by attorney and with or without judicial proceedings enter upon and in the possession of the said railway,

way, and all the said property, lands, premises, rights, privileges, franchises, easements, appurtenances and equipments, hereinbefore conveyed or intended to be conveyed and each and every part thereof, and thereupon personally or by attorney manage, operate, exercise and control the same, and receive all the tolls, rents, revenues, moneys, income and profits thereof until such time as the said interest shall be fully paid or satisfied; and the trustees shall apply the money so received by them, first to the expenses of the trust hereby created, the management of the said railway and its appurtenances and such repairs thereof as may be needed to keep the said railway in good working order, next to the payment of interest overdue upon the said bonds with interest upon delayed interest, and afterwards to the payment of the principal of the said bonds.

Article Third. After such entry as aforesaid or without entry the trustees may and upon the written request of the holders of one-fourth of the amount of the said bonds then outstanding, and upon tender of adequate indemnity as hereinbefore provided must, personally or by attorney and with or without judicial proceedings, proceed to sell all and singular the said premises, property, rights and franchises so mortgaged, either as an entirety or in different lots or parcels as they shall deem necessary and proper, having due regard to the interests of all parties, at public sale at Sackville, in the County of Westmoreland aforesaid, to the highest bidder, at such times as they may appoint, giving at least two months' notice of the times, place and terms of such sale and of the specific property to be sold and whether the same will be sold in an entirety or in parcels, by publication to be made at least once a week for two calendar months in two or more newspapers published in the Province of New Brunswick, one of which shall be published in the said County of Westmoreland, and one in the city of Saint John, New Brunswick; and the trustees may adjourn the sale from time to time and make the same without further notice at the time and place to which the same shall be adjourned; and upon receiving the purchase money therefor, the trustees shall make, execute, and acknowledge and deliver to the purchaser or purchasers at such sale or his or their assigns a good and sufficient deed or deeds of conveyance, which sale and conveyance shall forever be a bar against the Company, party of the first part, its successors and assigns and all persons claiming under them, to all right, estate, interest or claim in or to the premises, property, things, franchises, privileges and immunities so sold or any part thereof, whether the trustees are in possession or not; and the receipt of the trustees shall be a full and sufficient discharge to such purchasers, and no purchaser holding such receipt shall be liable for the proper application of the purchase money or in any way bound to see that the same is applied to the uses of this trust or be in

any manner answerable for its loss or misapplication or inquire into the authority for making such sale ; and such sale to a purchaser in good faith shall be valid whether such notice is published or not, and whether default in payment has been made or not.

Article Fourth. After deducting from the proceeds of any such sale the costs and expenses thereof, and of the execution of this trust, and all payments for taxes, assessments and counsel fees and the reasonable compensation for the trustees, the trustees shall apply so much of the proceeds as may be necessary to the payment of the principal and interest remaining unpaid upon the said bonds, together with interest upon overdue interest down to the time of sale, without giving preference to either principal or interest,—it being the intention of this indenture that so long as the said railway and its appurtenances shall be managed by the trustees or a receiver as a going concern, the income shall be applied to the payment of interest in preference to the principal, but that after a sale of the railway and its appurtenances no such preference shall be made in the distribution of the proceeds ; and if any surplus shall remain after the payment of the principal and interest of such bonds in full as aforesaid it shall be paid to the Company, party hereto of the first part.

Article Fifth. Upon any sale of the said premises, whether by the trustees or under judicial process, the holders of the bonds hereby secured, or any of them, or the trustees upon behalf of all the bondholders, shall have the right to purchase upon equal terms with other persons, and it shall be the duty of the trustees, if so required in writing at a reasonable time before such sale by the holders of one-half of the amount of the bonds hereby secured then outstanding, and upon being offered at the same time adequate indemnity against all liability to be incurred thereby, to make such purchase in behalf of all the bondholders at a reasonable price ; if but a portion of said property shall be sold, then at a price not exceeding the whole amount of principal and interest due or accruing upon the said bonds then outstanding and the expenses of such sale.

Article Sixth. In case of the purchase of the said property or any part thereof by the trustees, the same shall be held for the benefit of all bondholders, in proportion to their respective interests in the bonds, coupons and accumulated interest ; and the property then purchased shall be conveyed to such persons or corporation as may be designated by a meeting of such bondholders to be held in the city of Saint John, New Brunswick, regularly called by the trustees upon reasonable public notice published in two newspapers of that city : Provided, that such conveyance shall be made upon such terms as will, in the judgment of the trustees, secure to each and every bondholder his just proportion of interest in the property purchased as aforesaid.

Article Seventh. The trustees may exercise the powers herein conferred upon them in the manner hereinbefore provided by a suit or suits in equity or at law in aid of the execution of such powers or otherwise as being advised by counsel learned in the law they shall decide to be most effectual for the purpose,—it being understood and expressly declared that the right of entry and sale hereinbefore granted are intended as cumulative remedies, additional to all other remedies at law, and that the same shall not be deemed in any manner whatever to deprive the trustees or the beneficiaries under this trust of any right to legal or equitable remedies by judicial proceedings consistent with the provisions of these presents; and, notwithstanding any demand of bondholders for the exercise of the said strict rights of entry and sale, the trustees may, at their option, proceed by foreclosure in the usual manner in courts of justice. No holder of any bonds secured hereby shall have the right to institute any suit or proceeding at law or in equity for the foreclosure of this indenture or the execution of the trusts hereof without first giving notice in writing to the trustees of default having occurred and requesting them and affording them a reasonable time to institute such suit or proceedings in their own name, and offering to them adequate indemnity against the costs and expenses of such suit or proceeding; and such notification, request and offer of indemnity are hereby declared to be a condition precedent to any cause of action for the foreclosure hereof by any bondholder.

Article Eighth. In case default shall be made in the payment of any half-yearly instalment of interest on any of the bonds, when such interest shall become payable according to the tenor of the said bonds, or if any warrant or coupon thereto annexed and such instalment of interest shall remain unpaid and in arrear for a period of six months after the same shall have become payable as aforesaid, and been demanded, then and from thenceforth the principal sum of each of the bonds aforesaid, shall, at the option of the trustees, become and be immediately due and payable notwithstanding the time limited in the said bonds for the payment thereof may not then have elapsed; but the holders of a majority in interest of all the bonds aforesaid, which shall be then outstanding and upon which default in the payment of interest shall have been made and be continuing may, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, instruct the trustees to declare the said principal due, or to waive the right so to declare in such terms and conditions as such majority in interest may think fit, and they may by such instrument in writing or vote, annul or reverse the declaration of the trustees in respect of said bonds becoming immediately payable:

payable: Provided always, that no act or omission of the trustees or bondholders in the premises shall extend to or be taken in any manner whatsoever, to affect any subsequent default or the rights resulting therefrom.

Article Ninth. All bonds secured by this indenture shall be payable to bearer and be negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided. The Company shall keep at its office a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting a written statement of the said particulars signed by him, and if required duly verifying his title to such bond by the production thereof or by the written order of the person last registered as holder; and every registration of the ownership of any bond shall be properly certified on such bond, and if the last transfer shall be to bearer, it shall thereafter be transferable by delivery, but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid at the option of each holder. The trustees shall have full access at all reasonable hours and times to the bond register, and shall, from time to time, on request in writing, be furnished with a copy thereof by the Company. The trustees may and, whenever it shall be required by the request in writing of bondholders to the aggregate amount of fifty per centum of the bonds then outstanding, must call a meeting of the bondholders, to be held in the city of St. John, by publishing notice thereof, at least twice a week, for two weeks, in one or more newspapers published in the said city, the city of Halifax and the County of Westmoreland; and in case the trustees shall neglect to call such meeting, for thirty days after service upon them of such request, it shall be competent for any holder or holders of said bonds to that amount to call such meeting in the manner aforesaid; and at such meeting so convened, the bondholders shall be competent to exercise in person or by proxy all the powers and authorities conferred upon them by these presents, and each bond shall entitle the holder thereof to one vote. The quorum may be defined and reasonable regulations or by-laws in respect to such meetings may, from time to time, be established, altered or repealed by a majority of the bondholders in interest at such a meeting. Until such action shall be taken by the bondholders a majority in interest of the outstanding bonds for the time being shall be required to constitute a quorum at any such meeting. The trustees may require that any act or resolution of the bondholders affecting their duties shall be authenticated by the signature of all the persons assenting thereto as well as by a minute of the proceedings of the meeting.

Article Tenth. The trustees may take such legal advice and employ such assistance as may be necessary in their

judgment to the proper discharge of their duties, and they shall be entitled to receive just and reasonable compensation for all duties performed by them in the discharge of this trust, and for all their reasonable expenses and disbursements,—which compensation shall be paid by the Company, its successors or assigns, and shall also with interest, be a lien and charge upon the premises hereby conveyed, and shall be payable out of any funds coming into the possession of the trustees or their successors in the trust.

Article Eleventh. No trustee hereunder shall be in any manner responsible for the default or misconduct of a co-trustee or co-trustees or for the default or misconduct of any agent or attorney appointed pursuant to these presents, if such agent or attorney be selected with reasonable care, or for anything whatever in respect to the premises or the trust hereby created, except his own fraud or wilful misconduct.

Article Twelfth. Any trustee hereunder may resign the trust hereby created and be discharged from all further duty thereunder or liability thereafter arising, upon giving three months' notice in writing to the Company and to any associate trustee or trustees, or upon such shorter notice as the Company and a majority in interest of the bondholders may accept as sufficient. Any trustee may be removed from office by a vote in majority in interest of the bondholders taken at a meeting of the said bondholders duly held and attested by an instrument in writing under the hands and seals of the persons so voting.

Article Thirteenth. In case any trustee shall die, resign, be lawfully removed or become incapable of acting, a successor to such trustee may be appointed by the surviving or continuing trustee, if any, with the consent of the board of directors of the Company, or if no such appointment is made within thirty days after such vacancy occurs, then by the holders for the time being of a majority in interest of the said bonds then outstanding, at a meeting of the said bondholders duly convened and held in conformity with the provisions of these presents; such appointment, however, to have no force or effect before any default in the payment of coupons or interest until approved by the board of directors of the Company. If such vacancy is not filled for ninety days after it occurs, any judge of the Supreme Court of the Province of New Brunswick may appoint a trustee to fill such vacancy on the petition of the holders of the bonds hereby secured, to the aggregate amount of twenty per centum of the bonds then outstanding, upon reasonable notice to the Company, its successors or assigns, and to the surviving trustees or trustee, if any; and the corporation, person or persons so appointed shall be the trustee or trustees under this instrument, and from thence afterwards each trustee so appointed shall be vested with the same powers, rights and interests, and charged

with the same duties and responsibilities as if he had been named trustee and made a party to this instrument in place of the trustee whom he succeeds, without any act or deed; but the surviving or remaining trustee, if any, shall immediately execute all such conveyances or other instruments as may be necessary or suitable for the purpose of securing to the new trustee so appointed a full joint estate in the premises.

Article Fourteenth. The words "the Company" whenever used in this indenture shall be construed to mean the party of the first part, its successors and assigns. The word "trustees" whenever used in this indenture shall be construed to mean the corporation, person or persons who for the time being shall be charged with the execution of this trust, whether originally appointed or afterwards substituted and, whenever a vacancy exists, to mean the surviving or remaining trustees or trustee, who shall, during such vacancy, possess all the rights and privileges and be competent to exercise all the powers hereby granted to or conferred upon the party of the second part; at any time when there are any more than two trustees, a majority of the trustees may exercise any power or authority which could, in virtue hereof, be exercised by all the trustees.

Article Fifteenth. The Company, its successors and assigns, shall and will make, execute and deliver all such future deeds and assurances as may, from time to time, be necessary, as the parties of the second part or their successors in the trust may be advised by counsel learned in the law, to be necessary for the better securing to the parties of the second part and their successors in the trust the premises hereby conveyed and for the carrying out of the objects and purposes of this indenture.

Article Sixteenth. The parties of the second part hereby accept the trust herein contained and undertake and agree to fulfil all the duties and obligations hereby imposed on them in accordance with the true intent and meaning of these presents.

Article Seventeenth. Upon the payment of the principal and interest of all the bonds hereby secured, the estate hereby granted to the parties of the second part shall be void and the right to all the real and personal estate hereby granted and conveyed shall revert to and revest in the party of the first part, its successors or assigns in law and in equity, without any acknowledgment of satisfaction, reconveyance, surrender, re-entry or other act.

In witness whereof the said New Brunswick and Prince Edward Railway Company, in pursuance of the authority conferred on it by law and of the resolution of its stockholders and directors, have caused this indenture to be subscribed in its name by its president and secretary and the corporate seal of the said Company to be affixed thereto, and the parties of the second part for the purpose of testifying

to their acceptance of the trust hereby created have hereunto set their hands and seals the day and year first in this indenture written.

[L.S.] (Signed) JOSIAH WOOD, *President.*

(Signed) WILLIAM C. MILNER, *Secretary.*

(Signed) T. E. KENNY. [L.S.]

(Signed) JOHN A. HUMPHREY. [L.S.]

(Signed) EDWARD COGSWELL. [L.S.]

Signed, sealed, executed and }
delivered in presence of }

J. F. ALLISON,
Witness to execution by T. E. }
Kenny, John A. Humphrey }
and Edward Cogswell. }

PROVINCE OF NEW BRUNSWICK, {
COUNTY OF WESTMORELAND. }

Be it remembered, that on the fourth day of July, in the year of our Lord one thousand eight hundred and eighty-seven, before me, Henry A. Powell, a Notary Public of the said Province of New Brunswick, duly appointed and sworn, and residing at the Parish of Sackville, in the said County of Westmoreland, personally came and appeared at the said Parish of Sackville, William C. Milner, Secretary of the New Brunswick and Prince Edward Railway Company, who, being by me duly sworn, made oath and said that he is the Secretary of the said The New Brunswick and Prince Edward Railway Company; that the seal affixed to the foregoing indenture purporting to be the corporate seal of the said The New Brunswick and Prince Edward Railway Company is the corporate seal of said Company, and was so affixed by him, the said William C. Milner, as Secretary of the said Company by their order for the uses and purposes therein mentioned and contained.

In testimony whereof I, the said Notary, have hereunto set my hand and affixed my notarial seal this fourth day of July, A.D. 1887.

(Signed) HENRY A. POWELL (L.S.)
Notary Public.

PROVINCE OF NEW BRUNSWICK, }
 COUNTY OF WESTMORELAND, S.S. }

Be it remembered, that on the eighth day of July, A.D. 1887, before me, Albert W. Bennett, a Notary Public of the said Province of New Brunswick, duly appointed and sworn, and residing and practising at the Parish of Sackville, in the said County of Westmoreland, personally came and appeared at the said Parish of Sackville, J. F. Allison, who being duly sworn by me, the said Notary, made oath and said that he was present and did see the said Thomas E. Kenny, John A. Humphrey and Edward Cogswell, the parties of the second part to the foregoing indenture, each sign, seal, execute and deliver the said indenture as and for the act and deed of each of them respectively, and to and for the uses and purposes therein expressed and contained, and that he the said J. F. Allison was the subscribing witness to such execution by them as aforesaid.

In testimony whereof I, the said Notary, have hereunto set my hand and affixed my official notarial seal this eighth day of July, A.D. 1887.

(Signed) ALBERT W. BENNETT (L.S.)
Notary Public.

Westmoreland, S.S.

I, the Registrar of Deeds, &c., in and for the County of Westmoreland, hereby certify that the foregoing is a true copy of an instrument in writing registered in the office of the Registrar of Deeds for said County in Libro G-5, Folio 426 to Folio 437, both inclusive, by the No. 51732, on the 8th day of July, A.D. 1887, the same having been carefully compared by me with the registry of said instrument.

W. BACKHOUSE,
Registrar.

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52 VICTORIA.

CHAP. 86.

An Act respecting the Niagara Grand Island Bridge Company.

[Assented to 20th March, 1889.]

Preamble.

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

Time for construction extended.

37 V., c. 77 ;
40 V., c. 64 ;
43 V., c. 60 ;
45 V., c. 86 ;
49 V., c. 88.

1. The times limited by the Act thirty-seventh Victoria, chapter seventy-seven, incorporating the Niagara Grand Island Bridge Company, as amended by the Acts fortieth Victoria, chapter sixty-four, forty-third Victoria, chapter sixty, forty-fifth Victoria, chapter eighty-six, and forty-ninth Victoria, chapter eighty-eight, for the commencement and completion of their undertaking, are hereby extended as follows: the works authorized by the first cited Act shall be commenced within two years and completed within six years from the passing of this Act.

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52 VICTORIA.

CHAP. 87.

An Act respecting the Bay of Quinté Bridge Company.

[Assented to 16th April, 1859.]

WHEREAS the Bay of Quinté Bridge Company have, by Preamble.
their petition, represented that a doubt has been raised as to their right to receive or take aid from municipalities willing to aid them by the subscription of shares in their capital stock or otherwise, and have prayed for the passing of an Act to remove such doubts, and whereas it is expedient to grant the prayer of such 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 Bay of Quinté Bridge Company, incorporated by an Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign and chaptered ninety-seven, may receive, in aid of the construction of their bridge, from any person or body corporate, municipal or politic, having power to grant the same, any subscription of stock, bonus of money or debenture, or other benefit of any sort, either with or without conditions, and may enter into an agreement for the carrying out of such conditions; and every such subscription or grant made or effected in manner aforesaid since the coming into force of the Act incorporating the Company is hereby ratified and confirmed. Company may accept aid. 50-51 V., c. 97.

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52 VICTORIA.

CHAP. 88.

An Act to incorporate the Assiniboine Water Power Company.

[Assented to 16th April, 1889.]

Preamble.

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

Incorporation.

1. James H. Ashdown, William W. Watson, Daniel E. Sprague, Archibald Wright, George D. Wood, James E. Steen and William Bathgate, all of the city of Winnipeg, in the Province of Manitoba, together with such other persons as become shareholders in the Company hereby incorporated, are hereby created a body corporate under the name of "The Assiniboine Water Power Company," hereinafter called the Company; and the works hereinafter authorized are declared to be for the general advantage of Canada.

Corporate name.

Provisional directors.

2. 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.

3. 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 centum on the shares subscribed.

Annual general meeting

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

Election of directors.

5. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall

shall choose seven persons to be directors of the Company, one or more of whom may be paid directors of the Company.

6. The company may—

(a.) Excavate, construct, operate, keep in repair and enlarge a canal with necessary locks to connect the Assiniboine River with Lake Manitoba;

Powers.

Canal.

(b.) Acquire, own, hold, charter, work and run steam and other vessels upon the Assiniboine and Red Rivers and the said canal, or any navigable waters connecting with the Red River, or having a connection with the said canal;

Steam and other vessels.

(c.) Construct and operate a tramway or railway, or underground cable railway, or electric railway, along the lines of, and adjoining their works, and operate the same by steam or water power, or enter into an arrangement with any available railway company for the construction and operation of the same;

Tramway or railway.

(d.) Erect, maintain or lease flouring or other mills on any lands which the Company acquire;

Mills.

(e.) Enter into a contract or make arrangements with any person or corporation having power so to do, for constructing, using, leasing and operating works for rendering the water power of the Assiniboine River available;

Contract respecting works.

(f.) Collect such tolls from vessels and steamers passing through the said canal as are, from time to time, fixed by the by-laws of the Company; and the tariff of such tolls shall be submitted to and approved of by the Governor in Council before any such tolls or charges are exacted or recovered; and such tariff may be revised and altered from time to time by the Governor in Council, and the tolls and charges imposed thereunder shall be imposed uniformly on all persons and corporations using the said canal.

Tolls.

Approval of Governor in Council.

7. No work for the construction and operation of the said canal shall be commenced or proceeded with until the plans and the site of the said works have been approved of by the Governor in Council and such conditions as he thinks fit to impose for securing the free navigation of the said river and for the public good have been complied with; nor shall any such plan be altered or any deviation therefrom be allowed except by the permission of the Governor in Council and upon such conditions as he imposes.

Plans and site to be approved by Governor in Council.

8. The amount of bonds or debentures issued by the Company shall not exceed two millions of dollars.

Amount of bonds, &c., limited.

9. The head office of the Company shall be in the city of Winnipeg; but it may be removed to any other place in Canada, provided that a by-law to that effect is approved of by the majority of the shareholders present at an annual general meeting or at a special general meeting called for the consideration of such by-law.

Head office.

"The Railway Act" and "The Companies Clauses Act" to apply.

10. "*The Railway Act*" and "*The Companies Clauses Act*" shall, so far as applicable and when not inconsistent with this Act, apply to the Company hereby incorporated and to the undertaking of the Company.

Time for construction limited.

11. The works authorized by this Act shall be commenced within three years and completed within six years from the passing of this Act; otherwise the rights and powers herein conferred shall cease and determine.

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52 VICTORIA.

CHAP. 89.

An Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

[Assented to 16th April, 1889.]

WHEREAS the city of Winnipeg has, by its petition, in Preamble effect prayed to be granted certain rights over the Assiniboine River, in the Province of Manitoba, for the purpose of utilizing and making available the water power of the said river for supplying the said city with water and light and for other purposes, and as the said river is a navigable river, the said city desires to obtain authority from the Parliament of Canada to utilize the water of the said river for the purposes aforesaid, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The city of Winnipeg may use and make available the water power of the said Assiniboine River for supplying the said city with water and light; and may construct all necessary works therefor; and may use or lease such surplus portions of the said water power as from time to time are not needed for supplying the said city with water and light, for such other purposes as the city has authority for, under the statutes in force from time to time relating to the said city. Water power may be used for certain purposes and works constructed

2. No work for utilizing or rendering available the water of the said river for the purposes aforesaid shall be commenced or proceeded with until the said city of Winnipeg has submitted to the Governor in Council plans of the said works and of all the intended works thereunto appertaining, nor until the plans and the site of the said works have been approved of by the Governor in Council and such conditions as he thinks fit to impose for securing the free navigation of the said river and the public good have been complied with; nor shall any such plan be altered or any deviation therefrom be allowed, except by Approval of Governor in Council required.

the permission of the Governor in Council and upon such conditions as he imposes.

Alterations
may be re-
quired by
Governor in
Council.

3. The Governor in Council may, from time to time, notwithstanding the approval of any plans or works, require the same to be altered, or other works to be added or substituted, so as to make the works effective for the purposes intended, and so as to protect as far as possible the public interests and the rights which may be affected by the exercise of the powers conferred by this Act.

Rights saved.

4. Nothing herein contained shall be construed to limit or interfere with the rights of any person or corporation whose property may be injuriously affected by the exercise of any of the powers conferred by this Act.

Limitation of
time.

5. The rights and powers hereby conferred shall cease and determine, if the works hereby authorized are not commenced within two years from the passing of this Act, and completed within four years therefrom.

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52 VICTORIA.

CHAP. 90.

An Act to incorporate the Assets and Debenture Company of Canada.

[Assented to 16th April, 1889.]

WHEREAS John Hoskin, John Woodburn Langmuir, James J. Foy, T. Sutherland Stayner, William Elliot, Arthur B. Lee and Robert Jaffray, all of the city of Toronto, in the Province of Ontario, have, by their petition, prayed for an Act to incorporate them and others under the name of "The Assets and Debenture Company of Canada," to enable them to carry on the business of a company of that description; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. John Hoskin, John Woodburn Langmuir, James J. Foy, T. Sutherland Stayner, William Elliot, Arthur B. Lee and Robert Jaffray, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Assets and Debenture Company of Canada." hereinafter called the Company.

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

2. The stock shall be paid by the subscribers as follows: five per cent. at the time of subscription, a further sum of five per cent. thereon within thirty days after subscription, and the balance as from time to time directed by by-law except as hereinafter otherwise provided.

3. The Company may lend money to any company, partnership, person or corporate body, upon such terms as are deemed expedient, and may take security therefor either in the shape of mortgages, mortgage debentures, or debentures, or by any other mode creating a lawful charge: Provided, however,

Proviso: as to mortgages of real estate.

however, that the Company shall not make loans upon mortgages of real estate executed directly to them, but may purchase mortgages or take mortgages on real estate as collateral security ;

May guarantee and become liable.

2. May guarantee, or become liable or responsible for money, and for obligations of every kind and description, upon such terms as are, from time to time, considered desirable in the interests of the Company, and for the purposes of securing themselves against loss upon any guarantee or obligation, the Company may receive and dispose of any description of asset or security which may be conveyed, pledged, mortgaged or assigned to them ;

Security.

May sell assets.

3. May sell and convey, lease, convert into money, exchange, or otherwise dispose of any portion of the assets, estate and effects of the Company ; and in the case of the acquisition, under the powers hereby conferred, of any going concern, the place of business of such concern may be temporarily kept open for the purpose only of disposing of the assets thereof, but without the right to continue the operations thereof beyond such disposal ; but the Company shall not hold any real estate other than the premises required for its offices, for a period longer than seven years ;

Continuing business for that purpose.

Real estate to be sold.

May become party to promissory notes, &c.

4. May become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed by the president or vice-president of the Company, or other officer authorized by the by-laws of the Company, and countersigned by the secretary, shall be binding on the Company ; and every such promissory note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary is shown ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or secretary or other officer so authorized be individually responsible or liable for the same, unless such promissory note or bill of exchange has been issued without proper authority ; but nothing herein 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 bill or note of a bank, or to deal in exchange, or to issue commercial credits, or to carry on the business of discounting negotiable paper ;

As to notes payable to bearer.

May borrow on mortgage.

5. May, with the authority of a special general meeting of the shareholders evidenced by a resolution passed by a two-thirds majority of the shareholders present or represented at such meeting, borrow money for the purposes of the Company, on mortgage of the property, estate, assets and effects of the Company, or any part thereof, or otherwise, and either including any part of the capital of the Company called or uncalled, or not, or on any bond or debenture, payable to bearer or otherwise, or all or any of them, and at such rate

of interest, and repayable in such manner as the board determines, and may thereupon issue mortgages, mortgage debentures, bonds or debentures, on such terms and conditions, and with or without power of sale, and other powers, as the board determines,—provided that no bond or debenture shall be for a less sum than one hundred dollars,—and may raise money by the creation of debentures or debenture stock, perpetual or otherwise, as deemed expedient: Provided that the total amount of the mortgages, bonds, debentures and debenture stock, and other loans or advances to the Company, shall not exceed at any time the subscribed capital stock of the Company upon which at least ten per centum shall have been paid up ;

Debentures or debenture stock.
Amount limited.

6. May promote or assist in promoting any company, and for such purpose, may subscribe for, buy and sell debentures, mortgage debentures, or other securities of any other company, and otherwise may employ the money or credit of the Company in any manner deemed expedient for any such purpose, either by actually employing any portion of the moneys of the Company for any such purpose or by placing on the market or guaranteeing the issue of or the payment of interest on the shares, debentures, mortgage debentures, obligations or securities of any such company,—may purchase insolvent estates or any part thereof, and may deal with the assets thereof as hereinbefore provided, - may act as agent in collecting and converting into money, debts, securities and property mortgaged or pledged,—may close and wind up the business of estates, persons, partnerships, associations and corporate bodies, and may do such incidental acts and things as are necessary for such purposes, and may accept the office and perform the duties of a liquidator under "*The Winding Up Act.*"

May promote companies.

May purchase insolvent estates and act as agent or liquidator.

4. The head office of the Company shall be in the city of Toronto ; but it may establish agencies or branches elsewhere.

Head office.

5. The persons whose names are set forth in the first section hereof shall be provisional directors of the Company, with power to add to their number, of whom the majority shall be a quorum, and they may open stock books and procure subscriptions of stock and allot the same, and may receive payments thereon, and deposit the same in a chartered bank, and withdraw the same for the purposes of the Company only.

Provisional directors.

Their powers.

6. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed and twenty-five thousand dollars paid thereon, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the city of Toronto, at which meeting the shareholders who have paid not less than

First meeting of shareholders.

Election of directors and further call.

ten per centum on the amount of shares subscribed for by them, shall elect the directors, and a further sum of twenty-five thousand dollars shall be called in upon the stock of the Company within twelve months from such meeting.

Annual statement for Minister of Finance.

7. The Company 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 Company, the proportions thereof paid up, the assets and liabilities of the Company, and the trust property held by them, and such other details as the said Minister requires; and the said statement shall be made up to the thirty-first day of December in each year.

Sections 18 and 39 of R.S. O., c 118 not to apply.

8. Sections eighteen and thirty-nine of "*The Companies' Clauses Act*," shall not apply to the Company.

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52 VICTORIA.

CHAP. 91.

An Act to incorporate the Title and Mortgage Guarantee Company of Canada.

[Assented to 16th April, 1889.]

WHEREAS the persons whose names are hereinafter Preamble. mentioned have, by their petition, prayed to be incorporated for the purpose of carrying on a guarantee business as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. George Washington Stephens, Sergeant P. Stearns, Incorporation. Hugh Graham, George S. Brush and Albert W. Atwater, all of the city of Montreal, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Corporate name. Title and Mortgage Guarantee Company of Canada," hereinafter called the Company.

2. The Company may make and enter into contracts with Powers. any person for the purpose of guaranteeing him against any loss or damage by reason of any defect in any title in or to any real property situated within the Dominion of Canada, in which he has any right or interest, and may also guarantee any person against loss or damage by reason of the failure on the part of any person to make repayment, in whole or in part, to him of any loan or advance, or to make payment of the interest thereon ; and the Company may issue its guarantee policies in such form as it determines.

3. The capital stock of the Company shall be five hundred Capital stock and shares. thousand dollars, divided into shares of one hundred dollars each ; after the whole amount of the capital stock has been subscribed for, the Company may increase the Increase thereof. capital stock to an amount not exceeding one million dollars, provided that such increase and the amount thereof has been first sanctioned by two-thirds of the votes at a special general

general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the original stock are present in person or represented by proxy.

Provisional directors and their powers.

4. The 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 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.

First meeting of shareholders.

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

Election of directors.

Qualification of director.

Annual general meeting.

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

Election of directors.

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

Increase of number.

Head office.

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

Safety vaults.

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

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

11. The Company may hold such real estate and property as it acquires by the foreclosure of any mortgage, hypothec or lien, or by having paid any claim upon such property to any person contracting with the Company, and may sell and dispose of the same: Provided that the real estate so acquired shall be sold and disposed of within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns. Real estate may be acquired. But must be sold.

12. Notwithstanding anything contained therein, "*The Companies Clauses Act*," except sections eighteen and thirty-nine thereof, shall extend and apply to the Company hereby incorporated and shall form part of this Act, in so far as the same is not inconsistent with any of the provisions hereinbefore contained. R.S.C., c. 118, except ss. 18 and 39, to apply.

13. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in "*The Insurance Act*." "The Insurance Act" to apply.

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52 VICTORIA.

CHAP. 92.

An Act to incorporate the Canadian General Trusts Company.

[Assented to 16th April, 1889.]

Preamble.

WHEREAS the persons hereinafter mentioned have, by their petition, represented that the incorporation of an association of individuals clothed with powers to act as executors, administrators, trustees and managers of estates and property would be of great service: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. George W. Stephens, C. A. Geoffrion, Andrew T. Drummond, John L. Morris, James Crathern, Edward K. Greene, C. M. Holt, F. H. Chrysler, D. B. Maclellan and George M. Macdonnell, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Canadian General Trusts Company," hereinafter called the Company; and the said persons shall be provisional directors thereof and shall, as such, have power to open stock books, receive payment of calls on stock, and give receipts therefor, and deposit the moneys received in a chartered bank of the Dominion.

Corporate name.

Provisional directors.

Company may act as executor, &c.

2. The Company may accept and execute the offices of executor, administrator, receiver, sequestrator, assignee, curator, guardian and committee, and undertake and fulfil trusts of every nature and description entrusted to it by any government, corporation or person, and may perform the duties of such offices or trusts as fully and completely as any private 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 offices or trusts, such court, judge or prothonotary may appoint the Company, with its consent, to hold such office or trust, may substitute, if necessary, for any obligations required from a private person appointed to such offices, such usual obligations

Appointment by a court.

gations as are applicable to corporations, and may fix the remuneration of the Company :

2. The Company may also take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise, any real and personal property or assets upon any lawful trusts and execute the same on the terms thereof :

Company
may hold prop-
erty in trust.

3. The Company may act as agent for countersigning, registering or otherwise ascertaining and certifying to the genuineness of any stocks, bonds, debentures or other securities for money of any government, or municipal or other corporation authorized to issue and make the same, and hold the same as agent or trustee, and act generally as fiscal or other agent for such government or corporation :

Act as fiscal
agent

4. The Company may be the custodian of jewellery, plate, and other valuable property, and of deeds, wills, debentures, and other evidences of title or indebtedness :

Act as custo-
dian of valua-
bles, deeds,
&c.

5. The Company may invest moneys and collect interest, rents, dividends, mortgages, debentures and all other obligations of indebtedness :

Invest
moneys and
collect rents,
&c.

6. The Company may act as investing and managing agent of estates and properties for and on behalf of executors, administrators and trustees, and of any other person or persons, and generally in all matters in the nature of trust or agency ; and may guarantee the *bonâ fide* administration of such of its officials as undertake to act in the offices set out in the first paragraph of this section.

Act as agent
or trustee
generally.

Guarantee
acts of its
officers.

3. The powers and authority hereby conferred upon and granted to the company shall not have any force or effect in any Province in any respect in which they are inconsistent with the laws of such Province.

Laws of Pro-
vince to
govern.

4. The capital stock of the Company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each, of which two hundred thousand dollars shall be subscribed and twenty-five per centum paid thereon into a chartered bank in Canada to the credit of the Company before the commencement of business ; but, whenever the said five hundred thousand dollars have been fully subscribed, and at least twenty five per centum paid thereon, it shall be competent for the shareholders, at a meeting to be specially called for the purpose, to increase the capital stock to such sum as they consider requisite for the purposes of the Company, — on which increased capital when subscribed, not less than ten per centum shall be paid into the funds of the Company within thirty days after such subscription shall have been made.

Capital stock
and shares.

Amount to be
subscribed
before com-
mencing busi-
ness.

Increase.

5. So soon as two hundred thousand dollars of the capital stock have been subscribed, and twenty-five per centum paid thereon as aforesaid, the provisional directors shall call a meeting of the Company, — at which meeting the share-

Election and
qualification
of directors.

holders present in person or represented by proxy, who have paid at least twenty-five per centum on the amount of shares subscribed for by them, shall elect a board of not less than seven directors, who shall be severally holders of at least forty shares of stock :

Executive committee.

2. The directors may annually appoint from among their own number an executive committee, with such powers as the by-laws prescribe.

Offices of the company.

6. The head office of the Company shall be at the city of Montreal ; but the directors may, in their discretion, establish agencies or branches elsewhere throughout the Dominion of Canada or in Great Britain.

Remuneration of company.

7. The Company may receive and collect such remuneration for its services as is agreed on, or as is, from time to time, settled by its by-laws, and all usual and customary charges, costs and expenses.

Rendering of account if judicially appointed.

8. In case of the appointment of the Company to any trust or office by any court, judge or prothonotary, such court, judge or prothonotary, if it or he deems necessary, may, from time to time, require the Company to render an account of its administration of the particular trust or office to which it has been so appointed,—and may, from time to time, appoint a suitable person to investigate the affairs and management of the Company, and as to the security afforded to those by or for whom its engagements are held, and such person shall report thereon to such court ; and the expense of such investigations shall be defrayed by the Company.

Investigation may be ordered.

Investment of capital, &c.

9. The Company may invest any moneys forming part of its capital or accumulated profit, in such securities, real or personal, as the directors deem expedient, and may hold and dispose of the same ; but the Company shall not hold any real estate acquired by foreclosure, or in satisfaction of any debt, for a longer period than seven years.

Real estate to be sold.

Investment of trust moneys.

10. The Company may invest the trust moneys in its possession : firstly, in first mortgages, privileges or hypothecs on real estate ; or, secondly, in stock or debentures of the Dominion of Canada or its provinces, or of the United States of America, or in securities guaranteed by such Dominion, Provinces or United States, or in any bonds or debentures of any municipal corporation, other than towns and villages with a population of less than five thousand, or whose annual rate of assessment exceeds two cents in the dollar, or in public securities of the United Kingdom or of the colonies of Great Britain, or in any other securities in which private trustees are, by statutory enactment, permitted to invest the moneys of their trusts ; or, thirdly, in securities specified by the terms of the trust or by the order of the court,

court, judge or prothonotary ; and may manage, sell or dispose of the said investments as the terms of the trusts require; and while the responsibility of the Company is the same as that of a private person in a like capacity, it may, in addition, upon terms agreed on, guarantee any such investment : Provided that if the company is appointed by a court, judge or prothonotary in any particular Province to an office of trust, the investments made by it under such trust shall be on such securities only as the laws of such Province permit.

Guarantee.

If judicially appointed.

11. The Company may hold, manage, sell, or dispose of, under the trust, securities of any nature or kind, whether in the Dominion of Canada or elsewhere, whether real or personal, forming part of any trust estate committed to it.

Holding and disposing of property held in trust

12. " *The Companies Clauses Act,*" excepting sections eighteen and thirty-nine, shall be incorporated with this Act, in so far as it is not inconsistent with or opposed to the provisions of this Act.

R.S.C., c. 118 to apply, except sections 18 and 39.

13. The Company shall submit its books and affairs to the inspection of such person or persons as are appointed for that purpose by the Governor in Council.

Inspection of books and affairs.

14. The Company 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 Company, the proportion thereof paid up, the assets and liabilities of the Company, and the trust property held by them, and such other details as the Minister requires ; and such statement shall be made up to the thirty-first day of December in each year.

Statement for Minister of Finance.



52 VICTORIA.

CHAP. 93.

An Act to further amend the Act incorporating the London and Canadian Loan and Agency Company, Limited.

[Assented to 16th April, 1889.]

Preamble.

27 V. (Can.)
c. 50.

35 V., c. 108.

36 V., c. 107.

39 V., c. 60.

42 V., c. 75.

WHEREAS the London and Canadian Loan and Agency Company, Limited, incorporated by the Act of the legislature of the late Province of Canada passed in the twenty-seventh year of Her Majesty's reign, chapter fifty, amended by the Act of the Parliament of Canada passed in the thirty-fifth year of Her Majesty's reign, chapter one hundred and eight, further amended by an Act of the Parliament of Canada passed in the thirty-sixth year of Her Majesty's reign, chapter one hundred and seven, further amended by an Act of the Parliament of Canada passed in the thirty-ninth year of Her Majesty's reign, chapter sixty, and further amended by an Act of the Parliament of Canada passed in the forty-second year of Her Majesty's reign, chapter seventy-five, have, by their petition, prayed to have their Act of incorporation amended and further powers and privileges conferred upon them, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 6 of
27 V. (Can.)
c. 50 amend-
ed.

1. The sixth section of the said Act of the legislature of the late Province of Canada, twenty-seventh Victoria, chapter fifty, is hereby amended by substituting for the word "five," in the ninth line of the said section, the word "seven."

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52 VICTORIA.

CHAP. 94.

An Act to consolidate the borrowing powers of the Ontario Loan and Debenture Company and to authorize them to issue Debenture Stock.

[Assented to 16th April, 1889.]

WHEREAS the Ontario Loan and Debenture Company Preamble. have, by their petition, represented that they are duly incorporated by the laws of the Province of Ontario and are empowered under the laws of Canada to borrow money by way of debentures and to receive money deposits as a savings bank, subject to restrictions imposed that such debentures and money deposits shall be of certain amounts, proportionate to the subscribed, fixed and permanent share capital of the Company, and that they desire to have the power to create a debenture stock as hereinafter mentioned, and further desire that the extent of their powers of borrowing and receiving money deposits and creating debts of every kind be made to appear in one and the same Act; and whereas they have shown that the declaring and setting forth in one Act of the said matters will aid and benefit their operations; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as “*The Ontario Loan and Debenture Company's Act, 1889.*” Short title.

2. The aggregate amount of money deposits of the Company, together with the amount of the debentures and debenture stock issued or to be issued as hereinafter provided and remaining unpaid, may be equal to but shall not at any time exceed double the aggregate amount of the paid up, unimpaired, fixed and permanent capital or shares of the Company not liable to be withdrawn therefrom, together with a further sum which may be equal to, but shall not exceed, the amount remaining unpaid on the subscribed, Limitation of amount of money deposits and debentures and debenture stock.

fixed and permanent capital or shares, upon which not less than twenty per cent. has been paid; but in no case shall the total liabilities of the Company to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital or shares of the Company, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the Company: Provided, that in estimating the paid up, unimpaired, fixed or permanent capital or shares of the Company, the amount of all loans or advances made by the Company to their shareholders upon the security of their stock shall be deducted therefrom,—which said loans are hereby expressly limited to an amount not exceeding one-third of the reserve fund of the Company: Provided further, that the amount held by the Company on deposit shall not, at any time, exceed the amount of the paid up and unimpaired capital of the Company.

Limitation of total liability to the public.

Proviso: as to certain loans to shareholders.

Proviso: amount of deposits limited.

Issue of debentures.

Form.

Issue of debenture stock.

Limitation.

Registration of debenture stock.

Transfer.

Holder entitled to certificate, but to no greater rights than holders of debentures.

3. The board of directors may issue debentures of the Company for such sums, not less than one hundred dollars each, and in such currency as they deem advisable, and payable in the Dominion of Canada or elsewhere not less than one year from the issue thereof, subject to the limitation hereinbefore mentioned; and such debentures may be in the form of the Schedule to this Act, or to the like effect.

4. The directors may also issue debenture stock, which shall be treated and considered as a part of the regular debenture debt of the Company, in such amounts and manner, on such terms and bearing such rate of interest as the directors from time to time think proper, but subject to the limitations hereinbefore provided; so that the amount received as money deposits and borrowed on the security of debentures or debenture stock shall not in the whole exceed the aggregate amount fixed by this Act as the authorized limit of the borrowing powers of the Company.

5. The debenture stock aforesaid shall be entered by the Company in a register or registers, to be kept for that purpose, at such place or places as the directors order, wherein they shall set forth the names and addresses of the several persons and corporations from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and such stock shall be transferable in such amounts and in such manner and at such place or places as the directors from time to time determine.

6. The Company shall, on demand, deliver to every holder aforesaid a certificate stating the amount of debenture stock held by him, the rate of interest payable thereon, and the terms and conditions to which the said stock is subject; but no other rights or privileges shall be conferred

red upon holders of debenture stock, in respect thereof, than are held or enjoyed by holders of debentures of the Company.

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

Exchange of debentures for debenture stock.

8. The debenture stock issued, or to be issued, under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the Company. The directors may, at any time, in the interest of the Company, buy up and cancel the said debenture stock or any part thereof.

Rank of debenture stock.
May be bought up and cancelled.

9. Nothing herein contained shall be construed as entitling the Company to be exempt from the effect of any amendments or alterations which it is deemed proper to make in the general Act respecting building societies carrying on business in Ontario.

Reservation of power to amend Act.

SCHEDULE.

The Ontario Loan and Debenture Company
Debenture No
Transferable.

Under the authority of an Act of the Parliament of Canada, Victoria, known as "*The Ontario Loan and Debenture Company's Act, 188.*," the Ontario Loan and Debenture Company promise to pay to the sum of _____, on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____ at _____ with interest at the rate of _____ per cent. per annum, to be paid half yearly on presentation of the proper coupon for the same as hereunto annexed, on the first day of _____ and the first day of _____ in each year.

Executed at the city of London, in the Province of Ontario, the _____ day of _____ 188 .

Manager.

President.



52 VICTORIA.

CHAP. 95.

An Act to incorporate the Dominion Life Assurance Company

[Assented to 20th March, 1889.]

Preamble.

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:—

Incorporation.
tion.

1. James Trow, M. P., of the city of Stratford, in the county of Perth, the Hon. Samuel Merner, of the village of **New Hamburg**, in the county of Waterloo, Thomas Hilliard, John Shuh, Walter Wells, dentist, Simon Snyder, druggist, Christian Kumpf, postmaster, Peter H. Sims, William Snider, miller, Absalom Merner, manufacturer, and Jeremiah B. Hughes, all of the town of Waterloo, in the county of Waterloo, William T. Parke, of the town of Listowell, in said county of Perth, physician, Peter E. Shantz, of the village of Preston, in said county of Waterloo, manufacturer, Thomas Gowdy, of the city of Guelph, in the county of Wellington, John Ratz, of the village of Elmira, in the said county of Waterloo, miller, John Youngs, of the town of Woodstock, Whitford Vandusen, of the village of Tara, James Innes, M. P., of Guelph, and Henry Cargill, M. P., together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Dominion Life Assurance Company," hereinafter called the Company.

Corporate
name.

Business of
the company.

2. The Company may, subject to the provisions of this Act, carry on the business of life insurance in all its branches.

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 and shares.

4. The persons whose names are set forth in the first section hereof, 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, receive payments thereon, deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Company, and withdraw the same for the purposes only of the Company. Provisional directors and their powers.

5. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed, and twenty-five per centum 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 town of Waterloo, 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 centum on the amount of shares subscribed for by them, shall elect a board of directors; no person shall be a director unless he holds in his own name and for his own use at least twenty shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company. First meeting of shareholders.
Election of directors.
Qualification of director.

6. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice 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 be not less than ten per cent upon the amount subscribed by such shareholder. Calls on stock.
Commencement of business.
Ten per cent at least to be paid.

7. The affairs of the Company shall be managed by a board of not less than nine nor more than twenty-one directors, of whom five shall form a quorum. Board of directors.

8. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business, at its head office; and at Annual general meeting.
189 such

Statement of affairs. such meeting a statement of the affairs of the Company shall be submitted.

Offices of the company. 9. The head office of the Company shall be in the town of Waterloo, in the Province of Ontario, or in such other place in Canada as is decided on hereafter by the directors ; but branches, sub-boards or agencies may be established either within Canada or elsewhere, in such manner as the directors from time to time appoint.

Investment of funds. 10. The Company may invest its funds in the debentures, bonds, stock or other securities of Canada, or of any Province thereof, or on the security thereof,—or in or on the securities of any municipal corporation of Canada,—or on the security or stock or debentures of any incorporated building society, loan or investment company,—or on the security of real estate or mortgage security thereon,—or on the security of leaseholds for a term or terms of years, or other estate or interest in real property or mortgage security thereon in any Province of Canada,—or on the security of the Company's policies to an amount not exceeding the surrender value of the same,—and may change and re-invest the same as occasion from time to time requires, and take, receive and hold all or any such securities in the corporate name of the Company, or in the name of trustees for the Company appointed by the directors, whether for funds invested by being advanced or paid in the purchase of such securities as aforesaid,—such loans to be on such terms and conditions, in such manner, at such times, for such sums, and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest and return as the board of directors, from time to time, determine and direct, and whether they are taken absolutely or conditionally, or whether such securities are taken in satisfaction of debts due to the Company, or judgments recovered against any person in its behalf, or in security for the payment of the same or any part thereof.

Terms and conditions of loans.

Investment in foreign securities. 11. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Powers as to real estate. 12. The Company may hold such real estate as is *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 : as to sale of property acquired under mortgage.

13. The Company shall maintain three separate accounts of the business transacted by it in the "General," the "Abstainers," and the "Women's" sections, keeping the receipts and expenditures distinct, each section sharing its own profits, and each section paying its proper proportion of expenses; and the Company may establish a section on the principle of non-participation in profits. In the distribution of profits directors shall allot to the policy holders in the participating sections of the Company at least nine-tenths of the profits declared from time to time in the respective sections, which shall be payable as the directors by by-laws or regulations from time to time determine.

Separate accounts for each section.

Distribution of profits.

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

R S C, c. 124 to apply.

15. 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 the same is not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 118 to apply, except ss. 18 and 39.



52 VICTORIA.

CHAP. 96.

An Act to amend the Act incorporating the Ontario Mutual Life Assurance Company.

[Assented to 16th April, 1889.]

Preamble.

41 V., c. 33.

WHEREAS the Ontario Mutual Life Assurance Company has, by its petition, prayed that the Act of incorporation of the said Company, passed in the forty-first year of Her Majesty's reign, chapter thirty-three, may be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 5 amended.

1. The fifth section of the said Act is hereby amended by striking out the words "or fifteen" in the second line and inserting the word "or" before the word "twelve," and by striking out the word "fifteen" in the thirteenth line and inserting the word "twelve" in lieu thereof.

Section 7 amended.

Annual meeting of policy holders and notice.

2. The seventh section of the said Act is hereby amended by striking out the first five lines and the word "Member" in the sixth line and inserting in lieu thereof the following words: "The annual general meeting of the policy-holders of the Company shall be held on the fourth Thursday in May, in each year,—of which meeting not less than one month's notice shall be given by advertisement, published in at least one local newspaper, and in one or more newspapers published in the city of Toronto and in such other places as the directors think necessary; and the directors shall cause such notice to be printed on each and every renewal notice that may be issued by the company at any time within the twelve months preceding such meeting"

Second vice-president may be appointed.

3. In addition to the officers provided by the said Act, the board of directors may appoint one of their number as second vice-president.

4. The Company may invest its funds in or on the securities or debentures or on the security of the paid up stock of any building society, loan or investment company incorporated in Canada. Investment of funds.

5. This Act shall have no force or effect unless and until the same is approved of by a vote of two-thirds of the members present or represented by proxy at a special general meeting duly called for the purpose of considering the same. Act not to have force until approved by shareholders.

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52 VICTORIA.

CHAP. 97.

An Act to amend the Act incorporating "The Boiler Inspection and Insurance Company of Canada."

[Assented to 20th March, 1889.]

Preamble.

WHEREAS the Boiler Inspection and Insurance Company of Canada, have, by their petition, prayed that the powers granted to them under their Act of incorporation may be extended, by granting them power to include under their policies, insurance covering loss of life, or injury to person resulting from the explosion of insured boilers, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Powers extended.

1. Subject to the provisions of "*The Insurance Act*," and in addition to the privileges conferred upon the Company, under their Act of incorporation and amendments thereto, the Boiler Inspection and Insurance Company of Canada, shall have the power of making, entering into and executing 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.

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52 VICTORIA.

CHAP. 58.

An Act to incorporate the Hawkesbury Lumber Company.

[Assented to 20th March, 1889.]

WHEREAS Robert Blackburn, lumber merchant, Henry Kelly Egan, lumber merchant, Hiram Robinson, lumber merchant, William Ryan Thistle, lumber merchant, and Arthur Blackburn, gentleman, all of the city of Ottawa, have, by their petition, represented that they are desirous of becoming incorporated under the name of "The Hawkesbury Lumber Company," and have prayed that an Act be passed for that purpose; 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. Robert Blackburn, Henry Kelly Egan, Hiram Robinson, William Ryan Thistle and Arthur Blackburn, and such other persons as hereafter become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Hawkesbury Lumber Company," hereinafter called the Company.

Incorporation.

Corporate name.

2. The Company may carry on throughout the Dominion of Canada and elsewhere the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and also of pulp, wood pulp and other products from wood or wood materials, and also of woollen and cotton goods and fabrics, and also the business of wharfingers, shippers and vessel owners, general merchants and dealers; and may, for all or any of the said purposes, purchase, hold, lease or otherwise acquire any licenses to cut timber, timber limits, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable, and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, turn to account or otherwise deal in and with the same: Provided, that nothing herein contained

Business of the company.

Powers as to real and other property.

Proviso: for certain purposes only.

tained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of their business as aforesaid.

Certain business and property may be acquired.

3. The Company may also purchase, take over or otherwise acquire all or any of the business or businesses now being carried on by the said Robert Blackburn, Henry Kelly Egan, Hiram Robinson and William Ryan Thistle at the city of Ottawa and elsewhere, and the whole or any of the good will, stock in trade, assets and property, real and personal, movable and immovable, of the said Robert Blackburn, Henry Kelly Egan, Hiram Robinson and William Ryan Thistle, subject to the obligations, if any, affecting the same; and may pay the price thereof wholly or partly in cash, or wholly or partly in fully paid up or partly paid up shares of stock of the Company, or wholly or partly in debentures of the Company, or otherwise; and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the said business or businesses so carried on by the said Robert Blackburn, Henry Kelly Egan, Hiram Robinson and William Ryan Thistle, and also the obligations affecting the assets and property so purchased from them.

And liabilities assumed.

Shares in certain companies.

4. The Company may take or otherwise acquire and hold shares in any boom or river improvement company, and may sell or otherwise deal in the same.

Company may be party to certain instruments.

As to notes payable to bearer.

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

Borrowing money and security therefor.

6. The directors of the Company may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment of any of the moneys so borrowed, or any other moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

Issue of debentures.

7. The directors of the Company, under the authority of the shareholders given at any general meeting called for the purpose,—at which meeting shareholders representing at least one-half in value of the issued capital stock of the Company are present in person or represented by proxy,—may also, from time to time, create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less

than one hundred dollars each, signed by the president or other presiding officer, under the seal of the Company and countersigned by the secretary, and payable to bearer or order; and the directors may deliver the said debentures for the purposes set forth in section three of this Act; and the directors may sell or pledge the said debentures for the purpose of borrowing money or of paying or securing the indebtedness of the Company: Provided that the total amount of debentures, at any time outstanding, shall not exceed three hundred thousand dollars; and the said debentures and interest thereon, if intended to be secured, may be secured by mortgage upon such of the property and assets of the Company as are described in the mortgage deed, and such mortgage deed may give to the holders of the said debentures, or the trustee or trustees for such holders named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed.

Amount limited.

How secured.

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

Capital stock and shares.

9. Robert Blackburn, Henry Kelly Egan, Hiram Robinson, William Ryan Thistle and Arthur Blackburn shall be the first or provisional directors of the Company, and 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 this Act; and, until otherwise ordered by law or resolution of the provisional directors, any three of them may call meetings of the provisional directors to be held at the city of Ottawa at such times as they determine: Provided, that notice in writing, signed by the provisional directors calling any such meeting, of the date and place of holding the same shall be mailed by registered letter to the address of each of the other directors not less than ten days previous to the date of such meeting. A majority of the provisional directors shall form a quorum.

Provisional directors.

Meetings.

Notice.

Quorum.

10. At any time after the passing of this Act the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company, to be held at the city of Ottawa at such time as they determine for the purpose of passing or ratifying the by-laws of the Company, of electing directors and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing, signed by the provisional directors calling any such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

First meeting of shareholders and proceedings thereat.

Notice thereof.

Vacancies in
the board of
directors.

11. The directors and provisional directors of the Company may act, notwithstanding any vacancy in their number: Provided that, if the number falls below three, the directors shall not, except for the purpose of filling vacancies, have power to act so long as the number is below the said minimum.

Head office
and domicile.

12. The head office of the Company shall be at the village of Hawkesbury; but every place in Canada at or in which the Company has an office or place of business open shall be deemed to be a domicile of the Company, so that if any cause of action or suit arises against the Company within the province in which such domicile is situate, service of any writ or process in such action or suit may be validly made upon the Company at such domicile by delivering the same to the person then having charge of such office or place of business: Provided, that the domicile of the Company in Ontario shall be at the city of Ottawa aforesaid.

Service of
process.

Domicile in
Ontario.

R.S.C, c 118
to apply, ex-
cept section
18.

13. "*The Companies Clauses Act*," except section eighteen thereof, and except so far as inconsistent with the express provisions of this Act, shall be deemed to be incorporated herewith.

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52 VICTORIA.

CHAP. 99.

An Act to amend the Act to incorporate the Quebec Board of Trade.

[Assented to 16th April, 1889.]

WHEREAS the Quebec Board of Trade has, by its petition, Preamble.
 prayed that an Act may be passed to amend, as hereinafter set forth, the Act passed by the Legislature of the late Province of Canada, in the session held in the fourth and fifth years of Her Majesty's reign, chapter ninety-two, intituled "*An Act to incorporate the Quebec Board of Trade*," and it is expedient to grant the 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 one of the Act cited in the preamble is hereby amended by striking out in lines thirty-two and thirty-three, the words "being inhabitants of and using trade and commerce within the said city of Quebec," and substituting therefor the words "identified with trade, commerce or manufactures," and by striking out in lines forty-five and forty-six, the words "two thousand pounds currency," and substituting therefor the words "eight thousand dollars." Section 1 amended.

2. Section two of the said Act is hereby repealed and the following substituted therefor : — Section 2 repealed ; new section.

"**2.** The funds and property of the corporation shall be used and applied to and for such purposes only as are calculated to promote and extend the just and lawful trade, commerce and manufactures of the Dominion and of the said city of Quebec especially, or as are necessary for attaining the objects contemplated by this Act." Application of funds

3. Sections four, five and six of the said Act are hereby repealed and the following substituted therefor : "The affairs, business and concerns of the corporation shall be managed by a president, two vice-presidents, a treasurer, and twelve or such other number of persons as is provided by the Sections 4, 5 and 6 repealed.
 Council ; its constitution, election and quorum." by-laws,

by-laws, all of whom shall be members of the corporation and shall together constitute and be called the council of the said corporation, and be elected annually at such time and place as is provided by the by-laws; and five members of the said council or such other number as is provided by the by-laws shall constitute a quorum for the transaction of business."

Sections 8, 9 and 10 repealed. **4.** Sections eight, nine and ten of the said Act are hereby repealed.

Tenure of office of present council. **5.** The present council shall remain in office until the first annual meeting held after the passing of this Act.

Annual meeting. Failure to elect directors; effect thereof. **6.** An annual meeting shall be held for the election of the council and for such other business as is brought before such meeting, at such time and place and under such regulations and notices as the by-laws of the corporation determine, and may adjourn as decided at such meeting; but in case of any accidental failure or neglect to hold such general election, the corporation shall not thereby lapse or terminate, but shall continue and exist, and the officers shall remain in office until the next general election, or until such other period as is provided in the by-laws.

Admission and expulsion of members. **7.** The corporation may admit as members such persons as they see fit, and may expel any member for such reasons and in such manner as is appointed by by-law.

Section 11 amended. **8.** Section eleven of the said Act is hereby amended by striking out on line nine the words "vice-president," and substituting therefor the words "two vice-presidents," and by striking out on line eleven the words "vice-president," and substituting therefor the words "vice-presidents."

Section 12 amended. **9.** Section twelve of the said Act is hereby amended by striking out on line six the words "vice-president," and substituting therefor the words "one of the vice-presidents," and by striking out on line nine the words "the vice-president," and substituting therefor the words "either of the vice-presidents," and by striking out on line ten the word "both," and substituting therefor the word "all."

Section 16 amended. **10.** Section sixteen of the said Act is hereby amended by striking out in line ten the words "one shilling currency," and substituting therefor the words "one dollar."



52 VICTORIA.

CHAP. 100.

An Act further to amend the several Acts relating to the Board of Trade of the City of Toronto.

[Assented to 2nd May, 1889.]

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

1. Section nine of the Act passed in the forty-seventh year of Her Majesty's reign chaptered forty-six, intituled "*An Act to amalgamate the Board of Trade of the City of Toronto and the Toronto Corn Exchange Association,*" is hereby amended by striking out the words "two hundred and fifty thousand dollars" in the fifth and sixth lines thereof and inserting the words "five hundred thousand dollars."

Section 9 of
47 V., c. 46
amended.

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52 VICTORIA.

CHAP. 101.

An Act to incorporate the Canadian Superphosphate Company.

[Assented to 16th April, 1889.]

Preamble.

WHEREAS the Honorable Matthew Henry Cochrane, William Abbott and Charles C. Colby have, by their petition, represented that they have associated themselves together, with others, for the purpose of carrying on operations in mining, and the development of mining property, in the Provinces of Quebec and Ontario, and more especially the manufacture of sulphuric acid, the getting and preparation of phosphate of lime, and other fertilizing minerals, and the manufacture of superphosphate of lime and other fertilizers; that they have already acquired mining properties in those Provinces for those purposes, and are now engaged in preparations for working the same; that they now desire to be incorporated for the purposes of their enterprise, and have prayed that an Act of incorporation be granted to them with appropriate 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:—

Incorporation.

1. The Honorable Matthew Henry Cochrane, of Compton, William Abbott, of Montreal, and Charles C. Colby, of Stanstead, together with such persons as become shareholders in the company hereby incorporated, are hereby incorporated under the name of "The Canadian Superphosphate Company," hereinafter called the company.

Corporate name.

Head office.

2. The chief office or place of business of the company shall be in the city of Montreal, in the Province of Quebec, or such other place in Canada or elsewhere as is determined from time to time by the by-laws of the company.

Powers.

3. The company may acquire, by purchase or lease, or both, mines and minerals, and work the same, and manufacture commercial products therefrom, and may establish

factories and treating or smelting works anywhere in Canada.

4. The said Honorable Matthew Henry Cochrane, William Abbott and Charles C. Colby shall be the provisional directors of the Company. Provisional directors.

5. The capital stock of the company shall be one million dollars, and so soon as two hundred and fifty thousand dollars thereof are subscribed, and ten per centum thereof paid into some incorporated bank in Canada, the provisional directors may call a meeting of the subscribers thereof, to elect directors and commence the operations of the company. Capital stock.
First meeting of shareholders.

6. The company may, by by-laws duly approved at a special meeting of shareholders called for the purpose, provide for constituting and issuing any portion, not exceeding one-half, of its authorized capital stock, as preferred stock, and may, by such by-laws, regulate the conditions of such issue, the dividends to be paid thereon, and all other matters connected therewith: Preferred stock may be issued.

2. After such issue, such by-laws shall not be altered without the approval in writing, or the consent expressed by a vote at a special general meeting of shareholders, or partly in one and partly in the other of the said methods, of two-thirds in amount of the holders of the preference stock then outstanding. Alteration of by-laws after such issue

7. The company may appoint some of its directors from among persons resident in Great Britain, and may hold meetings of directors at any place therein fixed for that purpose by by-law, and may transact any business there in respect of transfers of its shares, or otherwise, that may be determined by such by-laws. Directors and business in Great Britain.

8. Sections eighteen and thirty-nine of "*The Companies Clauses Act*" shall not be incorporated with this Act. Sections 18 and 39 of R.S. U., c. 118 not to apply.



52 VICTORIA.

CHAP. 102.

An Act to incorporate the Dominion Mineral Company.

[Assented to 16th April, 1889.]

Preamble.

WHEREAS John Ferguson and others have, by their petition, represented that they have associated themselves together for the purpose of mining and dealing in minerals, within the district of Algoma, and in the Selkirk Range of Mountains and its neighborhood; that they have already acquired mining properties in those districts; that they purpose to proceed with mining and dealing with mineral ores to be taken from the said properties; and whereas they have prayed for an 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:—

Incorporation.

1. John Ferguson, of North Bay, James Worthington, of Toronto, John McIntyre and Louis J. Forget, of Montreal, John I' Hodgson, of Lacolle, and Charles T. D. Crews, George Atwood and Thomas Reynolds, of London, England, together with such persons as become shareholders in the Company hereby incorporated, are hereby incorporated under the name of "The Dominion Mineral Company," hereinafter called the Company.

Corporate name.

Provisional directors.

2. The persons mentioned by name in the first section of this Act shall be the provisional directors of the Company.

Powers.

3. The Company may acquire mines and minerals, and work the same, and may establish treating and smelting works anywhere in Canada

Capital stock.

4. The capital of the Company shall be one hundred thousand dollars; and so soon as at least fifty thousand dollars thereof are subscribed, and one-half thereof is paid into some incorporated bank in Canada, the provisional directors may call a meeting of the subscribers thereof to elect directors and commence the operations of the Company.

First meeting of shareholders.

5. The chief office or place of business of the Company shall be in the city of Montreal in the Province of Quebec, or such other place in Canada or elsewhere as is determined from time to time by the by-laws of the Company. Head office.

6. Sections eighteen and thirty-nine of "*The Companies Clauses Act*" shall not be incorporated with this Act. Sections 18
and 39 of
R.S.C., c. 118
not to apply.

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52 VICTORIA.

CHAP. 103.

An Act to amend the Act respecting Queen's College at Kingston.

[Assented to 16th April, 1889.]

Preamble.

45 V, c. 123.

WHEREAS Queen's College at Kingston has petitioned for an Act to amend the Act passed in the forty-fifth year of Her Majesty's reign, chapter one hundred and twenty-three, so as to empower the University Council of the said University to elect a limited number of trustees of the University and to provide for the prescribing of the religious test which shall be administered to trustees and professors, and to empower the said corporation to take, hold and sell real estate and other property in any part of Canada; and has further prayed for additional powers and privileges, with the view of increasing the efficiency and of extending the usefulness of the said University, and it is expedient to grant the prayer of its petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Additional trustees may be elected.

1. Besides the trustees for whose election provision is made by the Royal Charter and by the Act cited in the preamble of this Act, other and additional trustees may be elected as hereinafter provided, who shall have the same powers, functions, rights and privileges as the trustees elected in terms of the Charter and of the said Act.

University Council may elect a member as trustee

2. The University Council of the said College may elect and appoint annually a member of the said Council to be a trustee of the said College, and every trustee so appointed shall hold office for five years and no longer, unless re-elected.

Qualification.

No religious declaration by trustee.

3. It shall not be necessary that any trustee elected by the University Council be a member of the Presbyterian Church in Canada, or that any trustee of the said College hereafter elected make or subscribe any religious declaration

or formula whatever before entering on his duty as such trustee.

4. In case any trustee elected by the University Council shall die or resign his office of trustee, or cease to be a member of the Council, the Council may at once elect some other member of the Council to be trustee in the place and for the unexpired term of the trustee so dying, resigning or ceasing to be a member of the Council. Vacancy, how filled.

5. Any such trustee, if otherwise qualified, may be re-elected whenever and as often as his term of office expires. Re-election of trustee.

6. All professors, other than those in the theological faculty of the said College, shall subscribe only such formula, declaratory of their religious belief, as the Board of Trustees, from time to time, prescribe. Religious test of professors.

7. The said Corporation may acquire, take, receive and hold real or personal estate in any part of Canada, by purchase, gift, devise or otherwise ; subject however to the laws of any Province in which any real estate so acquired is situated, as to such acquisition and tenure by corporations. Power to hold property.

8. The said Corporation may, from time to time, on any terms it thinks fit, sell, alienate, exchange, demise, let or lease all or any such messuages, lands, tenements, hereditaments and immovable or leasehold property of or to which it is now or may hereafter be or become seized and possessed or entitled. Power to dispose of real estate.

9. The said Corporation may, for the purpose of investment, lend money upon the security of real estate, purchase bonds or debentures of municipal or school or railway corporations, or Dominion or Provincial stock or securities, and may sell or dispose of any such securities, as to it seems advisable. Investment of moneys.

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52 VICTORIA.

CHAP. 104

An Act to incorporate the Supreme Court of the Independent Order of Foresters.

[Assented to 2nd May, 1889.]

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated under the name of "The Supreme Court of the Independent Order of Foresters," and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Oronhyatekha, M.D., London, Ont.; E. Botterell, Ottawa, Ont.; H. C. Creed, Fredericton, N.B.; E. S. Cummer, London, Ont.; T. G. Davey, London, Ont.; John A. McGillivray, Uxbridge, Ont.; Thos. Millman, M.D., Kingston, Ont.; J. B. Halkett, Ottawa, Ont.; Geo. A. Hetherington, M.D., St. John, N.B.; W. W. Fitzgerald, London, Ont.; W. H. Henderson, M.D., Kingston, Ont.; Atwell Fleming, London, Ont.; N. F. Patterson, Q.C., Port Perry, Ont.; J. W. Frost, Owen Sound, Ont.; B. W. Greer, London, Ont.; Thos. Lawless, Hamilton, Ont.; Wm. Griffith, Hamilton, Ont.; A. R. Milne, Kingston, Ont.; James S. later, Hamilton, Ont.; W. Gerry, London, Ont.; G. A. Proctor, Sarnia, Ont.; Geo. Parish, London, Ont.; F. W. Emmerson, Petittcodiac, N.B.; J. W. Stocks, Sherbrooke, Que.; Thomas Clark, Truro, N.S.; C. C. Whale, Manotick, Ont.; B. S. Thorne, M.D., Havelock, N.B.; Thos. Potter, M.D., Ottawa, Ont.; J. E. B. McCready, St. John, N.B.; Jas. Crawford, London, Ont.; H. F. Switzer, Midland, Ont.; John Culbert, Ottawa, Ont.; R. S. Masters, Kentville, N.S.; Rev. J. H. Dixon, Montreal, Que.; A. F. Campbell, Brampton, Ont.; W. C. Bowles, Ottawa, Ont.; W. Rea, Ottawa, Ont.; John Finnigan, Hamilton, Ont.; A. H. Backhouse, Aylmer, Ont.; W. R. Hickey, Bothwell, Ont.; Rev. W. Walsh, Toronto, Ont.; A. Oronhyatekha, Deseronto, Ont.; H. Gibbens, London, Ont.; Peter Robertson, Ottawa, Ont.; D. C. Dunbar, Shelburne,

burne, Ont.; Rev. R. A. Thomas, Ailsa Craig, Ont.; Thos. Webster, Paris, Ont.; Geo L. Dickinson, M.P., Manotick, Ont.; E. J. Hearn, Tottenham, Ont.; A. H. Dixon, Eglington, Ont.; A. G. Pittaway, Ottawa, Ont.; Thomas Butler, Ottawa, Ont.; J. T. Hickmett, Ottawa, Ont.; Wm. Tackaberry, London, Ont.; John Humphreys, Havelock, N.B.; Rev. I. N. Parker, Elgin, N.B.; J. V. Skillen, Moncton, N.B.; A. H. Fessenden, London, Ont.; R. C. Williams, Hopewell, N.S.; R. McDonald, Guelph, Ont.; S. Zimmerman, Hamilton, Ont.; George Shambrook, Hamilton, Ont.; Chas. Legget, Kingsville, Ont.; W. Kay, Chesley, Ont.; J. A. Todd, M.D., Georgetown, Ont.; W. C. McLean, Barrie, Ont.; W. C. Wilson, Woodstock, Ont.; Jas. Bowerman, Napanee, Ont.; T. H. James, Glenwilliams, Ont.; A. Swazie, London, Ont.; Jas. Adams, Kingston, Ont.; H. Moreland, Ottawa, Ont.; F. H. Wildgoose, Montreal, Que.; C. W. Bolton, Montreal, Que.; W. H. Bennett, Wyoming, Ont.; Jas. Beaumont, Glenwilliams, Ont.; W. H. Lawrie, Duncanville, Ont.; Geo Hughes, St. Mary's, N. B.; J. H. Gray, M.D., Portland, N.B.; D. Douglas, Sarnia, Ont.; S. S. Merrick, Carleton Place, Ont.; W. N. Johnson, Bothwell, Ont.; J. T. Carson, Simcoe, Ont.; T. P. Ross, London, Ont.; J. S. Quilman, Puslinch, Ont.; A. McGuire, London, Ont.; J. A. Kilpatrick, Portland, N.B.; and R. A. Ross, Barrie, Ont., members of the Supreme Court of the Independent Order of Foresters, together with such persons as are or become members of the said Supreme Court, are hereby constituted a body corporate under the name of "The Supreme Court of the Independent Order of Foresters," hereinafter called the Society, for the following purposes and objects:—

(a.) To unite fraternally all persons entitled to membership under the constitution and laws of the Society; and the word "laws" shall include general laws and by-laws;

(b.) To give all moral and material aid in its power to its members and those dependent upon them;

(c.) To educate its members socially, morally and intellectually;

(d.) To establish a fund for the relief of sick and distressed members;

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

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

Corporate name.
 Objects of the society.
 Fraternal union.
 Aid to members.
 Education.
 Relief.
 Benefit fund.
 Other advantages.

Head office. **2.** The head office of the Society shall be in the city of Toronto.

Branches. **3.** Subject to the constitution and laws of the Society, branches under the names of "High Courts," "Subordinate Courts," or "Encampments of Royal Foresters" may from time to time be established, under the title designated in the charter granted by the Society constituting such branches, and the trustees of each branch already established, and to be hereafter established, in Canada, shall be a body corporate and politic, subject to the constitution and laws of the Society; but no such branch shall have power to establish benefit funds under paragraphs (d) and (e) of section one of this Act; and each of such branches shall be so incorporated under the corporate name of "The Trustees of (giving the title of the branch);" and, upon being established and before proceeding to act as such corporation, shall cause to be registered at full length, in the registry office of the city, county or registration division within which such branch is established, a declaration signed by the trustees stating the fact of such establishment, the date of the instrument effecting it, the corporate name, and the names in full of the trustees thereof.

Powers limited. Corporate name. Declaration to be registered.

Limitation as to real property. **4.** The value of the real property which the Society or any branch thereof may hold shall not exceed, in the case of the Society, one hundred thousand dollars, and, in the case of any branch, twenty-five thousand dollars; but in towns having less than six thousand inhabitants the value of such real property shall not, in the case of any one branch, exceed five thousand dollars; and the Society may, by laws, determine the manner in which such real property shall be held and conveyed, subject always to the laws of the Province in which such real estate is situate: Provided always, that no part of the endowment funds shall be used for such purpose.

Proviso.

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

Investment of funds. **6.** The surplus funds of the Society shall be invested in mortgages which are a first charge on land held in fee simple in Canada, or in deposits with or in registered debentures of loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any of the Provinces thereof, or shall be deposited in a chartered bank in Canada; but the Society shall sell such real estate and property as it acquires by the foreclosure of any mortgage, hypothec, or lien within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns.

Real estate to be sold.

7. Whenever, under the constitution and laws of the Society, any branch becomes dissolved, the Society shall have the option of taking over the property of such branch, provided it exercises such option within three months after the dissolution of such branch, evidenced by an instrument under the hand of the chief officer of the Society for the time being, and the seal of the Society, and registered in the registry office for the city, county or registration division within the limits of which such property may be situate.—whereupon the said property, whether real or personal, shall become vested in the Society, subject, however, to the payment of all the debts and liabilities of such branch, which it shall be incumbent on the Society to liquidate and discharge as the same may mature; and thereupon each creditor shall have a direct right of action against the Society for the enforcement of his lawful claims upon such branch; and provided also, that in the case of real estate, it shall be sold within seven years after the dissolution of such branch; and provided further, that pending the exercise of such option by the Society, the corporation shall continue in existence, and the trustees thereof shall continue their duties for the purpose of liquidation only.

Provision in case of dissolution of branch.

Real property to be sold.

Proceedings pending exercise of option.

8. There shall be printed in legible type and in red ink upon every policy hereafter issued by the Society, as well as upon every application therefor, and upon every receipt given for payments in connection therewith, the following words: "The insurance undertaken by this Society comes under the exception contained in section forty-three of '*The Insurance Act*' applicable to fraternal and benevolent associations, and is not subject to Government inspection."

Certain words to be printed on policies, &c.

9. Every officer of the Society and every other person who transacts business on behalf of the Society and who issues, circulates or uses or who causes to be issued, circulated or used any policy of insurance or endowment certificate, or application for membership, on which the notice provided for in the next preceding section is not printed shall, on summary conviction thereof before any two justices of the peace or any magistrate having the powers of two justices of the peace, incur and be liable to the penalties mentioned in the twenty-second section of "*The Insurance Act*;" and every pecuniary penalty so recovered shall be applied in the manner provided by the said section.

Penalty for contravention.

10. Within three months from the coming into force of this Act, a certified copy of the present constitution and laws of the Society and of its form of insurance policy or contract shall be deposited in the offices of the Secretary of State of Canada and of the Superintendent of Insurance, and copies of any future changes or amendments thereto shall be so deposited within three months from their adoption by the said Society.

Documents to be filed.

Penalty for
contraven-
tion.

Society, and in default of compliance with any provision of this section the Society shall incur a penalty of ten dollars for each day during which such default continues.

Future legis-
lation to ap-
ply.

11. Nothing herein contained shall be held to exempt the Society from the effect of any legislation hereafter passed by the Parliament of Canada in respect to any insurance powers exercised by friendly societies.

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52 VICTORIA.

CHAP. 105.

An Act respecting the Baptist Convention of Ontario and Quebec.

[Assented to 20th March, 1889.]

WHEREAS, by an Act passed by the Parliament of Can- Preamble.
ada, in the forty-first year of Her Majesty's reign,
"The Regular Baptist Foreign Missionary Society of Ontario 41 V., c. 35.
and Quebec" was incorporated for the purposes and with
the powers in the said Act set forth; and whereas, by let-
ters patent, dated the twelfth day of October, one thousand
eight hundred and eighty-two, issued under "*The Canada* 40 V., c. 43.
Joint Stock Companies Act, 1877," a joint stock company
was incorporated by the name of "The Standard Publishing
Company, Limited," for the purpose of publishing a news-
paper or newspapers for and in the interests of the Regular
Baptist denomination in Canada, publishing books, papers,
tracts and other literature, carrying on book rooms for the
sale of religious and other books, papers and literature, and
disseminating religious literature by means of colporteurs
and other agencies; and whereas the said letters patent
provided that none of the shares of the capital stock of the
said Company should, at any time, be subscribed for by or
allotted to or transferred to any person not a member in
good standing of some Regular Baptist church, and that
those shares only of the capital stock subscribed for and
held by members in good standing of Regular Baptist
churches, upon which there were no calls in arrear, should
be entitled each to one vote; and whereas the nominal
capital stock of the said Company consists of two thousand
shares of fifty dollars each, of which one thousand one hun-
dred and ninety-seven shares have been subscribed and
allotted, and eight hundred and three are unallotted; and
whereas eight hundred of the said shares have been paid
up in full, and the said paid up shares are held by Malcolm
McVicar, LL.D., Humphrey E. Buchan, M.D., and Charles
J. Holman and Daniel E. Thomson, Esquires, as trustees
for the benefit of the following denominational societies of
the Regular Baptists, namely, fifteen-fortieths for the said

Regular Baptist Foreign Missionary Society of Ontario and Quebec, nine-fortieths for the Regular Baptist Missionary Society of Ontario, three fortieths for the Regular Baptist Missionary Convention East—which two last mentioned bodies have united, so far as it was practicable for a corporated and an unincorporated body to voluntarily unite—three-fortieths for the Manitoba and North-West Convention of Regular Baptists, and ten-fortieths for the Society for the Relief of Superannuated Regular Baptist Ministers and the widows and orphans of regular Baptist ministers; and three hundred and ninety-seven shares (being the residue of the said subscribed and allotted shares, and upon which only ten per cent. has been called up or paid,) are held by various persons who are desirous that the denomination of Regular Baptists should have the benefit, in the manner hereinafter provided, of the amount paid thereon; and whereas it is desired that the work of the various denominational societies of the Baptist churches of the Provinces of Ontario and Quebec should be under the control of representatives of the said churches; and whereas the said societies and the said Standard Publishing Company, and the shareholders thereof, have petitioned for an Act giving to such representatives, in convention assembled, authority to appoint members of corporate boards for the purpose of carrying on the said work as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Who may
send dele-
gates.

1. Each Regular Baptist church within the limits of the said Provinces shall be entitled to send two or more delegates to an assembly to be called "The Baptist Convention of Ontario and Quebec."

Mode of elec-
tion.

2. Until the said convention otherwise provides by a resolution passed by a vote of two-thirds of the delegates present, after a year's notice of the proposed change, the delegates shall be elected as follows:—

For one hun-
dred mem-
bers.

(a.) Each church having a membership of one hundred or under shall be entitled to send two delegates:

For over one
hundred
members.

(b.) Each church having a membership of over one hundred shall be entitled to send an additional delegate for each additional hundred of membership, or fraction of a hundred, provided such fraction of a hundred exceeds fifty:

Require-
ments.

(c.) Each delegate must be a member of a Regular Baptist church situate within the territorial limits of the convention, and appointed at a meeting of the church, and duly certified by the clerk of the church as having been so appointed. The church clerk shall also certify to the convention the number of members composing the church of which he is clerk.

3. The objects of the convention shall be the promotion and prosecution of such work and enterprises as are deemed in the interests of the denomination, and particularly those specified in section five. Objects of the convention.

4. The convention shall have a president and any other officers that it deems necessary. It shall meet annually, or oftener, at such times and places as it appoints. The first meeting shall be at the city of Ottawa on the third Thursday of October next, at ten o'clock, in the forenoon. The annual meetings need not be held at absolute intervals of twelve months, and a period not exceeding fifteen months may intervene between two annual meetings. Officers.
Time and place of meeting.

5. The convention shall, at its annual meetings, appoint members of boards for the following purposes:— Boards to be appointed.

(a.) A board for the prosecution of mission work within the Dominion of Canada, including the aiding of weak churches, to be called "The Home Mission Board of the Baptist Convention;" Home Mission Board.

(b.) A board for the prosecution of mission work outside of Canada, to be called "The Foreign Mission Board of the Baptist Convention;" Foreign Mission Board.

(c.) A board for the purpose of assisting and supporting aged ministers of the denomination, and the widows and orphans of deceased ministers, to be called "The Ministerial Superannuation Board of the Baptist Convention;" Ministerial Superannuation Board.

(d.) A board for the purposes hereinbefore set out as the purposes of the Standard Publishing Company, to be called "The Publication Board of the Baptist Convention;" Publication Board.

(e.) A board for assisting churches, by loan or gift, in the acquisition, erection and maintenance of church edifices, and the acquiring lands as sites therefor, to be called "The Church Edifice Board of the Baptist Convention." The Board, when it deems it expedient, may itself acquire and hold the land, and erect and maintain the buildings. Church Edifice Board.

6. Each of the said boards, and its successors, shall be a corporate body, and shall be capable of taking by devise, gift or purchase, any real or personal property, lands or tenements, and of alienating the same at pleasure: Provided Each board a corporate body.

however, that the corporation shall within ten years after its acquisition of any such real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the use and occupation or other like purposes of the corporation; and provided also that such devise of Real estate must be sold.

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 situated so far as the same apply to the said corporation. Devises subject to general law.

7. Each of the said boards shall consist of as many members as the convention from time to time determines. Constitution of boards.

The members of the boards shall be elected by ballot at the annual meetings of the convention: Provided, that the Manitoba and North-West Convention may appoint a member of the Publication Board aforesaid.

Duration,
quorum and
work of
boards.

8. The convention may direct that the members of any board, or a certain proportion of them, shall hold office for one, two or three years, or otherwise, as is deemed expedient, and may determine how many shall constitute a quorum of any board, and may define the scope of the work of the several boards.

Appointment
of officers, &c.

9. Each of the said boards shall appoint such standing committees and such officers and employees, whether salaried or not, as it considers expedient, and may pass by-laws for regulating the conduct of its affairs: Provided, that the convention may, by a standing rule, assume the appointment of the officers or employees of the said boards.

Boards to re-
port to con-
vention.

10. Each board shall render to the convention annually, or oftener if required, a report of its proceedings, for the information and approval of the convention, and containing such particulars as are required by the convention.

Provision in
case of failure
of convention
to appoint
members of
boards and in
case of annual
meeting not
being held.

11. A board shall not be dissolved by the failure of the convention in any year to appoint members of such board, but the persons theretofore appointed shall continue to constitute the board until their successors are appointed; and in case, for any reason, the annual meeting of the convention is not held, the person last elected president of the convention, or any six members of any board or boards, may, by public notice, published for at least three weeks in the *Canadian Baptist*, or other denominational publication previously named by the convention for that purpose, call a meeting of the convention; and such meeting shall have the same authority as a regular annual meeting.

Regular Bap-
tist Foreign
Missionary
Society to be
replaced by
Foreign Mis-
sionary
Board.

12. Upon an order of the Governor in Council being passed, declaring that it has been shown to his satisfaction that "The Foreign Mission Board of the Baptist Convention" has been appointed, all the rights, property and liabilities of "The Regular Baptist Foreign Missionary Society of Ontario and Quebec" shall be and become vested in the said board, and the said society shall cease to exist.

Standard
Publishing
Co., to be re-
placed by
Publication
Board.

13. Upon an order of the Governor in Council being passed, declaring that it has been shown to his satisfaction that "The Publication Board of the Baptist Convention" has been appointed, the shares of the said "Standard Publishing Company, Limited," other than the said eight hundred paid-up shares, shall be extinguished, the said letters patent shall cease to have any force or effect,

and all the rights, property and liabilities of the said "Standard Publishing Company, Limited" shall be and become vested in the said publication board; and the members of such board shall possess all the powers and authority theretofore possessed by the shareholders of the said Company under the said letters patent:

2. The capital stock of the said publication board shall be forty thousand dollars, being the amount of the said eight hundred shares; and the said stock shall not thereafter be transferable.

Capital stock
of Publica-
tion Board.

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52 VICTORIA.

CHAP. 106.

An Act to incorporate the Canada Congregational Foreign Missionary Society.

[Assented to 16th April, 1893.]

Preamble.

WHEREAS B. W. Robertson, the Rev. S. N. Jackson, the Rev. A. L. McFadyen, all of Kingston, the Rev. Joseph Wild, D. D., Toronto, T. B. Macaulay, the Rev. E. M. Hill, George Hague, T. Moodie, T. Lyman, the Rev. F. H. Marling, all of Montreal, and the Rev. John Wood, Ottawa, have, by their petition, represented that there has existed in the Dominion of Canada for several years a society known as the Canada Congregational Foreign Missionary Society, and that they and the other members of the said Society desire to become incorporated; and whereas it is expedient to grant their request: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The persons hereinbefore named, together with such others as are now members of or who shall hereafter become members of the said Society, are hereby constituted a body corporate under the name of "The Canada Congregational Foreign Missionary Society," hereinafter called the Society.

Corporate name.

Object of the society.

2. The object of the said Society shall be the propagation of the Gospel in foreign lands.

Property vested in the society.

3. All property, funds, rights, rights of action or assets, which now belong to or are held in trust for the Society, are hereby declared to be vested in the Society.

As to real estate.

4. The Society may acquire and hold any property whatsoever, by any title whatsoever; subject however, to the laws of any Province in which any real estate so acquired is situated, as to such acquisition and tenure by corporations; but it shall not hold real estate of the annual value of more than five thousand dollars for more than five years at any one time.

5. All property belonging to the Society shall be held in its corporate name, and shall be managed and administered by a board of directors, chosen in the manner prescribed by the constitution and by-laws of the Society. Directors to manage property.

6. The board of directors shall have power to appoint Committees to take charge of the different departments of the work of the Society, and to delegate to such Committees any of the powers which they themselves possess under this Act, as may be deemed necessary in the interests of the Society. Committees and their powers.

7. The present officers, constitution and by-laws of the Society shall, until changed in accordance with the said constitution and by-laws, continue to be the officers, constitution and by-laws of the Society as hereby incorporated. Officers, &c., continued.

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52 VICTORIA.

CHAP. 107.

An Act for the relief of George McDonald Bagwell.

[Assented to 2nd May, 1889.]

Preamble.

WHEREAS George McDonald Bagwell, of the city of Hamilton, in the Province of Ontario, printer, has, by his petition, humbly set forth that on the sixth day of March, one thousand eight hundred and sixty-seven, he was lawfully married to Ella Alexine Louisa Bagwell, his present wife (then Ella Alexine Louisa Crane, spinster), and such marriage was duly solemnized at Ancaster, in the County of Wentworth, according to the rites of the Episcopal church; that the said George McDonald Bagwell and Ella Alexine Louisa Bagwell cohabited together as husband and wife until the ninth day of May, one thousand eight hundred and eighty-seven, and there was issue of the said marriage one child, to wit, Fannie Dell Rosina Bagwell; that on or about the said ninth day of May, one thousand eight hundred and eighty-seven, the said George McDonald Bagwell and Ella Alexine Louisa Bagwell agreed, by a deed of separation in writing, to live separate and apart, and the said George McDonald Bagwell has ever since continued to live apart from the said Ella Alexine Louisa Bagwell; that shortly after the said Ella Alexine Louisa Bagwell separated from him as aforesaid, he, the said George McDonald Bagwell, discovered, as the fact was, that the said Alexine Louisa Bagwell had been living an irregular life, and had, previous to such separation, been committing adultery with a certain person named in the evidence, and that she afterwards committed adultery with the same person in the city of Toronto, on the sixteenth day of May, one thousand eight hundred and eighty-seven; and whereas the said George McDonald Bagwell has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that he may have such further relief afforded him as may be deemed meet; and whereas the said George McDonald Bagwell has proved the allegations in his said petition, and has established the adultery above mentioned, and it is expedient that the prayer of his said

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

1. The marriage between the said George McDonald Bagwell and the said Ella Alexine Louisa Bagwell, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said George McDonald Bagwell may, at any time hereafter, contract matrimony with any other woman whom he might lawfully marry, in case the said first mentioned marriage with the said Ella Alexine Louisa Bagwell had not been solemnized. He may marry again.

3. In case of the said George McDonald Bagwell hereafter marrying any woman whom it would have been lawful for him to marry if he and the said Ella Alexine Louisa Bagwell had not intermarried, and of there being any issue born to him of such subsequent marriage, the said issue, so born, shall be and are hereby declared to be to all intents and purposes legitimate, and the right of them, the said issue, and each of them, and their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real or personal, of any nature or kind whatsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said George McDonald Bagwell and Ella Alexine Louisa Bagwell had not been solemnized. Rights of his issue in such case.

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52 VICTORIA.

CHAP. 108.

An Act for the relief of William Gordon Lowry.

[Assented to 2nd May, 1889.]

Preamble.

WHEREAS William Gordon Lowry, of the Township of Huntley, in the County of Carleton and Province of Ontario, yeoman, has, by his petition, humbly set forth in effect that on the thirteenth day of September, in the year of our Lord one thousand eight hundred and eighty-seven, at Carp Village, in the said Township of Huntley, he was married, by license, to Florence Moorhead, of the said Township of Huntley, spinster, according to the rites and ceremonies of the Canada Presbyterian Church; that there has been no issue of said marriage; that on or about the first day of October, one thousand eight hundred and eighty-seven, the said Florence Lowry (formerly Florence Moorhead) deserted her said husband and has not since resided with the said William Gordon Lowry; that after the said Florence Lowry deserted him as aforesaid, he, the said William Gordon Lowry, discovered, as the fact was, that the said Florence Lowry had been leading an irregular life, and had committed adultery with a person named in the evidence on or about the first day of November, one thousand eight hundred and eighty-seven, and on divers occasions before and subsequent to said last mentioned date; and whereas the said William Gordon Lowry 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 may be deemed meet; and whereas the said William Gordon Lowry has proved the allegations of his said petition and has established the adultery above-mentioned, and it is expedient that the prayer of his said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between William Gordon Lowry and Florence Lowry, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatsoever.

2. The said William Gordon Lowry may, at any time hereafter, marry any woman whom he might lawfully marry in case the said marriage with the said Florence Lowry had not been solemnized. He may marry again.

3. In the event of the said William Gordon Lowry hereafter marrying, he and the woman whom he so marries and the issue if any of any such marriage shall have and possess the same rights in every respect as if his said marriage with the said Florence Lowry had never been solemnized. Rights of his issue in such case.

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52 VICTORIA

CHAP. 109.

An Act for the relief of William Henry Middleton.

[Assented to 2nd May, 1889]

Preamble.

WHEREAS William Henry Middleton, of the city of Ottawa, in the County of Carleton, in the Province of Ontario, gentleman, hath, by his petition, humbly set forth that he duly married Mary Froude Middleton (formerly Mary Froude Wise) on the third day of November, one thousand eight hundred and eighty-six, at the said city of Ottawa, according to the rites and ceremonies of the Church of England; that the said marriage was by license; that after the solemnization of the said marriage he and the said Mary Froude Middleton elected their matrimonial domicile at the said city of Ottawa, and lived together and cohabited together in the said city of Ottawa until the fifteenth day of October, one thousand eight hundred and eighty-seven, when the said Mary Froude Middleton left the said matrimonial domicile and deserted her said husband and went to the United States of America, where she was joined by one Charles Fenwick William Hamilton who had previously lived at the said city of Ottawa, at the Town of St. Albans, in the State of Vermont, one of the United States of America aforesaid; that the said Mary Froude Middleton and the said Charles Fenwick William Hamilton travelled together in the said United States of America and stayed at various places therein together; that the said Mary Froude Middleton committed adultery with the said Charles Fenwick William Hamilton, in the said United States of America and elsewhere; that, shortly after the said Mary Froude Middleton deserted her said husband as aforesaid, he learned, as the fact was, and is, that the said Mary Froude Middleton had frequently committed adultery with the said Charles Fenwick William Hamilton, between the said third day of November, one thousand eight hundred and eighty-six, and the said fifteenth day of October, one thousand eight hundred and eighty-seven; that there has been no issue of the said marriage between him and the said Mary Froude Middleton; that ever since the fifteenth day of

October,

October, one thousand eight hundred and eighty-seven, he has lived separate and apart from the said Mary Froude Middleton and has not cohabited with her, and that he has not in any way condoned the adultery committed by the said Mary Froude Middleton, and that no collusion or connivance exists between him and the said Mary Froude Middleton to obtain a dissolution of the said marriage; and whereas the said William Henry Middleton has made proof of the facts above recited; and whereas the said William Henry Middleton has humbly prayed that the said marriage between him and the said Mary Froude Middleton may be dissolved and be declared henceforth null and void to all intents and purposes whatsoever, and that it may be declared and enacted lawful for the said William Henry Middleton at any time hereafter to marry any other woman whom he might lawfully have married in case the said marriage had not been solemnized, and that it may be declared and enacted that, in the event of the said William Henry Middleton hereafter marrying, he and the woman he so marries and the issue, if any, of such marriage shall have and possess the same rights in every respect as if his marriage with the said Mary Froude Middleton had never been solemnized; and whereas it is expedient that the prayer of the said petitioner 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 William Henry Middleton and the said Mary Froude Middleton, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatsoever Marriage dissolved.

2. The said William Henry Middleton may, at any time hereafter, marry any other woman whom he might lawfully have married in case the said marriage had not been solemnized. He may marry again.

3. In the event of the said William Henry Middleton hereafter marrying, he and the woman whom he so marries, and the issue, if any, of any such marriage, shall have and possess the same rights in every respect as if his said marriage with the said Mary Froude Middleton had never been solemnized. Rights of his issue in such case.



52 VICTORIA.

CHAP. 110.

An Act for the relief of Arthur Wand.

[Assented to 2nd May, 1889.]

Preamble.

WHEREAS Arthur Wand, of the city of Montreal, in the District of Montreal, in the Province of Quebec, contractor, has, by his petition, humbly set forth in effect that on the seventeenth day of July, in the year of our Lord one thousand eight hundred and eighty-three, at the city of Montreal, in the Province of Quebec, he was married to Jennie Darrach, formerly of the said city of Montreal but now of the city of New York, in the State of New York, one of the United States of America; that there has been no living issue of said marriage; that on or about the twelfth day of September, one thousand eight hundred and eighty-five, the said Jennie Darrach deserted her said husband and has not since resided with the said Arthur Wand; that shortly after the said Jennie Darrach deserted him as aforesaid, he, the said Arthur Wand, discovered, as the fact was, that the said Jennie Darrach had been leading an irregular life, and had committed adultery with a person named in the evidence on or about the twenty-eighth day of July, one thousand eight hundred and eighty-five, and on divers occasions subsequent to said last mentioned date; and whereas the said Arthur Wand 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 may be deemed meet; and whereas the said Arthur Wand has proved the allegations of his said petition and has established the adultery above-mentioned, and it is expedient that the prayer of his said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Arthur Wand and Jennie Darrach, his wife, is hereby dissolved and shall henceforth be null and void to all intents and purposes whatsoever.

2. The said Arthur Wand may, at any time hereafter, marry any woman whom he might lawfully marry in case the said marriage with the said Jennie Darrach had not been solemnized. He may marry again.

3. In the event of the said Arthur Wand hereafter marrying, he and the woman whom he so marries and the issue if any of any such marriage shall have and possess the same rights in every respect as if his said marriage with the said Jennie Darrach had not been solemnized. Rights of his issue in such case.

OTTAWA : Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.

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