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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA,

PASSED IN THE SESSION HELD IN THE

FIFTY-FOURTH AND FIFTY-FIFTH YEARS OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE

FIRST SESSION OF THE SEVENTH PARLIAMENT,

*Begun and holden at Ottawa, on the Twenty-ninth day of April, and closed
by Prorogation on the Thirtieth day of September, 1891.*



HIS EXCELLENCY

THE RIGHT HONOURABLE 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, 1891.



54-55 VICTORIA.

CHAP. 57.

An Act to incorporate the Burrard Inlet and Westminster Valley Railway Company.

[Assented to 31st July, 1891.]

WHEREAS a petition has been presented praying for the Preamble.
incorporation of a Company to construct 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. Alexander Ewen and Benjamin Douglas, both of the Incorporation.
city of New Westminster, in the Province of British Columbia,
and David L. Lockerby, of the city of Montreal, in the
Province of Quebec, together with such persons as become
shareholders in the Company hereby incorporated, are hereby
constituted a body corporate under the name of "The Burrard Corporate name.
Inlet and Westminster Valley Railway Company," hereinafter
called the Company.

2. The head office of the Company shall be in the city of Head office.
New Westminster.

3. The Company may lay out, construct and operate a rail- Line of rail-
way describ-
ed.
way of the gauge of four feet eight and one-half inches, from a
point on the international boundary line, in township sixteen,
New Westminster district, thence in a north-westerly direction
to a point on the north side of the Fraser river, and a branch
line from such point on the north side of the Fraser river to
a point on Burrard inlet; and the works hereby authorized Declaratory.
are declared to be works for the general advantage of Canada.

4. The Company may, in connection with their railway, con- Ferry over
Fraser River.
struct, acquire, maintain and employ steam ferry boats to ply
across the Fraser river for the purpose of carrying cars, freight,
and passengers.

Bridge over
Fraser river.

5. The Company may also lay out, construct, complete, maintain, work, manage and use a bridge for railway purposes, with the necessary approaches, over the Fraser river at some suitable point between the eastern end of Douglas island and Lulu island, and may connect the same with any railways or street railways in the said New Westminster district :

Lights on
bridge.

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

Plans of
bridge, &c., to
be submitted
to Governor in
Council.

6. The Company shall not commence the bridge or any work thereunto appertaining, until it has submitted, to the Governor in Council, plans of such bridge and of all the intended works thereunto appertaining, nor until the plans and site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridge and works, have been complied with ; nor shall any such plans be altered, or any deviation therefrom allowed, except with the permission of the Governor in Council, and upon such conditions as he imposes.

Power to unite
with other
companies in
constructing
and working
bridge, &c.

7. The Company may, after obtaining the sanction of the Governor in Council in the manner provided in section two hundred and thirty-nine of "*The Railway Act*," and subject to the provisions contained in sections eight and nine of this Act, unite with any other company or bridge company or street railway company incorporated under the laws of Canada or of the Province of British Columbia, or with any body corporate, in building the said bridge and approaches, and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation respecting the construction, maintenance, management and use thereof.

Use of bridge.

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

No discrimi-
nation.

Disagree-
ments as to
tariff rates
with other
companies.

9. In case of any disagreement as to the rights of any railway company or street railway whose business or trains or cars pass over the bridge, or as to tariff rates to be charged in respect thereof, the same shall be determined by the Railway Com-
mittee

mittee of the Privy Council, as provided in section eleven of "The Railway Act."

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

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

12. The annual general meeting of the shareholders of the Company shall be held on the first Monday in September in each year. Annual general meeting.

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

14. 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 Fraser 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 five 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 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 the said bonds, "series B." Amount of bonds, &c., limited.
Series A.
Series B.

15. The bridge shall be commenced within three years and completed within five years from the passing of this Act; otherwise Limit of time for construction of works.

otherwise the powers granted under section five of this Act shall cease and be null and void.

Agreement
with another
company.

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

Approval of
shareholders
and of Govern-
nor in Council.

Notice of ap-
plication 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.

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



54-55 VICTORIA.

CHAP. 58.

An Act to incorporate the Rocky Mountain Railway and Coal Company.

[Assented to 31st July, 1891.]

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

1. Peter McCarthy and John Ryan Costigan, advocates, all Incorporation.
of the town of Calgary, in the district of Alberta, Walter Reginald Baker, of the city of Winnipeg, in the Province of Manitoba, and Isaac K. Kerr, of Eau Claire, in the State of Wisconsin, lumberman, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate, under the name of the Rocky Mountain Railway and Coal Company, hereinafter called "the Company." Corporate name.

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

3. The Company may lay out, construct and operate a rail- Line of rail-
way.
way of the gauge of four feet eight and one-half inches, from a point on the line of the Canadian Pacific Railway at or near the town of Anthracite; thence running in a northerly direction about eight miles to the Cascade river; thence following the valley of the Cascade river about fifteen miles; thence in a northerly direction about fifteen miles to the south forks of the Red Deer river; thence in an easterly direction, following down the said south forks about twelve miles to the Red Deer Forks coal mines.

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

- Capital.** **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 may deem necessary; but no one call shall exceed ten per cent. on the shares subscribed.
- Annual general meeting.** **6.** The annual general meeting of the shareholders shall be held on the first Tuesday in September in each year.
- Directors.** **7.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company,—one or more of whom may be paid directors of the Company.
- Bonds, &c.** **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 only be issued in proportion to the length of railway constructed or under contract to be constructed.
- Agreement with Canadian Pacific Railway Company.** **9.** The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing, to such company, the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that it has also been approved by the Governor General in Council:
- Approval.**
- Notice.** **2.** Such approval shall not be signified until after the notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of "The Railway Act," and also for a like period in one newspaper in each of the counties through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.
- Powers as to mines.** **10.** The Company may buy, lease, acquire, sell and mortgage coal and other mineral lands and mines, and may mine, manufacture and sell the minerals and product of such mines and lands; provided always that the Company shall not buy, lease or acquire more than ten thousand acres of such lands.
- Issue of paid up stock.** **11.** The directors of the Company, elected by the shareholders, may make and issue, as paid-up stock, shares in the Company, whether subscribed for or not, and may allot and hand

hand over such stock in payment for right of way, plant, rolling stock, mineral locations, or materials of any kind, and also for the services of contractors and engineers ; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

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54-55 VICTORIA.

CHAP. 59.

An Act to incorporate the Buffalo Lake and Battleford Railway, Coal and Iron Company.

[Assented to 10th July, 1891.]

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. James Walker, of Calgary, and Robert W. McLellan, of Red Deer Crossing, both in the district of Alberta, Henry J. Boswell, Henry Percy Withers and William F. Munro, 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 Buffalo Lake and Battleford Railway, Coal and Iron 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 general 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 on the line of the Calgary and Edmonton railway, at or near the crossing of the Blind Man's river, in or near township thirty-nine, range twenty-seven, west of the fourth initial meridian in the District of Alberta, and running easterly to the Red Deer river, in or near township thirty-nine, range twenty-three, west of the same meridian; thence north-easterly to the Battle river, in or near township forty, range fifteen or sixteen, west of the same meridian; thence easterly to Battleford; also a branch line from a point on the main line, in or near township forty, range fifteen, west of the same meridian,

meridian, and running south-westerly to or near township thirty-three, range twenty-two, west of the same meridian.

4. The Company may buy, lease, acquire, sell and mortgage coal, iron and other mineral lands and mines, and may mine coal, iron and other minerals and otherwise work such mines, and may manufacture and sell the products of such mines and lands; provided always, that the Company shall not buy, lease or acquire more than twenty thousand acres of such lands: and the Company may also acquire, purchase and mortgage, and operate steamers and barges in connection with its business, and may purchase, sell and mortgage, construct and own all buildings, machinery and plant which it deems necessary for carrying on or operating its business. Powers as to mines.

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 cent on the shares subscribed. Capital stock and calls.

7. The annual general meeting of the shareholders shall be held on the first Tuesday in September 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, etc., limited.



54-55 VICTORIA.

CHAP. 60

An Act to incorporate the Manitoba and Assiniboia Grand Junction Railway Company.

[Assented to 31st July, 1891.]

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 Honorable Charles Arkoll Boulton, of Shellmouth, Manitoba; William Barrett Lennard, of Russell, in Manitoba aforesaid, Esquire; John A. Christie, of the city of Brandon, in the said Province, lumber merchant; John Du Pré, of Russell in Manitoba aforesaid; James Henry Scott of the city of Toronto, barrister; Stuart Heath, of the city of Toronto, broker, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of the Manitoba and Assiniboia Grand Junction Railway Company, hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be at the city of Winnipeg, in the Province of Manitoba.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from some point in the city of Regina, in the district of Assiniboia, thence running easterly to the crossing of the Assiniboine river, located by the survey of the Dominion Government in townships twenty-two and twenty-three, in range twenty-nine west of the principal meridian, in the said Province of Manitoba; thence north-easterly to some point in the Lake Dauphin district, in the said Province, on the projected line of "The Winnipeg and Hudson Bay Railway and Steamship Company;" thence crossing the Water Hen river to Lorne point on lake Winnipeg; with the right to lay out,

construct and operate a branch line from or near such crossing of the Assiniboine river in a south-easterly direction to the city of Brandon, in the said Province, and also a branch line from the town of Binscarth on the line of the Manitoba and North-Western Railway south-westerly through Fort Ellis and Moosomin to the Souris coal fields; and such undertaking is hereby declared to be for the general advantage of Canada.

4. The Company may also acquire, build, own, charter, work and run steam and other vessels for cargo and passengers upon any navigable waters which the railway of the Company reaches. Steam vessels

5. The Company may accept, purchase and hold such land as is required for the purposes of elevators, docks and other erections for the uses of the Company, and may erect and operate elevators and docks. Elevators, docks, &c.

6. The Company may mortgage or pledge their vessels, elevators, docks and other erections, and redeem and re-mortgage the same as they deem advisable. Mortgage of same.

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

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

9. The annual general meeting of the shareholders shall be held on the first Wednesday in September, 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 seven 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 line of railway and its 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. Bonds, &c.

12. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Winnipeg and Hudson Bay Railway Company, the Manitoba and North Western Railway Company of Canada, the Great North West Central Railway Company, or the Wood Mountain and

Qu'Appelle Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person, or represented by proxy,—and that such agreement has also received the approval of the Governor in Council :

Sanction by
the sharehold-
ers.

And of Govern-
nor in Council.

Notice of ap-
plication for
approval.

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

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



54-55 VICTORIA.

CHAP. 61.

An Act to incorporate the Atikokan Iron Range Railway Company.

[Assented to 31st July, 1891.]

WHEREAS a petition has been presented praying for the Preamble.
incorporation of a Company to construct and operate a railway as hereinafter set forth and 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:—

1. Thomas Marks, George Thomas Marks, Harold Andrew Wiley, William West Russell and William Kenneth Cameron, Incorporation.
together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Atikokan Iron Range Railway Company," hereinafter called the Company. Corporate name.

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

3. The Company may lay out, construct and operate a Line of rail-
way describ-
ed.
railway of the gauge of four feet eight and one-half inches, in the provisional judicial district of Thunder Bay (including the territorial district of Rainy River), in the Province of Ontario, from a point on the line of the Canadian Pacific Railway Company between Carlstadt and English River, by way of Atikokan and Seine Rivers, to a point at or near Sturgeon Falls; and the undertaking hereby authorized is declared to be a work for the general advantage of Canada.

4. The Company, at any point where its railway or any Powers as to
water lots,
docks, &c.
branch thereof, or where any railway or any branch thereof over which the Company's railway has running powers, touches or crosses any navigable waters, and on the Kaministiquia river, in the municipality of Neebing, and elsewhere on its line of railway, and on Thunder bay at Port Arthur,

and elsewhere on its line of railway, may, for the purposes of its business, acquire and hold water lots, build, construct, acquire, hire and operate ore docks and other docks and wharves, and steamships and other vessels for carrying passengers and freight, and may mortgage collectively or separately the said water lots, docks and wharves, steamships and other vessels; and may collect wharfage, store charges, freight and other dues, earnings and incomings to be derived from the use of its property, steamships and other vessels, works and buildings, and in its business; and the Company may also acquire, hold, operate, sell, mortgage, convey and otherwise dispose of iron and other mines and mining lands in the said district of Thunder Bay: provided always, that the Company shall not buy, lease or acquire more than fifteen thousand acres of such lands; and the Company may erect, acquire, operate, mortgage or lease smelting and other works for the reduction of iron and other ores and refining and working of metals and minerals in the said district of Thunder Bay.

Issue of bonds
for water lots,
docks, &c.

5. The Company, being first authorized by a resolution passed at a special general meeting of the shareholders duly called for the purpose, may, from time to time, issue bonds in aid of the acquisition of the said water lots, docks, wharves, steamships and other vessels, not exceeding in amount the cost thereof; and the proceeds of such bonds shall be applied exclusively in aid of the acquisition by purchase or construction of such water lots, docks, wharves, steamships and other vessels, as the case may be, according to the terms and intention of such resolution; and each such resolution shall indicate by some general description the water lots, docks, wharves or steamships or other vessels, in respect of which it authorizes bonds to be so issued as aforesaid, and whether the same are then acquired or are to be thereafter acquired by the Company.

Mortgage
deed to secure
bonds.

6. For the purpose of securing each issue of such bonds the Company shall execute a deed of mortgage, in such form and containing such provisions as are approved by a resolution of such general meeting of shareholders as aforesaid,—each of which deeds shall be made to trustees to be appointed at such special general meeting for that purpose, and may contain provisions establishing the amount secured upon the water lots, docks, wharves, steamships or other vessels to which it relates, the rank and privilege to appertain to the bonds intended to be secured by it, the rights and remedies to be enjoyed by the respective holders of such bonds, the mode of assuring the application of the proceeds of such bonds to the purposes for which they are to be issued, the rate of interest payable upon them and the place and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the

terms thereof, and for the protection of the holders of such bonds; and it may charge and bind the tolls and revenues of the said water lots, docks, wharves, steamships or other vessels to which it relates, and the whole or any part of any subsidy to be earned in connection therewith (but not the railway proper or the tolls and revenues thereof) in the manner and to the extent therein specified; and each such deed of mortgage shall create absolutely and exclusively a lien and encumbrance according to its priority on the water lots, docks, wharves, steamships or other vessels, as the case may be, therein described, as well as their tolls, revenues and subsidy therein hypothecated,—the whole for the benefit of the holders of the bonds in respect to which it is made.

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

8. 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. Vacancies.

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

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

11. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than seven nor more than nine persons to be directors of the Company,—one or more of whom may be paid directors of the Company. Election of directors.

12. The Company may, in addition to the bonds and other securities before in this Act referred to, issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and its branches; and such bonds, debentures or other securities may, in respect of the railway, be issued only in proportion to the length of railway constructed or under contract to be constructed. Further issue of bonds, &c.

13. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing its railway to the C. P. R. Company may convey or lease its railway to the C. P. R.

Sanction of
shareholders
and approval
of Governor in
Council.

to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council :

Notice.

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

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



54-55 VICTORIA.

CHAP. 62.

An Act to incorporate the Chatsworth, Georgian Bay and Lake Huron Railway Company.

[Assented to 31st July, 1891.]

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

1. David Porter, John Irwin, B. B. Miller, William Young, Incorporation.
Charles Rickeen, A. E. Belcher, N. Zinkan, John McNabb, Peter McGregor and N. B. Zinkan, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of “The Chatsworth, Georgian Bay and Lake Huron Railway Corporate name.
Company,” hereinafter called the Company.

2. The head office of the Company shall be in the village Head office.
of Wiarton.

3. The Company may lay out, construct and operate a rail- Line of rail-
way described.
way of the gauge of four feet eight and one-half inches from a point in or near the village of Chatsworth on the Canadian Pacific Railway to a suitable point in the township of Derby; thence through the village of Tara to the village of Southampton; and also from the said point in the township of Derby northwards to the village of Wiarton.

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

5. The capital stock of the Company shall be two hundred Capital stock
and calls.
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 cent. 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 the directors of the Company, one or more of whom may be paid directors of the Company.
- Bonds, &c. **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 another company. **9.** The Company may enter into an agreement with the Canadian Pacific Railway Company or the Grand Trunk Railway Company of Canada, for the 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 amalgamation with such Company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.
- Sanction by 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 Governor in Council.
- Notice of application for approval.

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



54-55 VICTORIA.

CHAP. 63.

An Act to incorporate the Peterborough, Sudbury and Sault Ste. Marie Railway Company.

[Assented to 10th July, 1891.]

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 Cahill, William Henry Moore, Robert Archibald Morrow, James R. Stratton, James Stevenson, John Burnham, Edward H. D. Hall and Robert S. Davidson, all of the town of Peterborough, in the Province of Ontario, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Peterborough, Sudbury and Sault Ste. Marie Railway Company," hereinafter called the Company.

Incorporation.

Corporate name.

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

Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on lake Ontario, at or near, or between, Cobourg and Brighton, in the county of Northumberland, in the Province of Ontario; thence to the town of Peterborough, in the county of Peterborough; thence to the village of Bobcaygeon, in the county of Victoria, or to the village of Lakefield, in the county of Peterborough; thence, from whichever of these points is fixed upon, to the village of Kinmount, in the county of Victoria; thence to some point on the Northern Pacific Junction Railway between Port Carling, in the district of Muskoka, and Burk's Falls, in the district of Parry Sound; thence to some point

Line of railway described.

point on the French river; and thence to Sudbury, in the district of Algoma, and thence to Sault Ste. Marie, in the said district of Algoma.

- 4.** The Company may build, construct, purchase or lease, operate and maintain steam or sailing vessels for traffic purposes in connection with its railway; and may mortgage, sell and dispose of the same.
- 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 million dollars, and may be called up by the directors from time to time, as they deem necessary; but no one call shall exceed ten per cent on the shares subscribed.
- 7.** The annual general meeting of the shareholders shall be held on the first Tuesday in September, in each year.
- 8.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose nine persons to be directors of the Company,—one or more of whom may be paid directors of the Company.
- 9.** The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.
- 10.** The Company may enter into an agreement with the Canadian Pacific Railway Company or the Grand Trunk Railway Company of Canada for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council:
2. Such approval shall not be given until after notice of the proposed application therefor has been published in the manner

manner and for the time set forth in section two hundred and thirty-nine of "*The Railway Act*," and also for a like period in one newspaper in the District of Algoma and 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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54-55 VICTORIA.

CHAP. 64.

An Act to incorporate the Brighton, Warkworth and Norwood Railway Company.

[Assented to 31st July, 1891.]

Preamble.

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

Incorporation.

1. Thomas Webb, I. O. Proctor, L. A. Purdy, M. K. Lockwood, T. D. Sanford, A. M. Macklam, S. G. M. Nesbitt, Edward Cochrane, Wm. Wade, A. E. Webb, A. S. Neal, J. A. Kelly, C. A. Lapp and J. D. Silcox, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The Brighton, Warkworth and Norwood Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the village of Brighton, in the Province of Ontario.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the village of Brighton, on Presqu'isle bay on lake Ontario, in the county of Northumberland and Province of Ontario, to a point on the line of the Ontario and Quebec Railway Company at or near the village of Norwood, in the county of Peterborough, thence in a northerly direction through the said county of Peterborough and the districts of Haliburton and Nipissing to a point on the main line of the Canadian Pacific Railway Company; and the said railway shall run northerly from the said village of Brighton through the townships of Brighton and Percy, through the village of Warkworth, thence to Hastings village, thence across the Trent river to a point at or near the said village of Norwood,

thence northerly through the districts of Haliburton and Nipissing to the main line of the Canadian Pacific Railway Company; and the undertaking hereby authorized is declared to be for the general advantage of Canada.

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 four hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary; but no one call shall exceed ten per cent of the shares subscribed. Capital stock and calls thereon.

6. The annual general meeting of the shareholders shall be held on the first Tuesday of September 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 nine persons to be 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.

9. The Company may, at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, purchase and hold as its own absolute property, and for the use of the Company, wharves, piers, docks, water lots and lands; and upon the said water lots and lands, and in and over the waters adjoining the same, may build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, worked or controlled by the Company or any other steam or other vessels; and may collect wharfage and storage charges for the use of the same, and also may erect, build, repair 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 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 portions thereof. Powers as to elevators, wharves, docks, &c.

10. The Company may purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair steam or other vessels to ply on the lakes, rivers and canals of Canada, in connection with the said railway; and Powers as to vessels.

also may make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, for such steamboats or vessels to ply on the said lakes, rivers and canals in connection with the said railway.

Agreement
with another
company.

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

Sanction of
the share-
holders.

And of the
Governor in
Council.

Notice of ap-
plication 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.

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



54-55 VICTORIA.

CHAP. 65.

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

[Assented to 31st July, 1891.]

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

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

2. The head office of the Company shall be in the village of Head office.
Fort Erie, in the Province of Ontario.

3. The Company may lay out, construct, complete, maintain, Object and
work, manage and use a bridge across the Niagara river, for general powers
railway and other purposes, with the necessary approaches, of Company.
from some convenient point on the Canadian side, in or near
the village of Fort Erie, above the International Bridge, to
a point in or near the city of Buffalo, in the State of New
York, one of the United States, so as not to interfere with
navigation, and connect the said bridge with any railway
or street railways in the said State; and may also, to connect
the said bridge with existing and future lines of railway in the
county of Welland, in the Province of Ontario, lay out, con-
struct and operate one or more lines of railway not exceeding six
miles in length, of the gauge of four feet eight and one half
inches; but it shall not commence the actual construction of the

said bridge until an Act of the Congress of the United States, or an Act of the Legislature of the State of New York, has been passed, authorizing or approving the bridging of the said river, nor until the Executive of the United States has consented to or approved such bridging,—but the Company may in the meantime acquire the lands, submit their plans to the Governor in Council, and do all other things authorized by this Act, except the commencement of the actual construction of the said bridge; and the Company may construct or arrange the said bridge for the use and passage of foot passengers, street cars, carriages and other vehicles or either, as and whenever they deem advisable:

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

Plans of works
to be submit-
ted to Gover-
nor in Council.

4. The Company shall not commence the said bridge or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridge and works, have been complied with; nor shall any such plans be altered, or any deviation therefrom allowed, except with the permission of the Governor in Council, and upon such conditions as he imposes: Provided always, that from sunset to sunrise during the season of navigation suitable lights shall be maintained upon the said bridge to guide vessels approaching the same.

Power to unite
with other
companies.

5. The Company may, after obtaining the sanction of the Governor in Council in the manner provided in section two hundred and thirty-nine of "*The Railway Act*," and subject to the provisions contained in sections six and seven of this Act,—

(a.) Unite with any other company incorporated in and under the laws of the State of New York or of the United States, in building the bridge and approaches, and in working, managing, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and appurtenances;

(b.) Unite with any other company incorporated under the laws of Canada or of the Province of Ontario, or with any

body corporate, in building the said bridge and approaches, and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation respecting the construction, maintenance, management and use thereof.

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

Use of bridge.

No discrimination.

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

In case of disagreement, Railway Committee to decide.

8. In case the State of New York or the United States at any time provide for the appointment of a commission for regulating the working of the bridge, the use thereof and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission, on such terms as he thinks proper, and appoint one or more persons as members of the said commission; and the decisions of the said commission shall first be submitted to the Governor in Council, and if approved of shall thereafter be final and conclusive to the extent to which the same are final and conclusive by virtue of the provisions made by the State of New York or the United States.

Commission to regulate working of bridge, &c.

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

Provisional directors.

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

Capital stock.

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

Annual meeting.

Election of directors.

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

Issue of bonds.

13. The Company may issue bonds, debentures or other securities to an amount not exceeding five million dollars in aid of the construction of the bridge; and such bonds shall be secured by deed of mortgage; and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations,—which rates and tolls shall also be charged as security for such bonds.

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54-55 VICTORIA.

CHAP. 66.

An Act to incorporate the Kingston and Pontiac Railway Company.

[Assented to 31st July, 1891.]

WHEREAS a petition has been presented praying for the Preamble.
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. Peter S. Stewart, James Carswell and Michael J. O'Brien, Incorporation.
all of the village of Renfrew, in the Province of Ontario ; and Arthur Lyon, Trueman Thomas, and Andrew Hodgins, all of the village of Shawville, in the county of Pontiac, in the Province of Quebec, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Kingston and Pontiac Railway Company," hereinafter called 'the Company.' Corporate name.

2. The head office of the Company shall be in the village of Head office.
Shawville, in the county of Pontiac, in the Province of Quebec, or such other place in Canada as is determined from time to time by by-law of the Company.

3. The Company may lay out, construct and operate a rail- Line of rail-
way of the gauge of four feet eight and one-half inches from a way.
point in the township of Wright, county of Ottawa, on the line of the Ottawa and Gatineau Valley Railway, thence through the townships of Wright, Alleyn, Leslie, Thorne, Clarendon and Litchfield, or either of them, in the Province of Quebec, and the townships of Horton and Ross, or either of them, in the Province of Ontario, to a point at or near the village of Renfrew ; and the undertaking hereby authorized is declared Declaratory.
to be a work for the general advantage of Canada.

4. The Company may build and complete a bridge for rail- Bridge over
way purposes, with the necessary approaches, across the Ottawa Ottawa river.
river

River from a suitable point in or near the village of Portage du Fort, in the county of Pontiac, in the Province of Quebec, on the line of the railway, to some suitable point in the township of Horton aforesaid :

Ferry across
Ottawa river.

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

Previous ap-
proval of Gov-
ernor in Coun-
cil required.

5. The Company shall not commence the said bridge or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until the plans and site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works, have been complied with ; nor shall any such plans be altered, or any deviation therefrom allowed, except with the permission of the Governor in Council, and upon such conditions as he imposes : Provided always, that from sunset to sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels approaching the same.

Lights on
bridge.

Equal rights
in passage of
bridge to all
railway trains.

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

Disputes set-
tled by Rail-
way Commit-
tee.

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

Provisional
directors.

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

Capital stock
and calls.

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

10. The annual general meeting of the shareholders shall be held on the second Monday in September in each year. Annual general meeting.

11. 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.

12. 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 a railway bridge over the Ottawa 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 two hundred thousand dollars for the bridge, if so excluded from such charge, may be issued in aid of the construction of such bridge,—and such bonds shall be designated as "Series B": Issue of bonds.

2. The bonds on the bridge shall, in like manner, be secured by a deed of mortgage specifying the security therefor; and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of such bridge by similar corporations,—which rates and tolls shall also be charged as security for such bonds. Security of bonds on bridge.

13. The Company may, subject to the provisions contained in sections six and seven of this Act, enter into an agreement with the Canadian Pacific Railway Company, the Pontiac Pacific Junction Railway Company, or the Kingston and Pembroke Railway Company, for conveying or leasing to such company the railway and bridge of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council: Agreement with another Railway Co.

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.

Time for con-
struction of
bridge.

14. 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.

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54-55 VICTORIA.

CHAP. 67.

An Act to incorporate the Ontario and New York Bridge Company.

[Assented to 31st July, 1891.]

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

1. The Honourable Sir Donald A. Smith, William C. Van Incorporation.
Horne, Richard B. Angus and Thomas G. Shaughnessy,
Esquires, all of Montreal; George Ropes Harris, Esquire, of
Boston; Edmund B. Osler, Rupert M. Wells and Thomas Tait,
Esquires, all of Toronto; and the Honourable Donald Mac-
Innes, of Hamilton; together with such persons as become
shareholders in the Company hereby incorporated, are hereby
constituted a body corporate under the name of "The Ontario Corporate
and New York Bridge Company," hereinafter called the name.
Company.

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

3. The Company may lay out, construct, complete, main- Bridge over
tain, work, manage and use a railway bridge, with the neces- Niagara river.
sary approaches, over the Niagara river, from some convenient
point on the Canadian side at or near the town of Niagara
Falls, to a point on the American side, and may connect the
same with any railway or railways on either side of the said
river; but the Company shall not commence the actual erection Conditions
of the said bridge until an Act of the Congress of the United precedent to
States, or an Act of the Legislature of the State of New York, construction.
has been passed authorizing or approving the bridging of the
said river as aforesaid, nor until the Executive of the United
States

States has consented to and approved such bridging; but the Company may, in the meantime, acquire the lands, submit their plans to the Governor in Council, and do all other things authorized by this Act, except the commencement of the actual construction or erection of the bridge.

Approval of plans by Governor in Council.

4. The Company shall not commence the bridge or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until the plans and site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works have been complied with; nor shall any such plans be altered, or any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes.

Co-operation.

5. The Company may, after obtaining the sanction of the Governor in Council in the manner provided in section two hundred and thirty-nine of "*The Railway Act*," and subject to the provisions contained in sections six and seven of this Act—

With Company in United States.

(a.) Unite with any other company incorporated in and under the laws of the State of New York or of the United States, in building the bridge and its approaches, and in working, managing, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its appurtenances;

With Company in Canada.

(b.) Unite with any other company incorporated under the laws of Canada or of the Province of Ontario, or with any body corporate, in building the said bridge and approaches and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation respecting the construction, maintenance, management and use thereof.

No discrimination in use of bridge.

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

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

Disputes adjusted by Railway Committee.

8. In case the State of New York or the United States at any time provide for the appointment of a commission for regulating the working of the bridge, the use thereof and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he thinks proper, and appoint one or more persons as members of the said commission; and the decisions of the said commission shall first be submitted to the Governor in Council, and if approved of shall thereafter be final and conclusive to the extent to which the same are final and conclusive by virtue of the provisions made by the State of New York or the United States.

International commissioners to regulate working of bridge.

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

Provisional directors.

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

Capital stock and calls.

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

Annual general meeting.

12. 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,—three of whom shall be a quorum for the transaction of business, and one or more of whom may be paid directors of the Company.

Election of directors.

Quorum.

13. The Company may issue bonds, debentures or other securities to an amount not exceeding one million dollars in aid of the construction of the bridge; and such bonds may be secured by a deed of mortgage; and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations,—which rates and tolls shall also be charged as security for such bonds.

Issue of debentures.

Provision if
bridge is used
for general
traffic.

14. The Company may construct and use the said bridge for general traffic as well as for railway purposes, in which event the construction and operation thereof shall be subject to the aforesaid conditions and restrictions; and the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time, by the Governor in Council, but the Company may at 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.

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54-55 VICTORIA.

CHAP. 68.

An Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes.

[Assented to 28th August, 1891.]

WHEREAS William C. Van Horne, William Farwell and James T. Furber, hereinafter referred to as "the trustees," have, by their petition, represented that under the provisions of the Act passed by the Legislature of the Province of Quebec in the session held in the forty-third and forty-fourth years of Her Majesty's reign, chapter forty-nine, and of the indenture of mortgage dated the twelfth day of August, one thousand eight hundred and eighty-one, authorized by the said Act, and duly executed in pursuance thereof by the South Eastern Railway Company, as security for the payment of the mortgage bonds of the said company as therein mentioned, the railway and franchises and other property of the said company became, some years ago, absolutely vested in them in satisfaction of all claims against the said company, on account of capital or interest due or to become due on such bonds, and thereupon they became, and have since continued to be, the absolute owners of the said railway and franchises and other property, free from any right of redemption, with power to run, operate and manage the said railway and other property in trust for the holders and owners of the said bonds, since which time they, the trustees, have been in undisputed possession of the same, and have caused the same to be used and operated, as private property, for the benefit of the said bondholders,—and they have further represented that it would be in the interest of the public and to the advantage of the said bondholders if they became incorporated as a joint stock company, with power to hold, use and operate the said railway and franchises and other property on the terms hereinafter mentioned,—and they have prayed that the said bondholders be so incorporated; and whereas the holders of a large proportion of the said bonds have in writing expressed their concurrence in the said petition; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of

Preamble.

Que. 43-44 V.
c. 49.

the Senate and House of Commons of Canada, enacts as follows :—

Incorporation.

1. The holders of the bonds of the South Eastern Railway Company, or of the coupons for interest thereon issued in connection with the indenture of mortgage mentioned in the preamble to this Act, who are entered on the register of shareholders by the trustees as hereinafter provided, are hereby constituted a body corporate under the name of "The Montreal and Atlantic Railway Company," hereinafter called the Company.

Corporate name.

Head office.

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

Lines of railway described.

3. The Company may acquire, by construction or otherwise, and may own and operate a railway of the gauge of four feet eight and one-half inches, between a point in the town of Farnham, in the Province of Quebec, and the province line at the town of Newport, in the State of Vermont, and another between a point on the said railway in the township of Sutton and the town of Sorel, in the district of Richelieu, by way of Acton and Drummondville, together with a branch line between Drummondville and L'Avenir,—which railways are hereby declared to be works for the general advantage of Canada.

Declaratory.

Provisional management.

4. The affairs of the Company shall be administered and its powers exercised by the trustees until the first general meeting of the shareholders.

Capital stock and shares.

5. The capital stock of the Company shall be three million two hundred thousand dollars (equal to the amount of unpaid principal and interest of the said bonds, reckoned up to the first day of April, one thousand eight hundred and ninety-one), divided into shares of one hundred dollars each.

Annual general meeting.

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

Register of bondholders.

7. As soon after the passing of this Act as they deem it expedient so to do, and at all events on or before the first day of October next after this Act comes into force, the trustees shall open a register in which they shall enter the name of each person whom they ascertain to be a holder of any of the said bonds, and the coupons for interest thereon which have fallen due on or before the first day of April, one thousand eight hundred and ninety-one, or of any or either of them, as well as the amount of the said bonds and coupons, or either of them, held by such holder; and every such holder may of his own motion apply to the trustees to have his name and the amount of his holding entered on such register, and, on giving reasonable evidence of his right, they shall be entered accordingly.

8. Upon the name of each such holder being entered on the said register, he shall become a shareholder of the Company owning paid-up shares in its capital stock to the aggregate amount of the said bonds and coupons, or either of them, then held by him, after which his shares shall be transferable in all respects as if he had subscribed for them and obtained them in the way usually adopted with respect to shares in joint stock railway companies.

Effects of entry in register.

9. There shall be a general meeting of the shareholders of the Company at the office of the trustees in Montreal, at noon, on the first Wednesday in October next after this Act comes into force, and the trustees shall submit to such meeting a list of the shareholders as then shown on the said register; and thereupon such of the said shareholders as are present at the said meeting, or represented thereat by proxy, shall proceed to elect, of their number, a board of five directors, three of whom shall be a quorum for the transaction of business; and the number of directors shall thereafter be five.

First meeting of shareholders.

Board of directors.

10. Upon the submission of the said list of shareholders to the said meeting, the Company shall be deemed to be organized; and thereupon, without any other formality, the said South Eastern Railway, with all and singular the property, real and personal, movable and immovable, appertaining thereto or connected therewith, including all leases of other roads, and all rights of every nature then held and possessed by the trustees, as such, shall be vested absolutely in the Company, and the said trust shall, *ipso facto*, cease and be determined, and the trustees shall be absolutely discharged of and from the said trust, subject to the provisions of this Act, and thenceforth the said bonds and the coupons of interest due or to become due thereon shall be held to have been paid and satisfied, and all the rights, powers, privileges and franchises theretofore vested in the trustees or which they could have exercised had this Act not been passed, and all the rights, powers, privileges and franchises theretofore possessed and enjoyed by the said South Eastern Railway Company, or which were or could have been legally exercised by that company, shall be vested in and enjoyed by the Company hereby incorporated, as fully and perfectly as if they had been expressly conferred by this Act.

Transfer of South Eastern Railway to the Company.

11. The Company may issue bonds, debentures or other evidences of debt to the extent of twelve thousand five hundred dollars per mile of its railway actually constructed, and may mortgage all or any of its properties as security therefor.

Issue of bonds limited.

12. The Company may enter into an agreement with the Atlantic and North-West Railway Company, the Grand Trunk Railway Company of Canada, or the Canadian Pacific Railway Company, for conveying or leasing to such company the railway

Agreement with another company.

Sanction of shareholders and of the Governor in Council.

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 other company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that the agreement has been first sanctioned by the consent, in writing, of every shareholder of the Company, and by the Governor in Council; or failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at a special general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette*, and in a newspaper published at Montreal, for at least four weeks previous to the hearing of such application.

Rights saved.

13. This Act shall, in no way, affect any suit at law now pending to which the trustees are a party; nor shall it affect or invalidate any contract or quasi-contract now existing to which the trustees are a party; but with respect to all such suits, contracts and quasi-contracts, as well as all other liabilities and obligations, the Company shall stand in the place and stead of the trustees, and be held to have assumed all their rights and liabilities; and all rights, actions and remedies, which any one could urge or enforce against the trustees previous to the passing of this Act, may be, after the passing of this Act, urged and enforced with equal validity against the Company and against the Company only.

Company liable for certain claims.

14. The Company hereby incorporated shall be liable for all claims in respect of land taken for right of way as fully as the South Eastern Railway Company or the trustees are liable at the passing of this Act, and the Company shall not be entitled to set up any right of prescription in respect of such claims.

Certain matters not affected.

15. Nothing in this Act shall prejudice or affect any right of the Government of the Province of Quebec, in respect of the tax imposed by law on commercial corporations, or any claim of any person against the trustees in respect of their Acts as such trustees or the lien referred to in section one of the Act of the Legislature of the Province of Quebec, 44 and 45 Victoria, chapter 43 in respect of the bonds therein stated as having been already issued.

Judicial sale of railway.

16. Notwithstanding anything in this Act contained, any of the present holders of the said bonds, as shareholders of the Company, or otherwise may, at any time, apply to any court for, and any court may grant an order for a sale of the said railway and other properties, in the same way and to the same extent

extent as if this Act had not been passed, but not in any other way or to any greater extent

17. This Act shall not come into force until after the holders of three-fourths in amount of the said bonds sign a consent in writing thereto and file such consent in the office of the Secretary of State at Ottawa. Commence-
ment of Act.

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54-55 VICTORIA.

CHAP. 69.

An Act respecting the Grand Trunk Railway Company of Canada.

[Assented to 10th July, 1891.]

Preamble.

WHEREAS the Grand Trunk Railway Company of Canada have, by their petition, prayed that an Act be passed amending, as hereinafter set forth, the Act passed in the fifty-first year of Her Majesty's reign, chapter fifty-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:—

51 V., c. 58.

Section 10 repealed.

1. Section ten of the Act cited in the preamble to this Act is hereby repealed.

Line of railway described.

2. The Grand Trunk Railway Company of Canada may lay out and construct a line of railway from a point on their line at or near Glencoe, to a point on their Sarnia Branch, at or near Kingscourt, in the County of Lambton; and all the provisions of "*The Railway Act*," and of the statutes relating to the Company, shall apply to the line hereby authorized to be constructed.

Time for construction.

3. The line hereby authorized shall be commenced within two years and completed within four 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 line as then remains uncompleted.

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54-55 VICTORIA.

CHAP. 70.

An Act respecting the Canadian Pacific Railway Company.

[Assented to 10th July, 1891.]

WHEREAS the Canadian Pacific Railway Company, herein- Preamble.
after called the Company, has, by its petition, prayed that the powers hereinafter mentioned be conferred on the Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Company may acquire by purchase the whole or any Company may acquire railway of any company empowered to sell by Dominion Parliament.
part of the railway and its appurtenances of any other company in Canada, which has been empowered, either in general terms or by special enactment, by the Parliament of Canada to sell the same to the Canadian Pacific Railway Company, and for such price and upon such terms and conditions as are, from time to time, agreed upon by the boards of directors of the respective companies; and any conveyance made in pursuance of this enactment shall be as valid and effectual as if it had been set out and specially authorized and confirmed by this Act; provided, however, that every such purchase shall be Approval of shareholders.
subject to the approval of two-thirds of the votes of the shareholders of the Company present or represented at an annual general meeting or a special general meeting duly called for the purpose; and thereafter the Company may acquire and hold shares, bonds or other securities of such other company.

2. The Company may, from time to time, sell and convey free Sale of surplus lands
from incumbrance such of its surplus lands as it thinks fit,—the proceeds to be applied to the acquisition of rolling stock or other equipment for the Company's railway, or to such permanent improvements of its line as the Company deems expedient; and any other company whose railway forms part of the Canadian Pacific Railway Company's railway system may, with the consent of the Canadian Pacific Railway Company,

What are not
surplus lands.

pany, sell and dispose of its surplus lands in like manner, and subject to the like condition,—surplus lands, for the purposes of this section, not to include any land which is required in connection with the company's railway business, or any land to which it is or may become entitled by way of subsidy under the terms of the Act which authorized its incorporation.

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54-55 VICTORIA.

CHAP. 71.

An Act further to amend "The Canadian Pacific Railway Act, 1889."

[Assented to 10th July, 1891.]

WHEREAS the Canadian Pacific Railway Company, herein-
after called "the Company," has, by its petition, represented that the completion and operation by the Company of the railways hereinafter referred to, will be a public benefit, and will be facilitated by the Company being authorized to issue consolidated debenture stock in the manner and to the extent hereinafter mentioned, and has prayed for authority so to do; 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, 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, to the extent and for the purposes hereinafter specified, issue consolidated debenture stock in addition to that which it may issue under "The Canadian Pacific Railway Act, 1889," either in its original shape, or as amended by the Act passed in the fifty-third year of Her Majesty's reign, chapter forty-seven,—such additional stock to be payable either in Canadian currency or in sterling money of Great Britain, bearing interest at a rate not exceeding four per cent per annum, and to be composed of the following amounts:—

(a.) Such amounts as are issued for the purpose either of satisfying or acquiring bonds which the Company has issued in aid of the construction and equipment of the branch of its railway known as "The Souris Branch," consisting of the following lines, that is to say: one from Kemnay, in Manitoba, a point on its main line of railway, to Melita, a point in or near township three, range twenty-seven west of the first principal meridian, and thence westerly to a point distant from Kemnay (by the said line) one hundred miles; one

from Melita easterly to Deloraine; one from some point on the first described line between Kemnay and Melita (inclusive) to Glenboro', (the said lines covering a mileage of about one hundred and eighty-five miles), as well as such additional line or lines as the board of directors may, from time to time by resolution, declare to be a portion or portions of the Souris Branch of the Canadian Pacific Railway (the Company being at the time of the passing of this Act empowered by its charter to construct the same); provided that such additional line or lines shall be embraced within two extensions westerly from the line (one hundred miles in length) first above described to such respective points further west as may be, from time to time, adopted as the western limit thereof by resolution of the board of directors; together with such spurs and connections to any of the said lines or extensions as the said board may, from time to time by resolution, determine; such bonds being secured by a mortgage on the Souris Branch, dated the tenth day of June, one thousand eight hundred and ninety, and the issue thereof being limited to four thousand pounds sterling per mile of the said branch, bearing interest at a rate not exceeding four per cent per annum, payable half yearly, or if there be any portion or portions of the said Souris Branch in respect of which bonds shall not have been so issued, then for the purpose also of aiding in the construction and equipment of such portion or portions, without the issue of bonds; provided that the aggregate amount of the stock to be so issued in respect of the said Souris Branch shall, at no time, exceed the limit of four thousand pounds sterling per mile thereof;

Acquisition of bonds of Columbia and Kootenay Railway and Nav. Co.

(b.) A further amount for the acquisition or satisfaction of bonds issued by the Columbia and Kootenay Railway and Navigation Company and secured by mortgage dated the twenty-fifth day of August, one thousand eight hundred and ninety, to the aggregate amount of five thousand pounds sterling per mile,—the interest thereon at the rate of four per cent per annum, payable half yearly, being already guaranteed as a rental by the Canadian Pacific Railway Company; such bonds having been issued in aid of the construction of a line of railway from the outlet of Kootenay lake through the Selkirk range of mountains to a point on the Columbia river near the junction of the Kootenay river in British Columbia, a distance of about twenty-eight and one-half miles, together with such spurs or branches as it may construct, not exceeding in the aggregate the length of twenty miles,—which line is now under lease to the Company for a term of nine hundred and ninety-nine years;

Acquisition of bonds of Manitoba South-Western Colonization Railway Co.

(c.) A further amount for the purpose of satisfying or acquiring bonds to the extent of seventy-two thousand dollars, issued by the Manitoba South-Western Colonization Railway Company, in aid of the construction or equipment of its railway, and secured by mortgage thereon, in addition to the amount.

amount of two million five hundred and forty-four thousand dollars mentioned in the schedule to the said "The Canadian Pacific Railway Act, 1889," the said railway being now under lease to the Company in perpetuity ;

(d.) A further amount for the purpose of satisfying or acquiring such obligations as the Company has entered into in respect of the acquisition, construction, completion or equipment of the Lake Temiscamingue Colonization Railway, having a length not exceeding one hundred and ten miles ; provided that the amount of stock to be so issued in respect of that railway shall, at no time, exceed twenty thousand dollars per mile thereof ;

Lake Temiscamingue Colonization Railway.

(e.) A further amount for the purpose of satisfying or acquiring obligations which the Company has entered into in respect of the acquisition, construction, completion or equipment of the Calgary and Edmonton Railway, having a length not exceeding three hundred and twenty miles ; provided that the amount of stock to be issued in respect of that railway shall, at no time, exceed twenty thousand dollars per mile thereof ;

Calgary and Edmonton Railway.

(f.) A further amount for the construction and equipment of a railway about twenty-seven miles in length, between a point at or near Saskatoon and a point on the North Saskatchewan river, in pursuance of a covenant between the Company and Her Majesty the Queen, acting in the interest of the Dominion of Canada ; provided that the amount of stock to be so issued in respect of that railway shall, at no time, exceed twenty thousand dollars per mile thereof ;

Construction of Saskatoon and Saskatchewan Railway.

(g.) The Company may not, for the purpose of satisfying or acquiring any one of the obligations mentioned in paragraphs (a) (b) or (c) of this section, issue consolidated debenture stock bearing an annual charge by way of interest exceeding in amount that borne by such obligation ; but as often as any one of such obligations shall have been fully satisfied or acquired, and the debenture stock issued in respect of it shall bear an annual charge by way of interest less in amount than that borne by such obligation, then the Company may, for its general purposes, issue so much additional consolidated debenture stock as shall bear an annual charge by way of interest not exceeding in amount the difference between that borne by such obligation and that borne by the consolidated debenture stock issued in respect of it ;

Proviso.

(h.) The consolidated debenture stock authorized to be issued under paragraphs d, e and f of this section and the proceeds thereof, if sold, shall be used exclusively for the respective purposes above mentioned and for no other purposes whatever.

Proviso.

2. When the purpose is accomplished for which any of the said consolidated debenture stock is issued as aforesaid, the railways, works and other property in respect of which such stock was issued shall *ipso facto* become part of the railway system of the Company, and thereupon the title and

When lines shall form part of C. P. R.

Rights, &c.,
not affected.

Equal rights
of stockhold-
ers.

interest of the Company therein shall be charged with the payment of all consolidated debenture stock issued under either "*The Canadian Pacific Railway Act, 1889*," or this Act, and the respective rights, powers, privileges and liabilities of the Company and of every holder of any of the said consolidated debenture stock shall be the same as if such railways, works and other property had been part of the railway system of the Company at the passing of that Act; and the holders of consolidated debenture stock issued under this Act shall, at all times, have equal rights in all respects and shall rank *pari passu* with holders of stock issued under that Act, either in its original form or as amended by the Act passed in the fifty-third year of Her Majesty's reign, chapter forty-seven.

52 V., c. 69,
s. 6, to apply
to satisfied
obligations.

3. The provisions of section six of "*The Canadian Pacific Railway Act, 1889*," shall apply to all obligations which are satisfied or acquired by the issue of consolidated debenture stock under this Act.

52 V., c. 69,
s. 10 amended
as to surplus
lands.

4. Section ten of "*The Canadian Pacific Railway Act, 1889*," is hereby amended by adding thereto the following words: "nor shall it apply to any surplus lands of the Company, that is, lands not required by the Company in connection with its railway business."

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54-55 VICTORIA.

CHAP. 72.

An Act to confirm an Agreement between the Shuswap and Okanagan Railway Company and the Canadian Pacific Railway Company, and to grant further powers to the Shuswap and Okanagan Railway Company.

[Assented to 10th July, 1891.]

WHEREAS the Shuswap and Okanagan Railway Company Preamble. and the Canadian Pacific Railway Company have, by their petitions, prayed that an Act be passed authorizing them to carry out the agreement which they have executed conditionally, a copy of which is contained in the schedule to this Act; and whereas the Shuswap and Okanagan Railway Company have also, by their petition, prayed for certain additional powers, as hereinafter set forth, and it is expedient to grant the prayers 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 between the Shuswap and Okanagan Railway Company, hereinafter called the Company, and the Canadian Pacific Railway Company, dated the twenty-fifth day of March, one thousand eight hundred and ninety, set out in the schedule hereto, is hereby approved of, ratified and confirmed, and declared to be valid and binding on the parties thereto; and each of the companies, parties thereto, may do whatever is necessary to give effect to the substance and intention of the said agreement. Agreement ratified.

2. Nothing in this Act or in the said agreement contained, shall be held to relieve either of the said companies from any of its duties or liabilities under the railway laws of Canada. Railway laws to apply.

3. In case the Company and the Canadian Pacific Railway Company shall, within one year after the passing of this Act, enter into a valid agreement for the operation by the latter company of the extension hereinafter described, then the Company Extension of Line.

pany may build and construct an extension of their line of railway from a point at or near the present terminus to a point on the international boundary at or near Osooyos lake, and all the powers and provisions of the Act of the Parliament of Canada incorporating the Company, and the Act amending the same, including the power to issue bonds in respect of such extension, at the rate and in the manner authorized by the said Acts in regard to the line of railway heretofore authorized to be built, shall apply to such extension of the said line of railway.

SCHEDULE.

THIS INDENTURE made the twenty-fifth day of March, one thousand eight hundred and ninety, between the Shuswap and Okanagan Railway Company, hereinafter called the Shuswap Company, of the one part, and the Canadian Pacific Railway Company, hereinafter called the Pacific Company, of the other part:

Whereas the Shuswap Company was incorporated by an Act of the Parliament of Canada, passed in the forty-ninth year of the reign of Her Majesty Queen Victoria, with authority to lay out and construct a railway from a point on the Canadian Pacific Railway at Sicamous Narrows, and running thence up the left bank of the Shuswap river, and continuing in the same general direction to a point on Okanagan lake, near the north end of the lake, and the said Shuswap Company intends to proceed with the early construction of the said railway, which whole railway is hereinafter referred to as "the projected railway;"

And whereas a subsidy has been granted to the said railway by the Parliament of Canada, and another by the Legislature of the Province of British Columbia;

And whereas an arrangement has been agreed upon with the Government of the Province of British Columbia whereby, in lieu of the said two subsidies, the said Government will guarantee the interest at the rate of four per cent. per annum, for twenty-five years upon bonds of the Shuswap Company not exceeding in the aggregate the sum of one million two hundred and fifty thousand dollars;

And whereas the said Government requires, before giving such guarantee, a satisfactory contract between the parties hereto for the operation of the said railway when built, for a period not less than the term of the Government's guarantee, and on the other conditions as hereinafter set forth;

And whereas it is desirable to express in writing the terms of the proposed lease and agreement for the operation of the said railway;

Now this Indenture witnesseth that the Shuswap Company covenants with the Pacific Company and its assigns as follows, that is to say:—

1. The Shuswap Company will acquire in fee simple, or with as absolute a title as "*The Railway Act*" permits to be obtained by expropriation, the lands for right of way and stations, and all other lands necessary for the railway and appurtenances to be by it constructed as hereinafter mentioned, and will (except as to rolling stock, tools and furniture) construct thereon and complete the projected railway, that is to say, a railway from a point on the Canadian Pacific Railway at Sicamous Narrows and running thence up the left bank of Shuswap river, and continuing in the same general direction, to a point on Okanagan lake, near the north end of the lake, according to the specifications hereto attached, these being substantially the same as those prescribed by the Government of Canada in respect to the said subsidy to the Shuswap Company's railway,—such completion to be established by certificates as hereinafter mentioned; and when so completed and ready in all respects to meet the requirements of traffic thereon, except rolling stock, tools and furniture, then the Shuswap Company will, by an indenture of lease under seal, demise and set over the same and all the lands, properties and appurtenances connected or intended to be used therewith, and the powers, privileges and franchises of the Shuswap Company in respect thereof to the Pacific Company and its assigns, for a term of twenty-five years, at the rent and on the terms hereinafter specified,—which period of twenty-five years is hereinafter referred to as "the said term;" and the said lease shall contain covenants on the part of the Shuswap Company to the following effect, namely:—

2. During the said term the Pacific Company may exercise all the franchises and powers of the Shuswap Company in respect of the running of the said railway, and of every part thereof, and also in respect of the acquisition of increased areas of land for station grounds, right of way, protection against snow, sidings and other purposes, and may take such legal proceedings as are deemed to be necessary or expedient in the exercise of the said franchises and powers, or any of them; and for that purpose may use the name of the Shuswap Company, and of the officers thereof,—which officers are hereby authorized and required, upon the demand of the Pacific Company, to append their signatures and to affix the seal of the Shuswap Company to any document which may be useful in the exercise of any such franchise:

3. The Shuswap Company will, at the request of the Pacific Company, affix the name and seal of the Shuswap Company, and do all acts, matters and things, as and when the same may be necessary for the convenient, efficient and effectual working of the said railway, and for carrying out and giving effect to the lease to be made as aforesaid; and the Pacific Company may, during the said term, make and enforce such lawful rules, regulations and by-laws, touching or concerning the running and operation of the said railway as shall be required for the efficient and advantageous administration, management

and operation thereof, and for the preservation of order thereon, and may fix and regulate from time to time, and amend and alter the tariff of rates and tolls to be exacted for the carriage of freight and passengers over the said line ; and if the Pacific Company shall deem it expedient that such by-laws, rules and regulations, or tariff, or any of them, should be made by the Shuswap Company, then the shareholders, board of directors, and officials of the Shuswap Company shall make such by-laws, rules, regulations, and do all such matters and things to complete and perfect the same, as shall reasonably be required of them, but such by-laws, rules and regulations, and such tariff, by whomsoever made and passed, shall be subject to the provisions of any Act or Acts of the Dominion Parliament applicable to the said railway ; and the Shuswap Company will allow the Pacific Company to use the name of the Shuswap Company in any suit or proceeding in which it will be necessary to use the same in connection with the working of the railway, but all costs, damages and expenses which may arise from the use of the name of the Shuswap Company shall be borne and paid by the Pacific Company.

4. The Pacific Company paying the rent, and observing the provisions of the said lease and all covenants on their part to be fulfilled, shall have peaceable and undisturbed possession of the railway and the properties, rights and franchises to be demised as aforesaid during the said twenty-five years, without any lawful interruption by the Shuswap Company or any other person or persons whomsoever.

5. And the Pacific Company covenants with the Shuswap Company and its assigns as follows, that is to say :—

6. Upon the acquisition, construction and completion as aforesaid of the projected railway, the Pacific Company will join in executing the said lease thereof, and will take over the same and will, during the said term, operate and work the same regularly and sufficiently as part of the Canadian Pacific railway system, and will, at its own expense for the said term, find all necessary means, men, rolling stock, tools, furniture, appliances and labour ; and the said lease shall contain covenants on the part of the Pacific Company to the following effect, namely :—

7. During the said term the Pacific Company will pay the Shuswap Company, quarterly by way of rent, a sum equal to forty per cent. of the amount actually received by it as gross earnings from such railway and appurtenances, without any deduction whatsoever on account of operating expenses, taxes or any other outlay which the Pacific Company is to bear under the terms of this indenture, except as is hereinafter provided for.

8. During the said term the Pacific Company will keep the said railway and all buildings, properties and appurtenances connected therewith in good repair, order and condition, except in so far as the same may be deteriorated by age and reason-

able wear and tear, and will, during the said term, pay all taxes, assessments and impositions which may become payable either by landlord or tenant in respect of the said railway or the traffic over it, including any tax which may be levied by the Provincial Government.

9. During the said term, the Pacific Company will render to the Shuswap Company, quarterly, just and true accounts and statements in writing of the said earnings, and will allow proper inspection of all books, accounts, returns and vouchers, for the purpose of checking and verifying the same or any of them, —such quarterly accounts to be rendered not later than the last days of January, April, July and October, in each year, for the quarter year ending on the last day of the month previous, —such accounts to show the gross earnings of the said railway under the following heads: "Passengers," "Freight," "Mail," and "Sundries," the last named term to cover everything not included under the other three headings; and the Shuswap Company shall have the right, from time to time, to employ an auditor to investigate the accuracy of the said statements or accounts, and the Pacific Company shall, from time to time, afford all proper facilities for such investigation: and the Pacific Company shall pay forty per cent. of the said gross earnings when the quarterly statements or accounts are rendered as aforesaid, but the acceptance of any such payment before an audit or verification shall not prejudice the rights of the Shuswap Company to an audit or verification, or to demand and collect such further sum, if any, as it shall be justly entitled to.

10. The Pacific Company will, during the said term, provide and run over the said railway duly equipped trains for the carriage of passengers and freight, as frequently as shall be necessary for the traffic of the country through which the said railway is constructed, and except during the period of a strike (if any occur) amongst employées of the Pacific Company, and unless some accident prevent it, the Pacific Company will run during summer months at least one train carrying passengers, each way, on every business day; and during the rest of the year at least one such train, one way, on every business day; and, generally, will operate and work the said railway so as to secure therefor as much traffic as is possible, within such limit of expenditure as would be adopted by any well managed railway company working the same entirely on its own account.

11. The words "gross earnings" herein mean the amount actually received for all tolls, rates, charges and other payments for the carriage of any passenger, animal, vehicle, goods, merchandise, matter or thing conveyed on the said railway, or any part thereof, together with the *pro rata* mileage proportion of the joint earnings on all traffic interchanged between the said railway and that of the Pacific Company, or in respect of the exercise by any other railway of running powers over the said railway so to be leased as aforesaid, without any deduction whatsoever.

12. The Pacific Company will protect the Shuswap Company against any loss, damage or claim that may arise in working the said railway under the said lease, and shall do and perform all the acts, conditions, matters and things which the Shuswap Company are bound by their charter to do and perform in respect of the said railway and of the Government of Canada.

13. The Pacific Company shall bear and pay all expenses incurred in doing and performing all such acts, matters and things as are now or may hereafter be required for the maintenance and operation of the said railway, in conformity with the laws of the Dominion of Canada.

14. At the expiration or other determination of the said twenty-five years, the Pacific Company will yield up the said railway and other immovable property to the Shuswap Company in as good general plight and condition as the same were at the commencement of the said lease, save and except the natural deterioration thereof by age, and wear and tear.

15. And the parties hereto mutually agree each with the other that the said lease shall contain mutual agreements and clauses to the following effect, namely:—

16. In case any dispute shall arise as to the correctness of statements or accounts of earnings to be, from time to time, rendered by the Pacific Company as aforesaid, the same shall, from time to time, be referred to the final arbitrament and decision of an accountant to be agreed upon by the parties, in writing, or, failing such agreement, to be nominated, upon application of either party, by the Auditor General of the Dominion of Canada,—one week's notice of such application being first given to the other party.

17. And any such notice may be given by serving the same on the president, vice-president, secretary or treasurer of either of the parties hereto, or by registered letter addressed to its head office.

18. In the event of the non-payment of the rental reserved by the said lease for the space of sixty days after any instalment thereof shall fall due according to the terms hereof or in the event of substantial failure to maintain, work, operate or repair the said railway for the space of sixty days, continually, after written demand, the said Pacific Company shall be liable to pay, and hereby covenants to pay, to the Shuswap Company the sum of fifty dollars per day as liquidated damages for every day during which the said rent shall remain unpaid, and fifty dollars as liquidated damages for every day during which the Pacific Company shall fail to work and operate the said railway according to the true intent and meaning of the said lease.

19. In the event of the non-payment of any one quarter year's rent, under such lease, it shall be lawful for the Shuswap Company to distrain for the amount due for the next preceding quarter year, or for the amount of the last quarterly

account rendered, and such amount shown as due shall be considered to be fixed and ascertained rents for the purpose of enabling the Shuswap Company to distrain the same if necessary.

20. During the said term the Pacific Company shall not transfer or set over, or otherwise by any Act or deed procure the said railway or the said premises so to be demised as aforesaid, or the said lease or any part thereof to be assigned, transferred, set over, or subject to any person or persons whatsoever, or to any corporation whatsoever, without the consent in writing of the Shuswap Company, or its assigns first had and obtained :

21. Provided always, and it is hereby expressly agreed, that if the rent thereby reserved or payable thereunder, or any part thereof, shall be unpaid and shall so remain for thirty days after notice in writing of such default shall be given to the Pacific Company, although no formal demand shall have been made thereof, or in case of the breach or non-performance of any of the covenants or agreements therein contained on the part of the Pacific Company, and the continuance of such breach after thirty days' notice thereof in writing, then and in either of such cases it shall be lawful for the Shuswap Company, or its assigns, to annul and set aside said intended lease, and to declare the same to be forfeited and at an end, and to enter into possession of the said railway and of all other premises thereby demised, and to have again, repossess and enjoy the same as of its former estate, anything herein contained to the contrary notwithstanding.

22. The projected railway shall be deemed to be acquired, constructed and completed within the meaning of these presents as soon as the Dominion Government engineer shall have certified in writing that the Shuswap Company has acquired, constructed and completed the same so as to be entitled to the Dominion subsidy in respect thereof, and the chief engineer of the Pacific Company, or some other engineer appointed by it for that purpose, shall have also certified in writing that it has been acquired, constructed and completed according to the terms of this indenture and the said specifications attached hereto. And if any dispute arise between the parties to this indenture respecting the propriety of the said chief engineer, or other engineer of the Pacific Company so certifying, it shall be finally settled by an award of any two or three arbitrators, to be chosen as follows : Each one of the parties shall choose one arbitrator and a third shall be appointed by the two so chosen ; but if the two fail to choose a third within one month after the last of the two is appointed, then, on application to any judge of the Supreme Court of British Columbia by either party, such judge may appoint the third arbitrator,—the said award to be given in writing within three months after the appointment of such third arbitrator. And if the arbitrators decide that the Shuswap Company is entitled to a certificate more favourable than any given by the said chief engineer, or other engineer of

the Pacific Company, then the parties' rights shall stand as if he had given the certificate which the arbitrators may decide he ought to have given.

23. Section fourteen of the said specifications shall be held to include sufficient round-house accommodation, together with the necessary turn-table, sidings, Y's, and coaling facilities at the place of junction with the Pacific Company at Sicamous Narrows, and suitable station buildings and sidings at intervals of about eight miles from the said junction to the terminus of the line, or at such other points as may be approved by the Pacific Company; also water-tanks, with pumps and fixtures complete, of the Canadian Pacific standard, connected with a good and sufficient water supply at intervals of about sixteen miles from the said junction, and a station building, a round-house with stalls for four engines, a turn-table at least fifty-five feet in length, all the connecting tracks, and at least five thousand feet of side tracks, together with a water-tank and fixtures connected with a suitable and sufficient water supply, and such coal-shed or other facilities as are ordinarily provided at a divisional point, at the terminus,—all to be constructed according to plans to be approved by the Canadian Pacific Railway.

24. Throughout this indenture the mention of either party is intended to include also the assignee or assignees of such party.

25. It is further understood and agreed that the freight and passenger rates to be charged by the Pacific Company on the projected railway shall not exceed the local rates for similar distances on the contiguous section of the main line in British Columbia.

26. This indenture to be binding on the said parties as soon as any Act of the Parliament of Canada shall make it valid, and shall authorize the respective parties to do whatever may be required to give effect to it.

27. Notwithstanding anything contained in clauses seven and eight, if the aggregate of the taxes payable at any time or times to the Provincial Government and all local municipalities and other organizations, when taken together in respect of the demised properties and the operations of the said railway exceed what would be payable in respect of the same if the assessment and taxation were made substantially on the same principle as that now enforced by law in Ontario, then the excess shall be borne by the Shuswap Company, and if paid in the first instance by the Pacific Company, it may be deducted from any rent which shall mature thereafter.

In witness whereof, the parties hereto have hereunto affixed their corporate seals and the signatures of the proper officers, the day and year first above written.

SHUSWAP AND OKANAGON RAILWAY CO.,

[L.S.]

P. LARKIN,

President.

M. LUMBY,

Secretary.

THE CANADIAN PACIFIC RAILWAY CO.,

[L.S.]

W. C. VAN HORNE,

President.

C. DRINKWATER,

Secretary.

Signed, sealed and delivered in
the presence of

As to the signatures by P. Lar-
kin, W. C. Van Horne, and
C. Drinkwater,

GEO. M. CLARK.

As to signature by M. Lumby,
B. H. TYRWHITT DRAKE.

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



54-55 VICTORIA.

CHAP. 73.

An Act to confirm a lease made between the Guelph Junction Railway Company and the Canadian Pacific Railway Company, and for other purposes.

[Assented to 10th July, 1891.]

Preamble.

WHEREAS a petition has been presented praying that an Act be passed confirming a lease made between the Guelph Junction Railway Company and the Canadian Pacific Railway Company, and that the time be extended for the construction of a portion of the Guelph Junction Railway as hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lease between Company and C. P. R. ratified.

1. The indenture of lease made between the Guelph Junction Railway Company as lessor and the Canadian Pacific Railway Company as lessee, dated the first day of January, one thousand eight hundred and ninety-one, and registered in the Registry Office at the city of Guelph as number 5078 in liber 11 East for the city of Guelph, is hereby approved of, ratified and confirmed and declared to be valid and binding on the parties thereto; and each of the said parties may do whatever is necessary to give effect to the substance and intention of the said indenture of lease.

Extension of railway.

2. The Guelph Junction Railway Company may proceed to construct the extension authorized by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter fifty-nine, provided that the same shall be commenced within two years and completed within five years from the passing of this Act; otherwise the powers hereby granted in respect thereof shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Time limited.



54-55 VICTORIA.

CHAP. 74.

An Act to confirm an Indenture made between the New Brunswick Railway Company and the Canadian Pacific Railway Company.

[Assented to 31st July, 1891.]

WHEREAS the New Brunswick Railway Company and the Canadian Pacific Railway Company have, by their joint petition, prayed that an Act be passed confirming an indenture which they have executed conditionally, a copy of which is contained in the schedule to this Act, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The indenture made between the New Brunswick Railway Company and the Canadian Pacific Railway Company and dated the first day of July, one thousand eight hundred and ninety, of which a copy is set out in the schedule hereto, is hereby approved of, ratified and confirmed, and declared to be valid and binding on the parties thereto; and each of the companies parties thereto may do whatever is necessary to give effect to the substance and intention of the said indenture.

Agreement confirmed.

2. Nothing in this Act, or in the said indenture, or the schedule thereto, shall be held to relieve either of the said companies from any of its duties or liabilities under the railway laws of Canada.

Railway laws to apply.

SCHEDULE.

THIS INDENTURE made the first day of July in the year of Our Lord one thousand eight hundred and ninety, between the New Brunswick Railway Company, hereinafter called the lessor, of the one part, and the Canadian Pacific Railway Company, hereinafter called the lessee, of the other part:

WHEREAS the lessor is the owner of certain lines of railway in the Province of New Brunswick, Dominion of Canada, which

which it has constructed under its Act of incorporation and which are mentioned in the schedule hereto attached and are therein respectively distinguished by the letters A, B, C, and D, they being (together with other properties as herein-after mentioned) subject, by virtue of the two several mortgages to the Central Trust Company of New York, hereinafter mentioned, to an annual charge of £30,000 sterling and £12,000 sterling respectively ;

And whereas by a certain indenture of lease, made the twenty-second day of August, A. D. 1882, which was confirmed by the Parliament of the Dominion of Canada and the Legislature of the Province of New Brunswick, the New Brunswick and Canada Railroad Company did demise and lease to the lessor, its successors and assigns, for a term of nine hundred and ninety-nine years from the first day of July, A. D. 1882, all its railroad and other property and rights of property as therein described (which included those lines of railroad lettered E, F and I in the said schedule) ; also, all that railroad known as the St. Croix Railroad in the State of Maine, in the United States (lettered J in the said schedule), and its appurtenances and its interest in and to the railroad known as the Vanceboro' Branch (lettered G in the said schedule), the title to one-half interest therein being held by the New Brunswick and Canada Railroad Company by virtue of a lease and the other half interest being owned by it absolutely, and also its interest in and to a railroad, known as the Houlton Branch (lettered H in the said schedule), the title to which was then held by it under lease, and all its rights, title and interest in and to any other railroad or branch, upon the terms, conditions, provisoes and covenants therein set out, which included amongst other things the payment by the New Brunswick Railway Company of the following annual charges, that is to say :—

- (1.) Interest at three and a half per centum on eighty-two thousand pounds sterling of perpetual guaranteed debenture stock, issued by the New Brunswick and Canada Railroad Company ;
- (2.) \$6,000 interest on a first mortgage of \$100,000, executed by the St. Stephen Branch Railroad Company ;
- (3.) \$3,000 interest on a second mortgage of \$50,000, executed by the last named Company ;
- (4.) \$1,200 interest on a mortgage of \$20,000, executed by the Woodstock Railway Company ;
- (5.) \$1,440 interest on a mortgage of \$24,000, executed by the Company known as the Houlton Branch Railroad Company in Maine ;
- (6.) \$1,680 rent to the last named Company ;
- (7.) \$1,469 rent of an undivided half of the said Vanceboro' Branch, and \$35,100 rent to the New Brunswick and Canada Railroad Company ;

And whereas, since the making of the said lease, the said mortgage for twenty thousand dollars matured and has been replaced by a new mortgage on the railroad of said Woodstock Railway Company known as the Woodstock Branch for the like amount, given by the New Brunswick and Canada Railroad Company to J. Kennedy Tod and Henry Osburn as Trustees for the New Brunswick Railway Company in pursuance of Article VIII of the said lease ; and the said two mortgages, one of one hundred thousand dollars and one of fifty thousand dollars, both on the railroad of the St Stephen Branch Railroad Company, matured and have been replaced by one new mortgage thereon, for one hundred and fifty thousand dollars, given by the New Brunswick and Canada Railroad Company to J. Kennedy Tod and Henry Osburn as Trustees for the New Brunswick Railway Company in pursuance of Article VIII of the said lease, whereupon obligations of the New Brunswick and Canada Railway Company, called mortgage debentures, aggregating the same amount as the said three mortgages, namely, \$170,000, were issued and the payment of the interest thereon at the same rate, namely, six per centum per annum, was guaranteed by the lessor, and those obligations, as well as the said two mortgages given to secure the same, are still outstanding, whereby the said annual charges of \$6,000, \$3,000 and \$1,200, respectively mentioned in the next preceding paragraph are still existing ;

And whereas, by a certain indenture of lease, made the twenty-first day of May, A.D. 1883, which was confirmed by an Act of the Parliament of Canada, the St. John and Maine Railway Company demised and leased to the lessor, its successors and assigns, for a period of nine hundred and ninety-seven years from the first day of July, A. D. 1883, all that line of railroad from Vanceboro' to Fairville, of a length of about eighty-eight miles, therein described (lettered K in the said schedule), and its rolling stock, property, movable and immovable, situate in the Province of New Brunswick, upon the terms, conditions and covenants therein set out ; and amongst others on the condition, in effect, that the New Brunswick Railway Company should pay half yearly by way of rent on the first day of the months of April and October in each year the fixed sum of two hundred and fifty pounds sterling, and also either eighty-eight four hundred and twentieth parts of twenty-three hundredths of the half-yearly aggregate gross earnings therein described, or two thousand seven hundred and fifty pounds sterling, whichever should be the larger amount ;

And whereas, since the execution of the last mentioned indenture, certain agreements, supplemental thereto and relating to rolling stock and other matters have been entered into between the St. John and Maine Railway Company and the lessor, that is to say, one, dated the ninth day of August, A. D. 1883, one, dated the twenty-seventh day of December, A. D. 1883, and one, dated the eighteenth day of January, A. D.

1890, all of which have been produced to and inspected by the lessee ;

And whereas, by an indenture of lease, dated the twelfth day of January, A.D. 1878, the Aroostook River Railroad Company, a company duly incorporated by the laws of the State of Maine, did demise and lease to the lessor, its successors and assigns, all that line of railroad, commencing at a point on the boundary line between Maine and New Brunswick, and running to Fort Fairfield and thence to the village of Cariboo, in the town of Lyndon (lettered L in the said schedule), for a term of nine hundred and ninety-nine years from the date thereof, upon the terms, conditions and covenants set out in the last named indenture, which is duly recorded in the Registry of Deeds of the County of Aroostook, in the said State of Maine ;

And whereas, by another indenture, dated the first day of September, A.D. 1885, made between the said last mentioned two companies, the said indenture, dated 12th January, A.D. 1878, was ratified and confirmed, and it was also thereby declared and agreed, that the said indenture and the several agreements and provisions thereof should extend to and include the line of railroad then in operation between the said village of Cariboo and the town of Presque'Isle, in the said State of Maine (lettered M in the said schedule), and also any other railroad, constructed under and by virtue of the charter of the said Aroostook River Railroad Company,—the rental being one dollar per annum ;

And whereas, by an agreement dated the first day of January, A.D. 1886, between Her Majesty the Queen, represented by the Minister of Railways and Canals, and the lessor, running powers were granted to the lessor on the Carleton Branch Railroad from Fairville to Carleton, on the western side of the harbour of St. John, and running powers were also granted to Her Majesty the Queen over the lessor's section of railroad, from Fairville to the St. John cantilever bridge, on certain terms and conditions, in the said agreement contained, as by reference thereto will more fully appear ;

And whereas the lessor did, on the first day of August, A.D. 1885, execute a mortgage to the Central Trust Company of New York to secure the payment of bonds, issued by the lessor, to the amount of six hundred thousand pounds sterling, which mortgage included only the said railroads owned by the lessor and the said Aroostook River Railroad Company, together with certain timber lands and other lands, owned by the lessor and therein described ; and did, by another mortgage, dated the tenth day of August, A.D. 1887, convey to the said Central Trust Company, to secure the payment of a further issue of bonds to the amount of two hundred thousand pounds sterling, all the said lines of railroad, above mentioned, as well as the said timber lands and other lands, and also the capital
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stock

stock of the Fredericton Railway Company, which stock was owned by the lessor ;

And whereas certain portions of the rolling stock and equipment of the lessor are subject to certain trusts, contained in certain agreements, namely, an agreement dated the second day of November, A.D. 1885, between Sir George Stephen and others, of the first part, Walter Watson, trustee, of the second part, and the lessor, of the third part, and also an agreement, supplementary thereto, between the said parties, dated the first day of August, A.D. 1888, which, taken together, evidence an incumbrance on such rolling stock and equipment of \$215,000, upon which the annual charge amounts to \$12,900 ;

And whereas there are floating obligations of the lessor now outstanding and amounting to about the sum of \$400,000 ;

And whereas, under an Act of the Parliament of Canada, passed in the fifty-third year of the reign of Her Majesty, intituled "*An Act respecting the New Brunswick Railway Company,*" the New Brunswick Railway Company is authorized to issue consolidated debenture stock in the manner and for the amounts stated in the said Act, and it has been agreed between the parties hereto and as a part of the consideration for this lease that the lessee shall guarantee, as is hereinafter mentioned, the interest, as it shall from time to time fall due, upon all the consolidated debenture stock which may be issued in pursuance of the provisions of that Act ;

And whereas it is intended that the proceeds of all the said consolidated debenture stock shall be applied, under the supervision and control of the lessee, towards the improvement of the properties demised by these presents, in so far as such proceeds may not be required or used for the purpose of satisfying or acquiring the present outstanding obligations of the lessor, as herein stated and set forth and as intended to be satisfied and acquired within the meaning of the last mentioned Act of Parliament ;

And whereas it has been agreed and concluded between the parties to this indenture, that the lessee shall lease and operate all the said lines of railroad, upon the terms hereinafter set forth ;

Now therefore this indenture witnesseth, that the parties hereto have mutually agreed, each for itself, its successors and assigns, with the other, its successors and assigns, as follows, that is to say :—

The lessor doth hereby grant, lease and demise unto the lessee, its successors and assigns, all the lines of railroad mentioned or referred to in the schedule hereto attached, and having an aggregate length of about 420 miles (all the said lines of railroad being hereinafter referred to in the aggregate as "*the New Brunswick system*"), together with their appurtenances and the appurtenances of each of them, including

amongst other things all lands occupied, used or acquired for the purpose of being used in connection with the construction, maintenance or operation of the New Brunswick system, or any part thereof, and including also the right of way, road-bed, tracks, sidings, superstructure, bridges, viaducts, culverts, fences, shops, stations, docks, wharves, piers, engine houses, car houses, freight houses, engine shops, and all other edifices, shops and structures held or used, or intended to be held or used, in connection with the construction, maintenance or operation of the New Brunswick system or any part thereof, and all machinery, plant, rolling stock, equipment, tools, furniture and implements and all other goods and chattels of every kind, now owned or held or used by the lessor for the purposes of the New Brunswick system or any part thereof, and all tolls and revenues which may or might be derived or derivable from the New Brunswick system, or any branch, siding or extension connecting therewith, as well as all rights, privileges, powers, immunities, exemptions and corporate and other franchises, which can or could be held or enjoyed in respect of the New Brunswick system or any part or parts thereof, including all further right, title and interest of the lessor, if there be any, in and to any and all railroads, operated by it under lease or otherwise, whether mentioned or not mentioned in the said schedule, and in and to any contract with any other railroad company, corporation or individual in respect of the business of the New Brunswick system or any part thereof, and all advantages and benefits to be derived therefrom, save and except the line of railroad from Fredericton Junction to the city of Fredericton and save and except the said timber lands and other lands of the lessor, which the lessor mortgaged as aforesaid to the said Central Trust Company of New York, but not excepting the said several lines of railroad or any of the lands used therewith or in any way appurtenant thereto ;

To have and to hold the New Brunswick system and all the properties, real and personal, and the rights, title and interest, privileges, franchises and all the other premises above described or intended so to be, from and after the date hereof until the end of nine hundred and ninety years, to be computed from the first day of July, one thousand eight hundred and ninety, the lessee, its successors and assigns, yielding and paying therefor yearly and every year during the said period (which period is hereinafter referred to as "the said term") the several amounts which are hereinafter specified as rental, and which the lessee hereinafter specifically covenants to pay, — the same to be paid by instalments at the respective days and times and at the respective places, if any, hereinafter specified for that purpose.

The lessee for itself, its successors and assigns, doth hereby covenant with the lessor, its successors and assigns, as follows, that is to say :—

I.

The railroads and properties hereby demised will be used, managed and operated by the lessee in a proper and judicious manner, according to the best discretion and judgment of its managers, so as to secure the largest amount that can be realized therefrom, with a due regard to the service to be rendered to the public and to the preservation of said roads and properties in good order and condition for rendering such service efficiently and economically.

II.

The lessee will assume all traffic balances and debts, due or coming due from the lessor, all its current liabilities, other than those referred to in the said Act of Parliament passed at its last session, and those mentioned or referred to in these presents, and will keep and perform the terms, conditions and covenants contained in the several leases and agreements above mentioned on the part of the lessor, its successors or assigns to be kept, performed and fulfilled, except those relating to the payment either of interest on obligations outstanding at the date of these presents or of rents, all which the lessor is itself to satisfy and discharge; and the lessee will, at all times hereafter, assume the consequences of, and defend all actions against the lessor arising out of, or in any way connected with the use and occupation of the demised premises during the said term, and will pay from the gross earnings and as a part of the operating expenses, all such sums as it may be liable to pay in respect of such use and occupation.

III.

The lessee will use and operate the railroads and properties herein demised in accordance with the requirements of the respective Acts of incorporation of the respective companies and of the respective laws of Canada and New Brunswick and the said State of Maine, so far as the same are applicable thereto, and will provide all cars, locomotives, engines, rolling stock and equipment of every description, which may be required, in addition to the property hereby demised, for the due operation of the railroads to be operated under and by virtue of this lease (the lessee being hereby authorized to dispose of the rolling stock, equipments and other personal property herein demised as and when it may deem it advisable so to do), will replace buildings or structures on the demised premises, taken down or removed, with other buildings, structures or permanent improvements (the lessee being hereby authorized to take down and remove at its discretion any buildings hereby demised), and the lessee will keep the demised premises in the same condition of repair, renewal and improvement as that in which it shall keep its own property of the like character, and, at the end of the term of this lease or at any earlier termination thereof from any cause whatever, will surrender the

said demised real and personal estate, with all improvements, additions or substitutions thereto, in the like good order and condition as that in which they are at the inception of this lease.

IV.

The lessee will pay yearly and every year :—

(a.) The operating expenses of the New Brunswick system, which shall include, amongst other things, the cost of maintaining each portion thereof in good order and condition, also ordinary repairs and renewals, all expenditures arising out of any business or contract obligation, negligence or misfeasance, or however otherwise in any way connected with the use and operation thereof, including damages to persons or property, all taxes of every description, federal, provincial or municipal, upon the said demised properties, or the business or franchises thereof, and also any other expenditure which is herein declared to be operating expenses ;

(b.) To the lessor, on the tenth day of March next after the date of these presents and thereafter half yearly on the tenth day of the months of March and September in each and every year, including and ending with the month of September next after the period of the said term, an amount equal to so much of eighty-eight four hundred and twentieths of twenty-three one hundredths of the aggregate gross earnings of the lessor during the half year ending on the thirtieth day of June or the thirty first day of December (as the case may be), next preceding such day of payment, over the system of railways described in the third clause of the said indenture of lease, dated the twenty-first day of May, A. D. 1883, as shall exceed, if it do exceed, two thousand seven hundred and fifty pounds sterling,—the amount of this excess (if any) to be paid to the lessor, at such place in London, England, as it may, from time to time, in writing direct ; but it is to be paid only so long as the St. John and Maine Railway Company or its assigns shall continue to be entitled to receive the same by way of rent under the terms of the said lease, and if the obligation of the lessor to pay the same be, at any time hereafter, satisfied or acquired on behalf of the lessor by means of the issue by the lessor of consolidated debenture stock to such an amount as may be necessary for that purpose, then the lessee will thereafter pay directly to the respective holders of consolidated debenture stock the interest as it shall fall due half yearly on so much of such consolidated debenture stock as shall have been so issued for that purpose ;

(c.) To the lessor, as and when and where they respectively fall due, all such sums as may be necessary from time to time to meet the interest at the rate of three and a half per centum per annum on eighty-two thousand pounds sterling of perpetual guaranteed debenture stock, issued by the New Brunswick and Canada Railway Company ;

(d.) To the lessor annually the sum of three hundred and nineteen thousand three hundred and ninety dollars in half-yearly payments of one hundred and fifty-nine thousand six hundred and ninety-five dollars each on the first day of the months of January and July in every year, after deducting from each such half-yearly instalment whatever sum the lessee shall have paid or shall have become liable to pay on account of any part of the six months next preceding the day on which such half yearly instalment shall mature, in respect of consolidated debenture stock, to be issued by the lessor, as provided for in the next succeeding paragraph ;

(e.) To every holder of any consolidated debenture stock which may be hereafter at any time issued by the lessor upon the written request of the lessee and under the provisions of the Act of the Parliament of Canada, 53 Victoria, chapter 71, or of any subsequent or amending Act or Acts, as and when and where they respectively fall due, all such sums as may be necessary from time to time to meet the interest thereon according to the rate at and the terms on which it shall have been issued, and will execute on each certificate which shall be issued in respect of any such stock, or in such other manner as may be requisite, a valid and sufficient undertaking and guaranty to that effect ;

(f.) If, at the request of the lessee, consolidated debenture stock shall be, at any time or times, issued by the lessor in respect of floating obligations under paragraph (d) of clause III of the said Act, exceeding in the aggregate four hundred thousand dollars, then the lessee will pay as rent, in addition to the amounts covered by the two next preceding paragraphs, taken together, a further sum equal to four per centum per annum on the excess, whatever it may be, from time to time, beyond the said sum of four hundred thousand dollars,—such additional rent to be paid to the several holders of debenture stock in the same manner as is heretofore provided for in respect of other portions of such consolidated debenture stock.

V.

This lease is upon the condition that, if the lessee shall, at any time, fail to pay the said sums of money reserved by way of rent as aforesaid, or any sum mentioned and provided for by clause IV of this lease, and such default shall continue for the space of ninety days, then and in every such case the lessor may enter upon the demised premises or upon any part thereof as for the whole and expel the lessee therefrom, and determine the estate hereby granted, and shall thereupon become seized and possessed of the demised premises and of every part thereof in its original right and as if this lease had never been made: provided, however, that such entry by the lessor shall in no wise prejudice or impair any remedies to which it might otherwise be entitled for arrears of rent or preceding breaches of covenants or conditions.

The lessor for itself, its successors and assigns, covenants with the lessee, its successors and assigns, as follows, that is to say:—

VI.

The lessor will not, at any time, issue any portion of the consolidated debenture stock, so authorized by the said Act as aforesaid, or which may be authorized by any subsequent or amending Act or Acts, except upon and after the written request of the lessee; but, upon every such request, being made in respect of any portion or portions of such debenture stock, the lessor will, without unnecessary delay, cause to be issued the portion or portions covered by such request, and will cause the same or the proceeds thereof to be made available for the purposes for which it shall be issued, to the end that the lessee may get the benefit thereof within the true meaning of the understanding embodied in these presents.

VII.

There shall be expended on improvements of the properties hereby demised, without unnecessary delay, and under the supervision and direction of the lessee, so much of the net proceeds of all the consolidated debenture stock which shall be issued by the lessor under the provisions of the said Act of Parliament, or of any subsequent or amending Act or Acts, as shall not be actually and properly applied under such provisions in the satisfaction or acquisition of the said present outstanding obligations of the lessor, or some portion thereof; and at the option of the lessee the amount of the proceeds, so to be expended on improvements, shall, from time to time, on the request of the lessee, be handed over to the lessee for the purpose of being so expended.

VIII.

The lessor will, on or immediately after the commencement of the said term and at its own costs and charges in all respects, procure the following obligations of the lessor to be satisfied or acquired by the application of the proceeds of consolidated debenture stock, to be issued (under the provisions of the said Act) to an amount not exceeding the par value of such outstanding obligations, as below stated, that is to say:

Floating obligations, referred to in paragraph (d) of Section 3 of the said Act, four hundred thousand dollars.	\$400,000
New Brunswick Railway second mortgage bonds, two hundred thousand pounds sterling.	£200,000
New Brunswick Railway Car Trust on rolling stock, two hundred and fifteen thousand dollars.	\$215,000

so that the future annual charge in respect of these obligations shall be forthwith reduced to sixty-three thousand five hundred and thirty-four dollars, or its equivalent in sterling money.

IX.

All leases and contracts of the lessor for the operation of other railroads, terminating during the term of this lease, if any, shall

shall, at the request of the lessee, be renewed by the lessor upon the most favourable terms practicable, and, being so renewed, the property affected thereby, as well as the said leases and contracts, shall be subject to all the provisions of this lease as effectually as if now existing and herein included, and at the request of the lessee shall be validly assigned to the lessee; and in case the lessor make and conclude with the consent of the lessee any new and satisfactory arrangement with the Fredericton Railroad Company to work and operate the line of railway from the city of Fredericton to the Fredericton Junction, then and in such case such arrangement shall enure to the benefit of the lessee, and such railroad shall be included in the demise herein contained and shall become subject to the terms and conditions of this lease in the same manner and to the same extent as if it had been originally included and named herein,—the lessee, its successors and assigns assuming the obligations so entered into with the said Fredericton Company by the lessor with the consent of the lessee as aforesaid; and thereafter the proportion of earnings, to be paid under paragraph (b) of Clause IV of these presents, shall be modified according to an agreement made between the St. John and Maine Railway Company of the one part and the lessor of the other part, and dated the 27th day of December, 1883.

X.

In case it is found necessary and in the interest of the lessee, that the lessor shall construct, lease or purchase lines of or interests in railroads not demised by this present lease, or any railroad bridges, either in the provinces of New Brunswick or Quebec, or the said State of Maine, such construction, leasing or purchase will be authorized by the lessor at the request of the lessee, and shall be made, entered into and completed at the expense of the lessee; but no money or other compensation by way of rental shall be payable by the lessee to the lessor in respect of such lines of railroad or bridges, so to be constructed, leased or acquired as aforesaid.

XI.

The lessor will, from time to time and at all times hereafter, on the written request of the lessee and without price, transfer and set over by a valid conveyance to the lessee, its successors and assigns, or its or their nominees, the shares in the capital stock or the bonds or other securities (if any) of, or the contracts entered into with, any of the companies from which the lessor has directly or indirectly acquired any of the properties demised by these presents, which it may, either in its own name or by or through any trustee or trustees, or otherwise howsoever, then hold or be entitled to, to the end that the lessee may, from time to time and at all times hereafter, have an interest in and a control over each of the said properties and of the transactions of the Company owning it as full and complete as the lessor now has or is entitled to have.

XII.

To prevent uncertainty as to the personal property herein demised and so to be accounted for as aforesaid at the termination of this lease, there shall be made by the lessor a full, complete and particular inventory, description and appraisal of all such property as at the commencement of the said term,—such inventory to be made in duplicate, and an original furnished and signed by an official of each of the parties thereto.

XIII.

The lessor will maintain its existence and organization as a corporation during the said term, and to that end will comply with all the requisites and forms of law,—will do all acts and things and execute all legal instruments necessary and proper to put and secure the lessee in the full enjoyment of all the properties, rights, franchises and interests herein demised, and so as to carry into effect the true intent and meaning of this lease,—and will permit the lessee to use the name of the lessor (and it hereby grants the use of such name irrevocably,) in all legal proceedings and in all cases needful for obtaining, holding and enjoying the premises hereby demised and every part thereof, and for all purposes consistent with the true scope and intent of this lease; and, on the demand of the lessee, the proper officials of the lessor will affix to any document presented for that purpose the corporate seal of the lessor and the signature of such of its officials as may be proper and necessary, and the said officials are hereby irrevocably empowered so to do, upon the condition, however, that the lessee shall, in every case, hold harmless and keep indemnified the lessor from the consequences thereof.

XIV.

The lessor will cause to be assigned and transferred, when thereto requested and as directed, to the lessee or its nominees, the several mortgages and deeds of trust held by the said trustees for the lessor on the St. Stephen branch and the Woodstock branch of the New Brunswick and Canada Railroad Company, or any of them, and also all or any of the leases of land held by it, situate in the city of St. John or in the towns of St. Stephen, Woodstock and St. Andrew's, or any of them.

XV.

During the continuance of this lease the lessor will well and truly pay or cause to be paid all rentals, interest and sums of money, due and payable by virtue of the said several herein mentioned indentures of lease, according to the respective terms and conditions thereof, except the sums to be paid by the lessee under paragraph (a) of clause IV of this lease, and also will perform and keep all the covenants and conditions in the said indentures contained and on the part and behalf of

the lessor, its successors or assigns, to be kept, performed and fulfilled, and also will not do or cause to be done any act, matter or thing to impair the validity of the said indentures, or whereby the said several demises, any or either of them, may be determined and cease.

XVI.

The lessee, its successors and assigns, duly paying the rent reserved by these presents and performing the covenants herein contained on its and their part to be performed, shall and may peaceably possess and enjoy at all times during the said term the railroads and other properties and tolls, revenues, franchises and privileges hereinbefore demised, without any lawful interruption or disturbance from or by the lessor or its successors or any other party or parties whomsoever.

XVII.

The lessee shall have and is hereby given the right at its option to acquire and purchase all the said timber lands and other lands so mortgaged as aforesaid to the Central Trust Company of New York, and containing in round numbers about one million six hundred and fifty thousand acres,—except those, if any, which are hereinbefore demised, and those, if any, which have been heretofore sold and conveyed by deed from the lessor,—at and for the sum of nine hundred and twenty-seven thousand six hundred dollars (\$927,600) and interest, to be paid as herein-after mentioned, provided such option be exercised within two years from the first day of July, A.D. 1890; and upon payment of the said purchase money within the time aforesaid, or otherwise as may be mutually agreed upon, the lessor shall execute and acknowledge all such deeds, conveyances and assurances as may be deemed requisite in order to vest the title in fee simple of all the said timber lands and other lands in the lessee,—except in so far as that may be prevented by the existence of the mortgages thereon to the said Central Trust Company hereinbefore mentioned, and subject, however, to any licenses granted by the lessor to cut logs, bark or other timber upon the said lands or any part thereof, then existing, and also any contracts of sale of any of the said lands heretofore made by the lessor and then in force,—the lessee, however, to have the benefit and advantage of, and all the interest of the lessor in the said licenses and contracts,—and also subject to the proviso that the lessor, anything herein contained to the contrary notwithstanding, may, during the said period of two years, grant licenses to cut timber, logs, bark or other lumber off the said lands as heretofore accustomed. And inasmuch as the said lands are encumbered as aforesaid by the two indentures of mortgage made by the lessor, herein already mentioned, and, inasmuch as the intention of the understanding embodied in these presents is that, amongst other obligations those of the lessor to the said Central Trust Company, created by the two mortgages aforesaid shall eventually be satisfied or acquired

acquired by the issue by the lessor, under the authority of the said Act of Parliament, of consolidated debenture stock, the interest on which will be satisfied at all times out of the rentals to be paid as aforesaid by the lessee, and inasmuch as when those obligations shall be so discharged, the said lands will be freed from any incumbrance created by the said two mortgages or either of them, therefore it is hereby agreed that the conveyance to the lessee, if any, may be of the equity of redemption only in such lands and subject to the incumbrances created by the said two mortgages; and such conveyances shall be sufficient under the meaning of this clause.

The said purchase money, if paid is to be paid with interest at the rate of five per cent. per annum from the first day of July, 1890,—the aggregate of the principal and interest to be reduced by such net sums, as shall be, in the meantime, received or receivable by or for account of the lessor, either from or by way of stumpage, license dues or other rents, issues and profits, growing out of and derived from the said lands or any part thereof after the said first day of July, 1890, by virtue of any contract in respect thereof, whether made before or on or after that date, and further to be reduced by such other sum or sums, if any, as shall be received as purchase money by or for account of any sales of the said lands which shall be made on or after the said first day of July, 1890.

XVIII.

It is hereby expressly covenanted and agreed between the parties hereto that, if any of the timber lands or other lands (other than the lands hereby demised), so encumbered as aforesaid by two mortgages from the lessor to the said Central Trust Company, such timber lands or other lands not having been purchased by the lessee under the option given by the last clause), should hereafter, at any time or times, be taken or sold or otherwise made available for the satisfaction of any of the principal or interest secured by the said two mortgages or either of them, then and in every such case consolidated debenture stock to an amount or amounts equal to the amount or amounts which shall be so satisfied, may be issued under the said Act of Parliament (53rd Victoria), bearing interest at the rate of four per centum per annum; and the proceeds thereof shall be taken by the lessor and its assigns as and for its own and their own uses, instead of being applied towards the improvement of the properties hereby demised as above mentioned,—the interest thereon to be nevertheless paid as aforesaid by the lessee by way of rent in the same manner and to the same extent as if the proceeds were to be applied towards such improvement: Provided, however, that the lessee shall, in every such case, have the option of paying in cash either in whole or in part the amount or amounts which shall be so satisfied as aforesaid by any of the said timber lands or other lands, or the proceeds thereof, and,

if any amount or amounts be so paid in cash by the lessee under such option, then consolidated debenture stock shall be issued for the same amount or amounts, and the proceeds of it shall be applied towards the improvement of the demised properties as provided for in clause VII of these presents, instead of being taken by the lessor and its assigns as above mentioned; but nothing herein contained shall be held to affect or abridge the right of the lessor to issue additional consolidated debenture stock in respect of so much of the obligations created by the said two mortgages or either of them as shall be so satisfied to the extent to which it may be authorized under the provisions of the said Act of Parliament (53rd Victoria), or any subsequent or amending Act or Acts.

XIX.

And it is hereby mutually agreed between the parties hereto, that they shall join in procuring the requisite legislation, if any be needed, to ratify and confirm this indenture of lease and all the terms hereof and to enable each of the parties hereto to do whatever may be necessary to give effect to the substance and intention of these presents; and the parties hereto hereby agree to share equally the expense of procuring such legislation.

In witness whereof, each of the said parties hath caused to be set hereto its corporate seal and the signatures of its President and its Secretary.

[L.S.]	THE NEW BRUNSWICK RAILWAY CO. ROBERT MEIGHEN, <i>President.</i> ALFRED SEELY, <i>Secretary.</i>
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[L.S.]	THE CANADIAN PACIFIC RAILWAY CO. W. C. VANHORNE, <i>President.</i> C. DRINKWATER, <i>Secretary.</i>
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THE SCHEDULE REFERRED TO IN THE ANNEXED INDENTURE
SHOWING THE DEMISED LINES OF RAILWAY.

Distinguishing Letter.	LOCATION, &c.
A.	From Gibson on east bank of River St. John opposite Fredericton northerly to Newburg, about 57 miles.
B.	From Newburg south-westerly (crossing River St. John) to Woodstock, about 6 miles.
C.	From Newburg along the east bank of River St. John to Perth, thence across the river to Andover, thence to Grand Falls, thence (crossing the river again to the east bank) to Edmundston, about 106½ miles.
D.	From Aroostook westerly to a point on the boundary line between New Brunswick and the State of Maine, about 4 miles.
E.	From St. Andrew's, in New Brunswick, to a point on the boundary line between New Brunswick and Maine, near the town of Houlton, about 88 miles.
F.	From St. Stephen to Watt Junction on the said line between St. Andrew's and the point near Houlton, about 19 miles.
G.	(Vanceboro' Branch.) From McAdam Junction, a point on the said line from St. Andrew's to the point near Houlton, westerly to a point on the international boundary near Vanceboro', about 7 miles.
H.	From the said point on the said boundary line near Houlton to Houlton, in the State of Maine, about 3 miles.
I.	From Debec Junction to Woodstock aforesaid, about 11 miles.
J.	From the Maine Central Station at Vanceboro' to the international boundary, and there connecting with the so-called Vanceboro' branch from the boundary to McAdam Junction (known as the St. Croix Road.)
K.	From the western bank of the River St. John at the Cantilever Bridge at the Falls near the city of St. John, in New Brunswick, to the River St. Croix at the boundary line between New Brunswick and the State of Maine, about 88 miles.
L.	From the western terminus of the line above mentioned as running from Aroostook to a point on the boundary line between New Brunswick and the State of Maine, thence through Fort Fairfield to Cariboo, in the State of Maine, about 16 miles.
M.	From Cariboo to Presqu'Isle, in the State of Maine, about 14 miles.

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54-55 VICTORIA.

CHAP. 75.

An Act respecting the Victoria, Saanich and New Westminister Railway Company.

[Assented to 10th July, 1891.]

WHEREAS by an Act of the Parliament of Canada, certain persons were incorporated under the name of the Victoria, Saanich and New Westminister Railway Company; and whereas from unavoidable circumstances it was impossible to commence the building of the said railway within the period fixed by "*The Railway Act*," to wit: within two years after the passing of the said Act of incorporation; and whereas the Honourable Amor DeCosmos and others have by their petition prayed that an Act be passed incorporating anew the said company; and it is expedient to incorporate a Company as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Honourable Amor DeCosmos, A. A. Green, Richard Hall, Thomas Shotbolt, George L. Milne, M.D., M.P.P., Alexander Wilson, Charles E. Redfern, L. Goodacre, M. Young, H. Saunders, A. Bornstein, J. C. Clarihue, Alex. Clarihue, John Teague, Skeene Lowe, J. Sehl, J. Loewen, Francis Page, Hon. J. H. Turner, M.P.P., James S. Yates, A. J. McLellan, H. Kingham, and B. W. Pearse, C.E., all of the city of Victoria, in the Province of British Columbia, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "*The Victoria, Saanich and New Westminister Railway Company*," hereinafter called the Company.

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

3. The Company may lay out, construct, equip and operate a 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

Branch lines.

point at or near Swartz Bay, North Saanich, Vancouver island, with a branch line from Victoria aforesaid to the harbour 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 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 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 the State of Washington; also from a point on the main line at or near Fraser River Crossing to Liverpool, with a railway ferry across Fraser river from a point at or near South Westminster to New Westminster; also a branch line from a point on the Canoe Pass branch to and across Westham island to a point near Pelly Point; 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.

Ferry.

Steam ferry.

Powers as to steam and other vessels.

4. The Company may purchase, build, complete, fit out and charter, sell or 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 its railway, and also make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said rivers and waters in connection with its railway.

May purchase docks and water lots, &c.

5. The Company may, at Shoal Harbour, Swartz Bay, Point Roberts, Canoe Pass, Garry Point, at Pelly Point, and at a point on the international boundary line at or near Blaine, 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.

Collect wharfage, &c.

May lease wharves, elevators, &c.

6. The first seven 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 six hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary; but no one call shall exceed ten per cent on the shares subscribed.

Capital stock and calls.

8. The annual general meeting of the shareholders shall be held on the second Tuesday in September, 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.

Directors, election of.

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, either exclusive or inclusive 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 two hundred thousand dollars may be issued in aid of the construction of the steam ferry boats hereinbefore mentioned, if such steam ferry boats are 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 mentioned deed of mortgage may contain provisions that all tolls and revenues derived from the use of such 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 steam ferry boats by similar corporations,—which rates and tolls shall also be charged as security for the said bonds, "Series B."

Bonds for railway and branches or "Series A."

Bonds for steam ferry boats, or "Series B."



54-55 VICTORIA.

CHAP. 76.

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

[Assented to 10th July, 1891.]

Preamble.

WHEREAS the Red Deer Valley Railway and Coal Company have, by their petition, prayed for the passing of an Act to amend, as hereinafter set forth, the Act incorporating the said Company, and it is expedient to revive the said Act and to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act 52 V.,
c. 52 continued,
and time
for construction
extended.

1. Subject to the provisions of this Act, the Act incorporating the Red Deer Valley Railway and Coal Company, being the Act passed in the fifty-second year of Her Majesty's reign, chapter fifty-two, is hereby revived and declared to be in force; and the time for the expenditure of fifteen per cent on the amount of the capital stock as required by section eighty-nine of "*The Railway Act*," is hereby extended for the period of two years from the passing of this Act; and if such expenditure is not so made, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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



54-55 VICTORIA.

CHAP. 77.

An Act to amend the Acts relating to the Alberta Railway and Coal Company.

[Assented to 31st July, 1891.]

WHEREAS the Alberta Railway and Coal Company, hereinafter called the Company, has acquired by purchase, as from the fourth day of March, one thousand eight hundred and ninety-one, the whole of the railway and works, assets, rights, privileges, property and franchises of the North-Western Coal and Navigation Company (Limited), hereinafter called the North-Western Company, upon the terms of an agreement, dated the sixth day of January, one thousand eight hundred and ninety, a certified copy whereof has been filed in the office of the Secretary of State at Ottawa,—having first been duly ratified by the shareholders of the Company, and of the North-Western Company, in pursuance of the Act incorporating the Company, passed in the fifty-second year of Her Majesty's reign, chapter fifty; and whereas in pursuance of the said Act the capital stock of the Company has been increased to and now consists of ordinary shares to the nominal amount of one million seven hundred and fifty thousand dollars, which have been issued as fully paid, and six per cent preference shares to the nominal amount of one million five hundred thousand dollars, of which shares to the nominal amount of one million dollars have been issued as fully paid; and whereas the Company has recently issued six per cent first mortgage debentures to the nominal amount of eight hundred and ninety thousand pounds sterling, to be secured by deed of trust; and whereas the Company has, by its petition, prayed for an Act to amend, as hereinafter set forth, the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as "*The Alberta Railway Act*, Short title 1891."

Section 7 of 52 V., c. 50 repealed ;

Annual general meeting.

2. Section seven of the Act passed in the fifty-second year of Her Majesty's reign, chapter fifty, is hereby repealed and the following substituted therefor:—

“**7.** The annual general meeting of the shareholders of the Company shall be held at such time and place, in Great Britain or in Canada, as the directors, by resolution of the board of directors, from time to time determine, and until otherwise determined shall be held on the last Wednesday in October in each year at the head office of the Company.”

Special notice of meetings.

3. In addition to the notice required to be given by the provisions of the forty-first section of “*The Railway Act*,” notices calling general meetings shall be given at least four weeks before such meetings, by circular to the shareholders whose registered addresses are in the United Kingdom, stating the time and place of meeting ; and in the case of a special general meeting the notice shall state the objects of such meeting ; such notice shall be sent through the post to each such shareholder, addressed to his registered address, and shall be deemed to have been served on him the day after it is posted, and in proving such service it shall be sufficient to prove that the notice was properly addressed and put in the post office.

Purchase mentioned in preamble confirmed.

4. A certified copy of the agreement of purchase, mentioned in the preamble to this Act, having, in pursuance of section fifteen of the Act incorporating the Company, been filed in the office of the Secretary of State at Ottawa, the said purchase is hereby approved and confirmed, and all the railway and works, assets, rights, powers, privileges, land subsidies, property and franchises of the North-Western Company shall, by virtue of this Act, and without any instrument of conveyance or transfer, be deemed to have vested in and become the absolute property of the Company, as from the said fourth day of March, one thousand eight hundred and ninety-one.

Issue of debentures approved.

5. The creation and issue of the before-mentioned six per cent first mortgage debentures of the Company, for the nominal amount of eight hundred and ninety thousand pounds sterling, are hereby approved and confirmed ; and the Company may secure the due payment of the principal and interest of the said debentures for eight hundred and ninety thousand pounds, by a deed of trust creating a mortgage charge or incumbrance upon the whole or any part of the railways, mines, lands, rents, revenues, assets and property, real and personal, of the Company, present or future ; and such debentures and such deed of trust shall, without registration, be and constitute a first and preferential charge and claim upon the railways, mines, lands, assets and property, real and personal, of the Company, then existing or thereafter at any

A first charge on the undertaking.

time acquired, purporting to be charged by such deed of trust ; but the revenues of the Company shall be subject, in the first instance, to the payment of any penalty imposed under the provisions of section ninety-four of "*The Railway Act*" and of the working expenses of the Company's railways and mines ; and by the said deed of trust the Company may grant to the holders of such debentures, or to the trustee or trustees named in such deed of trust, such powers, rights, remedies and privileges as are described in the said deed of trust ; and all such powers, rights, remedies and privileges shall be valid, binding and available to the holders of such debentures, or to the trustee or trustees, as the case may be, in manner and form as therein provided.

What deed may provide.

6. A copy of such deed of trust shall be deposited in the office of the Secretary of State of Canada at Ottawa,—of which deposit notice shall be given in the *Canada Gazette*.

Copy of deed to be deposited.

7. The directors may create and issue perpetual or redeemable debenture stock to such an amount, subject to the proviso hereinafter contained, as they deem expedient, and may, by resolution, fix and define the amount and denomination of such debenture stock and the security therefor, if any, the rate of interest, the time or times and the place or places for payment of interest on such debenture stock, or of the principal thereof, the registration of the holders of such stock, the form and mode of transfer thereof, and all other particulars in reference thereto ; provided always that, before the issue of any such debenture stock, the nominal amount thereof shall be approved by a resolution passed at a general meeting of the shareholders of the Company specially called for that purpose, and shall not exceed fifteen thousand dollars per mile of the railways and branches.

Issue of perpetual or redeemable debenture stock.

Amount limited.

8. In addition to the powers contained in "*The Railway Act*" the directors may, from time to time, appoint such two or more of the directors of the Company, as they think fit, to be an executive committee for the management of the affairs of the Company in Canada, with all the powers by "*The Railway Act*," or by the Acts relating to the Company, or otherwise by law vested in the board of directors of the Company, so far as such powers are not expressly limited by the resolution of the directors appointing such executive committee.

Executive committee of directors.

9. Section two of the Act passed in the fifty-third year of Her Majesty's reign, chapter eighty-five, is hereby amended by substituting the words "such lands" for the word "land" at the end of the said section.

Section 2 of 53 V., c. 85, amended.



54-55 VICTORIA.

CHAP. 78.

An Act respecting the Saskatchewan Railway and Mining Company.

[Assented to 28th August, 1891.]

Preamble.

WHEREAS the provisional directors of the Saskatchewan Railway and Mining Company have, by their petition, prayed that certain additional powers, as hereinafter set forth, be conferred on the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 3 of 52 V., c. 56 as amended by 53 V., c. 88, s. 1, repealed.

1. Section three of the Act passed in the fifty-second year of Her Majesty's reign, chapter fifty-six, as amended by section one of the Act passed in the fifty-third year of Her Majesty's reign, chapter eighty-eight, is hereby repealed.

Line of railway described.

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, between Canada and the United States at Sweet Grass, in ranges eight, nine or ten, west of the fourth meridian, to a point at or near Dunmore station, or Medicine Hat, 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, thence running north-easterly to a point at or near Fort à la Corne and to a crossing of the Saskatchewan river at or near the Grand Bend, thence north-easterly to a point of junction with the projected line of the Winnipeg and Hudson Bay Railway Company at Nelson.

Variation of course; use of navigable waters.

2. The Company may vary its line a distance of fifteen miles on either side 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 and ferries.

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.

3. The time for the commencement of the railway of the Company is hereby extended for two years from the passing of this Act; and if the railway is not then commenced, the powers granted by the said Acts and this Act shall cease and be null and void. Time for completion extended.

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



54-55 VICTORIA.

CHAP. 79.

An Act to revive and amend the Act to incorporate the
Medicine Hat Railway and Coal Company.

[Assented to 10th July, 1891.]

Preamble.

49 V., c. 86.

WHEREAS the Medicine Hat Railway and Coal Company has, by its petition, prayed that certain amendments, as hereinafter set forth, be made to the Act incorporating the Company, and it is expedient to revive the said Act and to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Line of rail-
way may be
extended.

1. Subject to the provisions of this Act, the Act incorporating the Medicine Hat Railway and Coal Company, passed in the forty-ninth year of Her Majesty's reign, chapter eighty-six, is hereby revived and declared to be in force, and the time limited for the completion of the said railway is hereby extended to the first day of January, one thousand eight hundred and ninety-five ; and if the railway is not then completed, then 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 con-
struction ex-
tended.

2. The Company may extend, construct and operate its line of railway from a point at or near the termination mentioned in section three of the Act incorporating the Company, in a south-easterly or south-westerly direction to a point on the international boundary line, between ranges one and eight west of the fourth principal meridian, in the District of Assiniboia.

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



54-55 VICTORIA.

CHAP. 80.

An Act to correct a clerical error in the Act fifty-third Victoria, chapter eighty-one, intituled "An Act respecting the Great North-West Central Railway Company."

[Assented to 30th September, 1891.]

WHEREAS there is a clerical error in the English version Preamble. of the Act hereinafter cited, which it is expedient to correct: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. All the words after the word "Company" in the eleventh Error in 53 V., c. 81, corrected. line of the Act fifty-third Victoria, chapter eighty-one, intituled "*An Act respecting the Great North-West Central Railway Company,*" as printed by the Queen's Printer, are hereby declared to have been inserted by a clerical error, and shall be struck out and form no part of the said Act, in the French version of which the said error does not occur.

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



54-55 VICTORIA.

CHAP. 81.

An Act respecting the Winnipeg and Hudson Bay Railway Company.

[Assented to 28th August, 1891.]

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

Contract for transport may be made with the company.

1. In order to enable the Winnipeg and Hudson Bay Railway Company to construct so much of their railway as reaches from the city of Winnipeg to a point on the Saskatchewan river, the Governor in Council may enter into a contract with such Company for the transport of men, supplies, materials and mails for twenty years, and may pay for such services during the said term eighty thousand dollars per annum, in manner following, that is to say: the sum of eighty thousand dollars to be paid annually on the construction of the railway from the end of the forty miles of the railway now built to a point on the Saskatchewan river,—such payment to be computed from the date of the completion of the railway between the city of Winnipeg and a point on the Saskatchewan river: Provided, that the Governor General in Council may order such sums to be paid in semi-annual instalments, and may permit the Company to assign the same by way of security for any bonds or securities issued by the Company in respect of the Company's undertaking.

How consideration may be paid.

Payable out of Con. Rev. Fund.

2. Such sums shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Obligation to be entered into by company.

3. In contracting with the Company for the aid given in accordance with the first section of this Act, the Governor in Council shall take from the Company an obligation for the transport of men, materials, supplies and mails for twenty years on the Company's line between Winnipeg and the terminus on the Saskatchewan river in consideration of the said aid; and the Governor in Council shall stipulate that, in case the amount so earned by the Company by transport aforesaid does not

amount to the sum to be paid by the Government, the deficiency shall form a lien on one-third of the land grant which may be earned by the Company on the line between the end of the forty miles of the said railway as now constructed and the Saskatchewan river.

Unearned amount to be a lien on land grant.

4. The line of railway to be constructed by the said Company south of the Saskatchewan river shall not be commenced until the location thereof shall have been approved by the Governor in Council.

Location of line south of Saskatchewan.

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



54-55 VICTORIA.

CHAP. 82.

An Act respecting the Ontario and Rainy River Railway Company.

[Assented to 31st July, 1891.]

Preamble.

49 V., c. 75
(Ont.)

WHEREAS the Ontario and Rainy River Railway Company, hereinafter called the Company, was incorporated by an Act of the Legislature of the Province of Ontario, passed in the forty-ninth year of Her Majesty's reign, chapter seventy-five, intituled "*An Act to incorporate the Ontario and Rainy River Railway Company*;" and whereas the Company is authorized to build its railway from the town of Port Arthur in a westerly direction (touching the village of Fort William) to or near White Fish lake, thence north-westerly to some point on Rainy river, between Fort Frances and the mouth of the said river; also to construct and operate a branch thereof from a point at or near the crossing of the lines of latitude forty-nine and longitude ninety-three, in a north-westerly direction to the village of Rat Portage; and whereas the Company, by its petition, has prayed that an Act be passed declaring it to be a body corporate and politic within the jurisdiction of the Parliament of Canada; also confirming certain agreements made between the Company and "*The Port Arthur, Duluth and Western Railway Company*," respecting running powers over the latter Company's railway; also empowering the Company to build certain branch lines and a railway bridge across the Rainy river into the State of Minnesota; and also extending the time for the construction of the Company's railway; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The Ontario and Rainy River railway is hereby declared to be a work for the general advantage of Canada.

Incorporation.

2. The Ontario and Rainy River Railway Company is hereby declared to be a body corporate and politic within the legislative

legislative authority of the Parliament of Canada, for all and every the purposes mentioned in, and with all and every the franchises, rights, powers, privileges and authorities conferred upon it by virtue of the said recited Act of the Legislature of the Province of Ontario, but subject to all debts, obligations or liabilities of the Company, and to any rights in any suit or action now pending in any courts of Ontario: Provided that "*The Railway Act*" of Canada shall apply instead of "*The Railway Act of Ontario*" to all matters and things to which "*The Railway Act*" of Canada would apply if the Company had originally derived its authority to construct and operate its railway from the Parliament of Canada, and as though it were a railway constructed or to be constructed under the authority of an Act passed by the Parliament of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, "*The Railway Act*" shall apply to all provisions relating to the exercise of the powers for the expropriation of lands, and for borrowing money; and also that all notices by the said recited Act required to be published in the *Ontario Gazette*, shall hereafter be sufficient if published in the *Canada Gazette* and not in the *Ontario Gazette*.

Powers, &c.,
under Ontario
Act confirmed.

The Railway
Act to apply.

3. Notwithstanding anything contained in the Act incorporating the Company, the time limited for the completion of the Ontario and Rainy River railway is hereby extended for a period of seven years from the passing of this Act; and if the railway is not then so completed, then the powers granted by such Act and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for com-
pletion of
Railway.

4. The Company may lay out, construct and operate a branch line of railway from the eastern end of Basswood lake, in a north-westerly direction, to the nearest point on the Company's main line of railway; also a branch from the south-eastern end of Kashaboiwe lake, in a south-western direction, to the nearest point on the Company's main line of railway; and the said branches shall be completed within seven years from the passing of this Act; otherwise the powers granted for the construction of such branches shall cease and be null and void, as respects so much of the said branches as then remain uncompleted.

Branch lines.

5. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the branch lines mentioned in the next preceding section; and such bonds, debentures or other securities may be issued only in proportion to the length of such branch lines constructed or under contract to be constructed.

Debentures
for branch
lines.

6. The two several agreements between the Port Arthur, Duluth and Western Railway Company, and the Ontario and Rainy

Agreements
with Port Ar-
thur, Duluth

and Western
Railway Co.
ratified.

Rainy River Railway Company, bearing date, respectively, the ninth day of November, one thousand eight hundred and eighty-nine, and the ninth day of August, one thousand eight hundred and ninety, and set out in the schedule hereto, are hereby ratified, confirmed and declared to be binding on each of the said companies from the respective dates of the said several agreements, and each of the companies, the parties thereto, may do whatever is required to give effect to the substance and intention of the said several agreements.

Railway
bridge across
Rainy River.

7. The Company may lay out, construct, complete, maintain, work, manage and use a railway bridge, with the necessary approaches, across the Rainy river, from some point between Fort Frances and the mouth of the said river, in the District of Rainy River, to some convenient point on the opposite side of the said river, in the State of Minnesota, one of the United States.

Approval of
United States.

8. The Company shall not commence the actual construction of the said bridge until an Act of the Congress of the United States, or an Act of the Legislature of the State of Minnesota has been passed, authorizing or approving the bridging of the said river, nor until the Executive of the United States has consented to and approved such bridging.

Plans of
bridge to be
submitted to
Governor in
Council.

9. The Company shall not commence the bridge or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge, and of all the intended works thereunto appertaining, nor until the plans and site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridge and works, have been complied with; nor shall any such plans be altered or any deviation therefrom allowed, except upon permission of the Governor in Council and upon such conditions as he imposes: Provided always, that from sunset to sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge, to guide vessels approaching the same.

Navigation
protected.

10. The Company may, after obtaining the sanction of the Governor in Council, in the manner provided in section two hundred and thirty-nine of "*The Railway Act*," and subject to the provisions contained in sections eleven and twelve of this Act,—

Union with
Company in
United States.

(a.) Unite with any other company incorporated in and under the laws of the State of Minnesota, or of the United States, in building the bridge and its approaches, and in working, managing, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its appurtenances;

(b.) Unite with any other company incorporated under the laws of Canada, or of the Province of Ontario, or with any body corporate in building the said bridge and approaches, and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation respecting the construction, maintenance, management and use thereof.

Union with
Canadian Co.

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

Equal rights
given to trains
of all railways.

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

Disagree-
ments settled
by Railway
Committee.

13. In case the State of Minnesota or the United States at any time provide for the appointment of a commission for regulating the working of the bridge, the use thereof and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he thinks proper, and appoint one or more persons as members of the said commission; and the decisions of the said commission shall first be submitted to the Governor in Council, and if approved of shall thereafter be final and conclusive, to the extent to which the same are final and conclusive by virtue of the provisions made by the State of Minnesota or the United States.

Commission
for regulating
working of
bridge.

14. The bridge shall be commenced within three years and completed within five years from the passing of this Act; otherwise the powers granted by section seven of this Act shall cease and determine.

Time for con-
struction of
bridge.

SCHEDULE.

THIS INDENTURE made in quadruplicate this ninth day of November, in the year of our Lord one thousand eight hundred and eighty-nine, between the Ontario and Rainy River

Railway Company of the first part, and the Port Arthur, Duluth and Western Railway Company of the second part :

Whereas, by an Act intituled "*An Act respecting aid to certain railways,*" being fifty-two Victoria, chapter thirty-five (Ontario), it is provided that certain aid shall be granted the Company of the first part ;

And whereas the location or route of the railways to be constructed by the said companies for a distance of over fifty miles is the same ;

And whereas the Company of the first part made the Company of the second part an offer respecting the said aid by resolution in words and figures as follows:—"Whereas the Government of the Province of Ontario has granted a bonus of one hundred and fifty thousand dollars to this, the Ontario and Rainy River Railway Company ; and whereas the said bonus was granted for the purpose of assisting the construction of a railroad from Port Arthur westward ; and whereas the said Government has given this Company power to transfer the said bonus to the Port Arthur, Duluth and Western Railway Company to be used in the construction of the Port Arthur, Duluth and Western Railway ; Now, therefore, be it resolved, that this Company in consideration of the Port Arthur, Duluth and Western Railway Company agreeing to grant to this Company full running powers over its road with every facility for operating trains and forwarding traffic, this Company agree to transfer the said bonus to the said, the Port Arthur, Duluth and Western Railway Company, and to contribute towards the cost of maintenance of so much of the road of the Port Arthur, Duluth and Western Railway Company as is used by this Company, in the same proportion as the traffic this Company transmits over the said road is to the traffic transmitted by the Port Arthur, Duluth and Western Railway Company over the portion so used by this Company. Further, that the president and secretary be, and they are hereby, authorized to have prepared and to execute any and all such documents as may be necessary to carry out the above ;"

And whereas the Company of the second part accepted the said offer by resolution in words and figures as follows:—"Resolved that the offer of the Ontario and Rainy River Railway Company to this Company be accepted, the said offer being contained in the following words and figures: 'Whereas the Government of the Province of Ontario has granted a bonus of one hundred and fifty thousand dollars to this, the Ontario and Rainy River Railway Company ; and whereas the said bonus was granted for the purpose of assisting in the construction of a railway from Port Arthur westward ; and whereas the said Government has given this Company power to transfer the said bonus to the Port Arthur, Duluth and Western Railway Company to be used in the construction of the Port Arthur, Duluth and Western Railway : Now, there-

fore, be it resolved that this Company, in consideration of the Port Arthur, Duluth and Western Railway Company agreeing to grant to this Company full running powers over its road, with every facility for operating trains and forwarding traffic, this Company agree to transfer the said bonus to the said, the Port Arthur, Duluth and Western Railway Company, and to contribute towards the cost of maintenance of so much of the road of the Port Arthur, Duluth and Western Railway Company as is used by this Company, in the same proportion as the traffic this Company transmits over the said road is to the traffic transmitted by the Port Arthur, Duluth and Western Railway Company over the portion so used by this Company; Further, that the president and secretary be and they are hereby authorized to have prepared and to execute any and all such documents as may be necessary to carry out the above.' Further, that the President and Secretary of this Company be and they are hereby authorized to have prepared and to execute any and all documents which may be requisite and necessary to carry out the above ;”

And whereas both of the said Companies have agreed to execute this indenture in order that the agreement as set out in the above resolutions may be fully evidenced :—

Now, therefore, this indenture witnesseth, that the Company of the second part hath given, granted and assigned, and by these presents doth give, grant, assign and confirm unto the said Company of the first part, the powers and facilities as in said resolution set out.

Further, that the Company of the first part hath given, granted and assigned, and by these presents doth give, grant, assign and confirm unto the Company of the second part the bonus or aid as in said resolution set out.

Further, that the Company of the first part covenants and agrees to and with the Company of the second part, that it (the Company of the first part) will contribute towards the cost of maintenance of so much of the road of the Company of the second part as in said resolution set out.

In witness whereof the Company of the first part and the Company of the second part have caused these presents to be signed by their respective presidents and secretaries and their respective corporate seals to be hereto affixed, on the day and year first above written.

THE PORT ARTHUR, DULUTH AND WESTERN RAILWAY COMPANY.

(Signed) THOMAS MARKS,

(Seal)

President.

(Signed) W. H. LANGWORTHY,

Secretary.

THE ONTARIO AND RAINY RIVER RAILWAY COMPANY.

(Seal) (Signed)

D. F. BURK, *President.*

(Signed)

R. E. MITCHELL, *Secretary.*

INDENTURE made in quadruplicate this ninth day of August, in the year of our Lord one thousand eight hundred and ninety, between the Ontario and Rainy River Railway Company of the first part and the Port Arthur, Duluth and Western Railway Company of the second part :

Whereas, by an Act intituled "*An Act respecting aid to certain Railways,*" being fifty-three Victoria, chapter forty-six (Ontario), it is provided that certain aid shall be granted the Company of the first part ;

And whereas the Company of the first part made the Company of the second part an offer respecting the said aid by resolution of its provisional directors in words and figures as follows: Whereas the Legislature of the Province of Ontario has by its Act, intituled "*An Act respecting aid to certain Railways,*" being fifty-three Victoria, Chapter forty-six (Ontario), provided that there be granted for the construction of a portion of the railway of this Company a cash subsidy of three thousand dollars per mile for the thirty miles of said railway, westward from the point, near Sand Lake, where the fifty miles terminate for which aid was granted by chapter thirty-five of the Acts passed in the fifty-second year of Her Majesty's reign, intituled "*An Act respecting aid to certain Railways*" ; and whereas the said Legislature, by the same Act, has given this Company power to transfer the said cash subsidy to the Port Arthur, Duluth and Western Railway Company to be used in the construction of that Company's railway ; now, therefore, be it resolved that in consideration of the Port Arthur, Duluth and Western Railway Company agreeing to grant to this Company full running powers for all engines, cars and trains over its road, with every facility for operating trains and forwarding traffic, together with the free use of stations and station grounds, subject to the rules and regulations of that Company, this Company agrees to transfer the said cash subsidy to the Port Arthur, Duluth and Western Railway Company and to contribute towards the cost of maintenance of so much of the road-bed of the Port Arthur, Duluth and Western Railway Company as is used by this Company, in the same proportion as the traffic this Company transmits over the said road is to the traffic transmitted by the Port Arthur, Duluth and Western Railway Company over the portion so used by this Company ;

And whereas the Company of the second part accepted the said offer by resolution of its directors in words and figures as follows: Resolved, that the offer of the Ontario and Rainy River Railway Company to this Company be accepted. The said offer is contained in a resolution of that Company in the words following: Whereas the Legislature of the Province of Ontario has by its Act intituled "*An Act respecting aid to certain Railways,*" being fifty-three Victoria, chapter forty-six (Ontario), provided that there be granted for the construction of a portion of the railway of this Company a cash subsidy of

three thousand dollars per mile for the thirty miles of said railway westward from the point, near Sand lake, where the fifty miles terminate for which aid was granted by chapter thirty-five of the Acts passed in the fifty-second year of Her Majesty's reign, intituled "*An Act respecting aid to certain Railways*"; And whereas the said Legislature, by the same Act, has given this Company power to transfer the said cash subsidy to The Port Arthur, Duluth and Western Railway Company to be used in the construction of that Company's railway; now, therefore, be it resolved, that in consideration of the Port Arthur, Duluth and Western Railway Company agreeing to grant to this Company full running powers for all engines, cars and trains over its road, with every facility for operating trains and forwarding traffic, together with the free use of stations and station grounds, subject to the rules and regulations of that Company, this Company agrees to transfer the said cash subsidy to the Port Arthur, Duluth and Western Railway Company, and to contribute towards the cost of maintenance of so much of the road-bed of the Port Arthur, Duluth and Western Railway Company as is used by this Company, in the same proportion as the traffic this Company transmits over the said road is to the traffic transmitted by the Port Arthur, Duluth and Western Railway Company over the portion so used by this Company;

And whereas both of the said Companies have agreed to execute this indenture in order that the agreement as set out in the above recited resolutions may be fully evidenced:

Now, therefore, this indenture witnesseth that the Company of the second part hath given, granted and assigned, and by these presents doth give, grant, assign and confirm unto the said Company of the first part, the powers, facilities and uses as in the above recited resolutions set out;

Further, that the Company of the first part hath given, granted and assigned, and by these presents doth give, grant, assign and confirm unto the Company of the second part the cash subsidy or aid, as in the above resolutions set out;

Further, that the Company of the first part covenants and agrees to and with the Company of the second part that it (the Company of the first part) will contribute towards the cost of maintenance of so much of the road-bed of the Company of the second part as in the above recited resolutions set out:

This indenture shall, in no way, be interpreted to limit or take away from or in any way destroy the effect of the indenture or agreement, dated the ninth day of November, one thousand eight hundred and eighty-nine, and made between the said Companies respecting the aid granted the Company of the first part by the Act fifty-two Victoria, chapter thirty-five (Ontario).

In witness whereof the Company of the first part and the Company of the second part have caused these presents to be

signed by their respective Presidents and Secretaries, and their respective corporate seals to be hereto affixed on the day and year first above written.

THE ONTARIO AND RAINY RIVER RAILWAY
COMPANY.

(Signed) D. F. BURK, (Seal.)
President.

(Signed) R. E. MITCHELL,
Secretary.

THE PORT ARTHUR, DULUTH AND WESTERN
RAILWAY COMPANY.

(Signed) THOS. MARKS, (Seal.)
President.

(Signed) W. H. LANGWORTHY,
Secretary.

Signed, sealed and delivered }
in presence of }
(Signed) THOS. A. GORHAM.

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



54-55 VICTORIA.

CHAP. 83.

An Act respecting the South Western Railway Company.

[Assented to 10th July, 1891.]

WHEREAS the South-Western Railway Company, hereinafter called the Company, has, by its petition, represented that it has commenced the construction of its railway within the time mentioned in its Act of incorporation, and has prayed for an extension of the time within which it may complete its railway, as well as for authority to construct it, if deemed expedient, on a course more distant from the village of St. Anicet than that prescribed in the said Act of incorporation; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
51 V., c. 52.

1. The Company may construct its railway so as to pass at a greater distance to the southward of the village of St. Anicet than that named in the said Act of incorporation, being the Act fifty-first Victoria, chapter fifty-two.

Course of railway may be changed.

2. The time limited by section twenty of the said Act for the completion of the said railway is hereby extended, so that the said railway shall be completed within five years from the passing of this Act; otherwise the powers granted in respect of such construction shall be null and void as respects so much of the railway as then remains uncompleted.

Time for completion extended.

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54-55 VICTORIA.

CHAP. 84.

An Act to amend an Act to incorporate the Collingwood and Bay of Quinté Railway Company.

[Assented to 10th July, 1891]

Preamble.

51 V., c. 70.

WHEREAS the Collingwood and Bay of Quinté Railway Company have, by their petition, prayed that an Act be passed to amend, as hereinafter set forth, the Act incorporating the Company, and it is expedient to revive the said Act and to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction.

1. Subject to the provisions of this Act, the Act incorporating the Company, being the Act fifty-first Victoria, chapter seventy, is hereby revived and declared to be in force, and the times limited by the said Act for the commencement and completion of the railway of the Company are hereby extended for three years and five years respectively from the passing of this Act; and if the railway is not commenced and completed within the times so fixed, then the powers granted by the said Act and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Elevators, docks, &c.

2. The Company may accept, purchase and hold such land, on the line of its railway, and in connection therewith, as is required for the purposes of elevators, docks and other erections, for the uses of the Company, and thereon may erect and operate elevators and docks.

Mortgage of elevators, &c.

3. The Company may mortgage or pledge their vessels or elevators, and redeem and again mortgage them as they deem advisable.

Section 10 of 51 V., c. 70 amended.

4. Sub-section three of section ten of the said Act is hereby amended by substituting the word "twenty" for the word "fifteen" in line two thereof.

Declaratory.

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



54-55 VICTORIA.

CHAP. 85.

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

[Assented to 10th July, 1891.]

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

1. Subject to the provisions of this Act, the Act incorporating the Berlin and Canadian Pacific Junction Railway Company, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter eighty-nine, and the Act amending the same, passed in the fifty-second year of Her Majesty's reign, chapter seventy-five, are hereby revived and declared to be in force, and the times limited by the said Acts for the commencement and completion of the railway of the Company are hereby extended for two years and four years respectively from the passing of this Act; and if the railway is not commenced and completed within the times so fixed, then the powers granted by the said Acts and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Preamble.

Acts 50-51 V., c. 89, and 52 V. c. 75 revived; and time for building railway extended.

Proviso.

2. The section substituted by section one of the Act passed in the fifty-second year of Her Majesty's reign, chapter seventy-five, for section two of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter eighty-nine, is hereby repealed, and in lieu thereof it is hereby enacted that 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

Section 1 of 52 V., c. 75 repealed; new provision.

Line of railway described.

the Canadian Pacific Railway Company) in the said county of Waterloo, and may extend the same northward, westward or north-westward from the said town of Berlin to a point in the township of Waterloo or Woolwich, on the extension of the line of the Guelph Junction Railway Company,—which said extension was authorized by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter fifty-nine.

Sections 4, 5, 6 of 50-51 V., c. 89 repealed. **3.** Sections four, five and six of the Act incorporating the Company are hereby repealed.

Capital stock and calls. **4.** The capital stock of the Company shall be two hundred thousand dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Annual general meeting. **5.** The annual general meeting of the shareholders shall be held on the first Tuesday in September in each year.

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

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54-55 VICTORIA.

CHAP. 86.

An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

[Assented to 31st July, 1891.]

WHEREAS by an Act of the Legislature of the Province ^{Preamble.} of Ontario, passed in the forty-seventh year of Her Majesty's reign, chaptered seventy-five, and intituled "*An Act incorporating the Toronto, Hamilton and Buffalo Railway Company*," the persons therein named were incorporated under the name of "The Toronto, Hamilton and Buffalo Railway Company," with all the powers, rights and privileges in the said Statute mentioned, for the construction, equipment and operation of a railway from a point in or near the city of Toronto, to a point in or near the city of Hamilton, and thence to some point at or near the International bridge or cantilever bridge, on the Niagara river, and with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown lands, if any, lying between the points aforesaid, as in the said Act of incorporation described; and whereas by a certain other Act of the Legislature of the said Province, passed in the fifty-second ^{52 V., (Ont.)} ^{c. 75.} year of Her Majesty's reign, chaptered eighty-three, and intituled "*An Act respecting the Toronto, Hamilton and Buffalo Railway Company*," the said Act of incorporation was revived and continued in full force, subject to and as amended by the other provisions of the said last mentioned Act; and whereas by a certain other Act of the Legislature of the said Province of Ontario, passed in the fifty-third year of Her ^{53 V., (Ont.)} ^{c. 126.} Majesty's reign, chaptered one hundred and twenty-six, and intituled "*An Act respecting the Toronto, Hamilton and Buffalo Railway Company*," the powers conferred upon the said railway company by their said original Act of incorporation and the second recited Act were extended, and amongst other things authority was conferred upon the said Company to extend its line of railway from a point at or near the city of Hamilton, to a point in the county of Brant, in or near the city of Brantford, or to a point connecting with the line of the Brantford, Waterloo and Lake Erie Railway Company, and

section two of the said Act of incorporation was amended by inserting after the words "on the Niagara river," the words "or to a point at or near the town of Welland, in the county of Welland"; and whereas a petition has been presented by the Toronto, Hamilton and Buffalo Railway Company, praying for an Act declaring the said railway to be a work for the general advantage of Canada, and ratifying and confirming the provisions of the Acts relating to the said Company, passed by the Legislature of the Province of Ontario, and the proceedings thereunder, with such amendments and alterations as to the Parliament of Canada seem proper, and granting to the said Company power to amalgamate with or lease or make traffic arrangements with the Brantford, Waterloo and Lake Erie Railway Company, and making certain other amendments to the Act relating to the said Toronto, Hamilton and Buffalo Railway Company, as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The undertaking of the Toronto, Hamilton and Buffalo Railway Company, hereinafter called the Company, is hereby declared to be a work for the general advantage of Canada.

Company subject to Parliament of Canada.

2. From and after the passing of this Act the Toronto, Hamilton and Buffalo Railway Company shall be, and is hereby declared to be a body corporate subject to the legislative authority of the Parliament of Canada, with all and every the powers, rights, immunities, privileges, franchises and authorities from time to time conferred upon the said Company under and by virtue of the above recited Acts of the Legislature of the Province of Ontario and each of them, as set out in the schedule to this Act, in as full and ample a manner in all respects as though the several provisions of the said Acts of the Legislature of the Province of Ontario were incorporated into and re-enacted by this Act.

Rights and liabilities continued.

3. The said Company shall, in all transactions and matters, occupy the like position, and shall, in all respects, stand in the like plight and condition, and shall, in all things, to the fullest extent, have and possess the same rights, powers and authority, as did the said Company incorporated under the said above recited Acts of the Legislature of the Province of Ontario before the passing of this Act; and shall also be subject to all the liabilities and obligations of the Company existing at the time of the passing of this Act; and any suit, action or proceeding pending, or judgment existing, at the time of the passing of this Act, may be continued, completed and enforced against the Company, in the same manner as if this Act had not been passed.

4. All the provisions of "*The Railway Act*" shall apply to the Toronto, Hamilton and Buffalo Railway Company, and, in so far as they are applicable to the undertaking, and except to the extent to which they are inconsistent with the provisions of the said Acts of the Legislature of the Province of Ontario above recited, shall be read and construed therewith in the same manner as though forming part thereof and expressly incorporated therewith.

"The Railway Act" applies.

5. Nothing contained in this Act shall be construed in any way to affect or render inoperative any of the provisions of the said Acts of the Legislature of the Province of Ontario above recited, or any Acts amending the same.

Acts of Ontario Legislature not affected.

6. All works of railway construction already done by or for the said Company, on the main line of railway of the said Company or any of the branches thereof, may be held and used by the said Company for the purposes and as part of the said railway, and shall be deemed part thereof in all respects as if made and constructed under the authority and provisions of Acts passed by the Parliament of Canada in the same words as the above recited Acts of the Legislature of the Province of Ontario; and all and every purchase, grant or donation of land, money or other property made to the said Company, and all surveys, plans, maps or profiles preliminary to the construction of the said railway heretofore made and filed or deposited in any public office, and every and all notices to land-owners of intention to take or exercise powers of the Company with regard to any lands, declarations, certificates of surveyors, appointments or awards of arbitrators, orders or warrants of possession heretofore made or granted by any judge, and all and every act or thing heretofore done, or proceeding of any sort heretofore taken, by the said Company in the exercise of any of their corporate powers in connection with the construction of their said line of railway, and the taking and using of lands for that purpose, and the ascertaining and determining of the amount of compensation to be made in respect of lands taken or injuriously affected by the said railway, if, and so far as, made, done or taken in accordance with the provisions of the said above recited Acts of the Legislature of the Province of Ontario, or of "*The Railway Act of Ontario*," or of "*The Railway Act*," shall be, in all respects, deemed and held to be legal, valid and binding in the same manner and to the same extent as though the same had been made, done or taken under the authority of and in accordance with the provisions of Acts of the Parliament of Canada passed in the same words as the several Acts above mentioned.

Work done by Company.

Purchase of land or other property.

To be valid.

7. Nothing in sections three, four, five and six of this Act contained shall affect any litigation heretofore had or now pending.

Litigation not affected.

Amalgama-
tion permit-
ted.

Proviso.

Approval
after notice.

Power of
lease.

Traffic ar-
rangements.

Sale and pur-
chase may be
agreed upon
by directors.

8. The Company may enter into an agreement with the Brantford, Waterloo and Lake Erie Railway Company for an amalgamation with such company on such terms as are agreed upon and subject to such restrictions as to the directors seem fit, provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council :

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 Toronto, Hamilton and Buffalo Railway Company runs and in which a newspaper is published.

9. The Company may also lease from the said Brantford, Waterloo and Lake Erie Railway Company its line of railway, rolling stock, assets, property, rights, privileges and franchises for such a period of time and upon such terms and conditions as are agreed upon by the directors of the said companies, or may make such traffic arrangements with the said Brantford, Waterloo and Lake Erie Railway Company as the directors of the said companies agree upon or deem advisable ; provided, however, that no lease by the Brantford, Waterloo and Lake Erie Railway Company to the said other railway Company, shall be valid until the same shall have been approved of by two-thirds of the votes at a special general meeting of the shareholders of the said Brantford, Waterloo and Lake Erie Railway Company duly called for such purpose.

10. The proprietors of the Brantford, Waterloo and Lake Erie Railway Company may sell and the Toronto, Hamilton and Buffalo Railway Company may acquire by purchase or otherwise the railway, works, capital stock, assets, rights, privileges, property and franchises of the Brantford, Waterloo and Lake Erie Railway Company upon such terms and conditions as are agreed upon by the directors of the said companies, and the Company may, for the purpose of acquiring the railway and works, capital stock and other assets, properties, franchises and securities of the said Brantford, Waterloo and Lake Erie Railway Company, in addition to the powers conferred by their said Act of incorporation and amendments thereto, increase their capital stock by an amount not exceeding the capital stock of the said Brantford, Waterloo and Lake Erie Railway Company, by the issue of additional ordinary shares ; and may also issue bonds, debentures or other securities

to an amount not exceeding forty thousand dollars per mile of the railway of the Brantford, Waterloo and Lake Erie Railway Company and its branches :

2. The agreement for such purchase, acquisition, lease, amalgamation or traffic arrangement shall provide that all Acts relating to the Brantford, Waterloo and Lake Erie Railway Company shall be respected, and that all obligations entered into by the proprietors thereof, as well as all conditions imposed by any by-laws of any corporation on granting any bonus, and all contracts or agreements made by the said Company with any corporation, shall be carried out by the Toronto, Hamilton and Buffalo Railway Company and also any amalgamated company that is formed under this Act and is sued therefor ; and that the rights and privileges and claims of any bondholder, person or corporation in respect of either company shall in no way be impaired by such sale and purchase, lease, amalgamation or traffic arrangement, but shall remain valid and binding :

Provision in agreement.

Right of bondholders not impaired.

3. Such agreement shall not be valid until it has first been ratified by two-thirds of the votes at a special general meeting of the shareholders of the Toronto, Hamilton and Buffalo Railway Company, and of the Brantford, Waterloo and Lake Erie Railway Company respectively, 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.

A two-thirds vote required to ratify agreement.

11. Upon the ratification of the said agreement in the manner above mentioned, the railways and works, capital stock, assets, rights, privileges, property and franchises of the Brantford, Waterloo and Lake Erie Railway Company shall be vested in the Toronto, Hamilton and Buffalo Railway Company, and any suit, action or proceeding pending, or judgment existing at the time when the said agreement takes effect by or against either company may be continued and completed and enforced by or against the Toronto, Hamilton and Buffalo Railway Company.

Transfer of property.

Rights of suitors saved.

12. A duplicate of the agreements referred to in sections eight, nine and ten 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 *primâ facie* evidence that the requirements of this Act have been complied with.

Agreement to be filed with the Secretary of State.

Notice.

13. So soon as the Brantford, Waterloo and Lake Erie railway has been acquired, as provided in sections eight and ten of this Act, the Company may issue bonds, debentures or other securities to the extent of forty thousand dollars, and no more, per mile of the amalgamated railway and branches ; and such bonds, debentures or other securities may

The Company may issue bonds, &c.

be issued only in proportion to the length of the railway constructed or acquired under the provisions of this Act, and of the Acts incorporating the said companies respectively and amendments thereto ; or under contract to be constructed ; and the Company shall, out of the proceeds of the sale of the said bonds, debentures or other securities, set aside a sufficient sum to pay off and cancel all and any bonds heretofore issued by the Company or by the said Brantford, Waterloo and Lake Erie Railway Company.

Certain mat-
ters not affect-
ed.

14. Nothing in this Act contained or that is done under or by virtue of the powers hereby granted shall alter or affect any of the conditions contained in any by-law of the municipal council of the city of Hamilton heretofore passed relative to the Toronto, Hamilton and Buffalo Railway Company, or any agreement between the corporation of the city of Hamilton and the said Company ; but all such agreements and conditions shall continue and remain in full force as between the said city corporation and the Toronto, Hamilton and Buffalo Railway Company, as continued and incorporated by this Act, and also any amalgamated company that is formed under this Act.

SCHEDULE.

STATUTES OF THE PROVINCE OF ONTARIO.

Year and Chapter.	Title of Act.
47 Vict., Chap. 75.....	An Act to incorporate The Toronto, Hamilton and Buffalo Railway Company.
52 Vict., Chap. 83.....	An Act respecting The Toronto, Hamilton and Buffalo Railway Company.
53 Vict., Chap. 126...	An Act respecting The Toronto, Hamilton and Buffalo Railway Company.

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54-55 VICTORIA.

CHAP. 87.

An Act respecting the St. Catharines and Niagara Central Railway Company.

[Assented to 31st July, 1891.]

WHEREAS the St. Catharines and Niagara Central Rail-^{Preamble.}
way Company has, by its petition, prayed for certain
amendments, as hereinafter set forth, to the Acts respecting
the Company; and whereas, by the Acts of the Legislature of
Ontario relating to the St. Catharines and Niagara Central
Railway Company, as confirmed by the Act of the Parliament
of Canada, passed in the fifty-first year of Her Majesty's reign,^{51 V., c. 78.}
chaptered seventy-eight, the Company was authorized to make
and issue bonds and debenture stock for the purpose of raising
money for prosecuting the undertaking of the Company, to an
amount not exceeding twenty thousand dollars per mile of the
railway; and whereas, for the said purpose it has been found
necessary to provide for the issue of bonds or debenture stock
to the amount of thirty thousand dollars per mile of the said
railway; and whereas, the Company have, under the powers
conferred on them, made and issued bonds to the amount of
two hundred and forty thousand dollars in respect of the twelve
miles of their railway now constructed and in operation; and
whereas the city of St. Catharines have guaranteed the prin-
cipal and interest of the said bonds to the amount of eighty
thousand dollars,—which bonds are now held by the purchasers
thereof; and whereas the said city are the holders of other
bonds of the said Company, part of the said issue, to the
amount of eighty thousand dollars, upon the terms and condi-
tions set out in by-law number five hundred and twelve of the
said city; and whereas, the said Company desire to call in and
cancel the whole of the bonds so issued to the amount of two
hundred and forty thousand dollars, and to substitute therefor
new bonds of the issue which they have prayed to be authorized
to make; 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, en-
acts as follows:—

Limit to issue of bonds extended.

1. The limit of twenty thousand dollars per mile to the issue of bonds or debenture stock fixed by the Acts respecting the company, is hereby extended to thirty thousand dollars per mile; and such bonds or debenture stock shall bear interest at a rate not exceeding six per cent per annum, and may be issued and secured in the same manner as is provided by the said Acts and by "*The Railway Act*" with respect to the bonds or debenture stock authorized to be issued by the Company.

Substitution of bonds.

2. The Company shall deliver to the said city of St. Catharines bonds to the amount of ninety-six thousand dollars of such new issue, when made as herein authorized, in substitution for the bonds to the amount of eighty thousand dollars now held by the said city, as aforesaid; and the said bonds to the amount of ninety-six thousand dollars, shall be held on the same terms and subject to the like conditions in all respects as the said bonds to the amount of eighty thousand dollars are now held, and the rights and liabilities of the said city and of the said Company towards the other shall, in all other respects, remain unaltered and unaffected.

Application of bonds.

3. The said bonds when and as issued shall be applied, as to ninety-six thousand dollars thereof, as hereinbefore provided; and as to the remainder, first in redeeming by exchange or otherwise all the remaining outstanding bonds of the Company, on such terms and in such manner as are agreed on by the directors of the Company and the holders of such bonds, and secondly in completing and equipping the railway to Hamilton and Toronto.

Connecting branch authorized.

4. The company may, in addition to the powers heretofore conferred upon it, construct, build and operate any branch or extension necessary to enable it to connect with, and make use of, any railway bridge at any point on the Niagara River, and to enable it to make connection with the railway of any company in the State of New York running or operating a line of railway connecting with any railway bridge across the Niagara River; and may make running or traffic arrangements with, or may lease its line of railway to any such company, or with or to the Canadian Pacific Railway Company or the Canada Southern Railway Company, but not with or to the Grand Trunk Railway Company of Canada or any company whose railway is leased to or operated by the said last mentioned company.

Agreement with another company, G.T.R. excepted.



54-55 VICTORIA.

CHAP. 88.

An Act respecting the Lake Erie, Essex and Detroit River Railway Company, and to change the name thereof to "The Lake Erie and Detroit River Railway Company."

[Assented to 31st July, 1891.]

WHEREAS the Lake Erie, Essex and Detroit River Railway Company, hereinafter called the Company, have petitioned for an Act to amend, as hereinafter set forth, their Act of incorporation, and also to change the name of the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
48-49 V., c. 21.

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

Change of name.
Existing rights, &c., saved.

2. Section two of the Act incorporating the Company is hereby repealed, and in lieu thereof it is hereby enacted that the head office and chief place of business of the Company shall be in the town of Walkerville, in the Province of Ontario.

48-49 V., c. 21,
s. 2 repealed.
Head office.

3. The Company may lay out, construct, equip, finish and operate an extension of their line of railway from some point at or near the town of Leamington, in the Province of Ontario, and passing near the town of Blenheim and the city of St. Thomas, to a point at or near the town of Simcoe, in the county of Norfolk; and all provisions of the Act

Extension from Leamington to Simcoe authorized.

incorporating the Company, relating to the issue of mortgage bonds, shall apply to the extension hereby authorized.

Agreement with a Provincial railway company.

4. The Company may enter into an agreement with the Provincial railway company, now known as the Lake Erie and Detroit River Railway Company, for leasing from such company its line of railway, in whole or in part, or any rights or powers acquired by it, 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 first been sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council:

Proviso: sanction of shareholders and Governor in Council.

Notice of application to 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.

Commencement and completion of extension.

5. The work on the extension authorized by section three of this Act shall be commenced within two years, and completed within five years from the passing of this Act; otherwise the powers granted for such extension shall cease and be null and void as respects so much of the extension as then remains uncompleted.

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54-55 VICTORIA.

CHAP. 89.

An Act respecting the Central Counties Railway Company.

[Assented to 10th July, 1891.]

WHEREAS the Central Counties Railway Company have, Preamble.
by their petition, prayed for an Act to amend, as hereinafter set forth, the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter eighty-two, 50-51 V., c. 82.
incorporating the said Company under the name of the Prescott County Railway Company, and also the Act amending the same passed in the fifty-second year of Her Majesty's Reign, chapter 52 V., c. 80.
eighty, 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 undertaking authorized by the Acts mentioned in the preamble to this Act is hereby divided into five sections, as follows:— Undertaking divided into sections.

(a.) A line from a point in or near the village of Hawkesbury, in the County of Prescott, to a point on the line of the Canada Atlantic Railway Company, in or near the village of Glen Robertson, in the County of Glengarry, which shall be designated and known as "section one;"

(b.) The Caledonia Springs Branch, which shall be designated and known as "section two;"

(c.) A line from some point on the line of the Canada Atlantic Railway Company at or near South Indian, to the village of Rockland, which shall be designated and known as "section three;"

(d.) A line from some point on the line of the Canada Atlantic Railway Company, in the County of Stormont, to the River St. Lawrence, in or near the town of Cornwall, which shall be designated and known as "section four;"

(e.) The bridge and steam ferry boats across the Ottawa River, which shall be designated and known as "section five" or "the Bridge section."

Bonds may
be of two
classes.

2. Sub-sections two and three added to section ten of the first above mentioned Act by section five of the Act passed in the fifty-second year of Her Majesty's reign, chapter eighty, are hereby repealed and it is hereby enacted that the bonds authorized by the said section ten may be of two classes, viz. :—

Series "A"
bonds.

First, "A" bonds, which may be issued separately in respect of each of the four sections of the railway as defined by section one of this Act, and designated as sections one, two, three and four, to an amount not exceeding ten thousand dollars per mile of each respective section constructed or under contract to be constructed; such bonds shall, subject to the provisions contained in section ninety-four of "*The Railway Act*," form a first charge upon and be limited to the particular section in respect of which respectively they are issued, and upon the rents and revenues thereof, and upon all the property of the Company of or belonging to such section except the rolling stock;

Series "B"
bonds.

Secondly, "B" bonds, which may be issued to an amount not exceeding fifteen thousand dollars per mile in proportion to the length of the railway in each respective section constructed or under contract to be constructed, and such "B" bonds shall, subject to the provisions contained in section ninety-four of "*The Railway Act*," form a first charge upon all the rolling stock of the Company, and a second charge upon the four several and respective sections of the railway and the rents, revenues and property thereof, subject to the "A" bonds issued in respect thereof respectively :

Bridge bonds.

2. The Company may also issue bonds to an amount not exceeding six hundred thousand dollars for the construction of the bridge and steam ferry boats hereinbefore mentioned, which shall be called bridge bonds; and such bonds shall, in like manner, be secured by a deed of mortgage specifying the security therefor; and such deed may provide that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage, similar rates and tolls to those fixed for the use of such bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds."

Section 11 of
50-51 V., c. 82
repealed.

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

Section 12
repealed.

4. Section twelve of the last mentioned Act is hereby repealed.

Section 13
repealed.

5. Section thirteen of the last mentioned Act is hereby repealed.

Section 17
amended.

6. The power to convey or lease the railway granted under section seventeen of the last mentioned Act shall extend

to any one or more of the sections into which the said line of railway is authorized by section one of this Act to be divided.

7. Section seventeen of the last mentioned Act is hereby amended by striking out the words "two months" in the twenty-fourth line thereof, and substituting therefor the words "two weeks." Section 17 further amended.

8. Section six of the Act passed in the fifty-second year of Her Majesty's reign, chapter eighty, is hereby repealed, and in lieu thereof it is hereby enacted that within one year from the passing of this Act not less than twenty per cent on the amount of the capital stock of the Company shall be expended on the railway and branches authorized by the Acts relating to the Company and by this Act, and that the said railway and branches shall be completed within five 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. Section 6 of 52 V., c. 80, repealed. Limitation of time for construction of railway.

9. Section seven of the last mentioned Act is hereby repealed, and in lieu thereof it is hereby enacted that the bridge shall be commenced within three years and completed within five years from the passing of this Act, otherwise the powers granted for the construction thereof shall cease and be null and void. Limitation for bridge.

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



54-55 VICTORIA.

CHAP. 90.

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

[Assented to 31st July, 1891.]

Preamble.

52 V., c. 62.

WHEREAS the Cobourg, Northumberland and Pacific Railway Company, hereinafter called the Company, has, by its petition, prayed that its Act of incorporation, passed in the fifty-second year of Her Majesty's reign, chapter sixty-two, be amended as hereinafter set forth, and it is expedient to revive the said Act and to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Act of incorporation revived.

Time for construction.

Section 1 amended.

Section 3 amended.

1. Subject to the provisions of this Act, the Act incorporating the Cobourg, Northumberland and Pacific Railway Company, passed in the fifty-second year of Her Majesty's reign, chapter sixty-two, is hereby revived and declared to be in force, and the times limited for the commencement and completion of the railway of the Company are hereby extended for one year and three years respectively from the passing of this Act ; and if the railway is not commenced and completed within the times so fixed, then the powers granted by the said Act and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

2. Section one of the said Act is hereby amended by striking out therefrom the names of "Artemus Blodgett" "James Crossen," "Samuel Clarke" and "William Webster," and inserting in lieu thereof the names "W. W. Armstrong, Nicholas D. Richards, Charles Sargent, William Battell, Edward Cochrane, George Guillett and William James Crossen."

3. Section three of the said Act is hereby amended by adding after the word "Belmont" in the seventh line thereof, the following words :—"and the company may lay out, construct

construct and operate a branch railway, of the gauge of four feet eight and one-half inches, from any point on its said railway, ^{Branch rail-} northerly, through the township of Belmont, to the mineral lands in the County of Hastings.” ^{way.}

4. Section five of the said Act is hereby amended by striking out from the first line thereof the word “ five ” and inserting in lieu thereof the word “ two.” ^{Section 5 amended.}

5. Section eight of the said Act is hereby amended by striking out from the second line thereof the word “ six,” and inserting in lieu thereof the word “ twelve.” ^{Section 8 amended.}

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54-55 VICTORIA.

CHAP. 91.

An Act to revive and amend the Act to incorporate the Oshawa Railway and Navigation Company, and to change the name thereof to "The Oshawa Railway Company."

(Assented to 28th August, 1891.)

Preamble.

WHEREAS the Oshawa Railway and Navigation Company has, by its petition, prayed for certain amendments, as hereinafter set forth, to the Act incorporating the Company, and also that its name be changed to "The Oshawa Railway Company"; and whereas it is expedient to revive the said Act and to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Acts 50-51 V.,
c. 92 revived;
and time for
building rail-
way extended.

1. Subject to the provisions of this Act, the Act incorporating the Oshawa Railway and Navigation Company, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter ninety-two, is hereby revived and declared to be in force, and the times limited by the said Act for the commencement and completion of the railway of the Company, are hereby extended for one year and four years respectively from the passing of this Act; and if the railway is not commenced and completed within the times so fixed, then the powers granted by the said Act and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Capital stock
and calls
thereon.

2. Notwithstanding anything contained in the Act incorporating the Company, the capital stock of the Company shall be two hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed; and so soon as twenty-five per cent of the said capital stock has been subscribed and ten per cent paid thereon, the provisional directors shall call the meeting provided for in section seven of the said Act.

3. The name of the Company is hereby changed from “The Oshawa Railway and Navigation Company” to “The Oshawa Railway Company;” but such change in name shall not, in any way, impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, and completed and enforced as if this Act had not been passed. ^{Change of name.}

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



54-55 VICTORIA.

CHAP. 92.

An Act respecting the South Ontario Pacific Railway Company.

[Assented to 10th July, 1891.]

Preamble.

50-51 V., c. 85.

WHEREAS the South Ontario Pacific Railway Company, hereinafter called the Company, has, by its petition, prayed that its Act of incorporation be amended as hereinafter set forth, and also that the time for completing its railway be extended, 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:—

50-51 V., c. 85,
s. 3, repealed.

1. Section three of the Act passed in the Session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter eighty-five, is hereby repealed and the following substituted therefor:—

Lines of rail-
way which
may be built
by Company.

“3. The Company may lay out, construct and operate a railway from some point on the line of the Ontario and Quebec Railway at or near Woodstock, to some point in or near the city of Hamilton; and also one from some point on that railway to a convenient point on the Niagara river, and thence may connect by a ferry or bridge with any railway in the United States reaching such ferry or bridge; and also a railway from some point on the Ontario and Quebec Railway near Cooksville or Toronto, through the city of Hamilton, to some point further west on the line of railway first above described; and also a branch or extension from any point on the said railway first above described, *via* the village of Embro, in the county of Oxford, and the town of St. Mary's, in the county of Perth, to some convenient point on lake Huron, between Bayfield and Kincardine.”

Ferry or
bridge over
Niagara river.

Section 17 re-
pealed.

2. Section seventeen of the said Act is hereby repealed.

Extension of
time for com-
pletion of rail-
way.

3. The Company shall complete its railway within five years and its bridge within seven years from the passing of this Act; otherwise

otherwise the powers granted by the said Act and this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

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



54-55 VICTORIA.

CHAP. 93.

An Act amalgamating the Ottawa and Parry Sound Railway Company, and the Ottawa, Arnprior and Renfrew Railway Company, under the name of "The Ottawa, Arnprior and Parry Sound Railway Company."

[Assented to 31st July, 1891.]

Preamble.

51 V., c. 65.

51 V., c. 71,
(Ont.)

54 V., c. 91
(Ont.)

WHIEREAS the Ottawa and Parry Sound Railway Company was duly incorporated by an Act of the Parliament of Canada, passed in the fifty-first year of Her Majesty's reign, chaptered sixty-five; and whereas the Ottawa, Arnprior and Renfrew Railway Company was duly incorporated by an Act of the Legislature of Ontario, passed in the fifty-first year of Her Majesty's reign, chaptered seventy-one, which said last mentioned Act was amended by an Act of the same Legislature passed in the fifty-fourth year of the same reign, chaptered ninety-one; and whereas the said two companies have become amalgamated into one corporation under the name of "The Ottawa, Arnprior and Parry Sound Railway Company," under a deed of amalgamation (of which a copy, with the four schedules annexed thereto, is appended hereto), which said deed has been duly confirmed by the respective shareholders of the said two amalgamating companies as provided by the said respective Acts of the said Parliament and Legislature relating thereto; and whereas the Ottawa and Parry Sound Railway Company, by its petition, has represented that it is desirable that the said deed of amalgamation should be confirmed by the Parliament of Canada, and has prayed that an Act be passed for that and 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:—

Amalgama-
tion ratified.

I. The said deed of amalgamation (a copy of which, with the said four schedules annexed thereto, is appended hereto), is hereby approved, ratified and confirmed, and shall be taken and read as part of this Act; and the said amalgamation thereby effected is hereby declared to be valid and operative as and from the date of the said deed.

2. Nothing in this Act or in the said deed of amalgamation or the schedules thereto shall be held to relieve either of the said companies from any of its duties or liabilities under the railway laws of Canada. Railway laws of Canada to govern.

3. All the lines of railway and branch railways authorized to be laid out, constructed and operated by the said Acts of the said Parliament and Legislature are hereby declared to be works for the general advantage of Canada. Declaratory.

4. From the date of the said deed the said amalgamated railway company, and the shareholders thereof, shall be deemed to have become, and are hereby declared to have been and to be a body corporate and politic, under the name of "The Ottawa, Arnprior and Parry Sound Railway Company," hereinafter called the Company, and from the date of the said deed shall be vested with, and have, possess, be entitled to and capable of having and exercising all the rights, franchises, powers, privileges, property and assets of the said amalgamating companies and each of them, as more particularly mentioned in the said deed : Provided always, that the said amalgamated company shall not have power to amalgamate with any railway company or companies other than the railway companies with which the Ottawa, Arnprior and Renfrew Railway Company was, at the date of the said deed, authorized to amalgamate, under the said recited Acts of the Legislature of Ontario ; nor shall the said amalgamated company have power to enter into or conclude any agreement for selling, conveying or leasing the amalgamated railway, or any part thereof, or for the working of the said amalgamated railway, or any part thereof, except with such railway companies. Corporate name of amalgamated Company. Combined powers. Proviso as to further amalgamation.

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

6. The Company may lay out, construct and operate a line of railway, of the gauge of four feet eight and one-half inches, from a point in or near the city of Ottawa, in the county of Carleton, to a point in the village of Arnprior, in the county of Renfrew, and from thence, by way of Braeside, to the village of Renfrew, in the said county of Renfrew ; thence to the village of Eganville, passing through the townships of Horton, Admaston and Grattan ; thence to Killaloe, and thence through the districts of Nipissing and Parry Sound to some point on Georgian Bay at or near the village of Parry Sound. Line of railway.

2. The Company may purchase, lease or acquire, at any point where their railway or any branch thereof touches or approaches within two miles of any navigable waters, sufficient lands for the use of the Company, their railway, and vessels run or navigated in connection with the said railway, and may erect warehouses, elevators, docks, wharves, stations, workshops and such Powers : lands.

Connecting
lines with
docks, &c.

other buildings as may be necessary for the purposes of the Company, and may sell and convey such land as is found superfluous for any such purposes ; and the Company may also connect any of the works herein mentioned with any point on their railway or branches, by means of any line or lines of railway for such purposes :

Powers as to
vessels.

3. The Company may construct, purchase, or otherwise acquire, charter, sell and dispose of, work, control, navigate and keep in repair steam or other vessels, from time to time, to ply on the lakes, rivers and canals of Canada, in connection with the said railway ; and also may make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals. in connection with the said railway.

Capital stock
and calls.

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

Annual general
meeting.

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

New Com-
pany liable for
debts, &c., of
amalgamated
companies.

9. The Company shall be liable for all the debts, duties and obligations of each of the said companies so amalgamated ; and no proceedings of any nature, either by or against the said companies so amalgamated, or either of them, shall be abated or discontinued by reason of the said amalgamation or of this Act, but they shall be continued to their natural and ordinary termination as if the said amalgamation had not been effected ; and, if any judgment is rendered therein, such judgment shall be binding upon and executory against the amalgamated company, or shall enure to the benefit thereof and may be enforced thereby, as the case may be.

Issue of bonds.

10. In lieu of the provisions relating to the issue of bonds contained in the said recited Acts, the Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches of the Company ; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Use of roll-
stock.

11. The directors of the Company may enter into an agreement with any company or person for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property, from such company or person, for such time and on such terms as are agreed on.

Amalg.
ation rat

cts
ly.

12. The provisions of "*The Railway Act*," and of the several Acts cited in the preamble to this Act shall, except in so far

as the same are varied by this Act, apply to the Company and to the undertaking of the Company.

13. The railways authorized to be constructed by the said recited Acts and this Act shall be completed within four years from the passing of this Act; otherwise the powers granted by the said Acts and this Act shall cease and be null and void as respects so much of the railways as then remains uncompleted.

Time for construction of railways.

SCHEDULE.

THIS INDENTURE, made the eighteenth day of May, in the year of Our Lord, eighteen hundred and ninety-one, between the Ottawa, Arnprior and Renfrew Railway Company, of the first part, and the Ottawa and Parry Sound Railway Company of the second part :

Whereas the said parties of the first part were incorporated by an Act of the Legislature of Ontario, passed in the fifty-first year of the reign of Her Majesty Queen Victoria, and chaptered seventy-one, and intituled "An Act to incorporate the Ottawa, Arnprior and Renfrew Railway Company," and by the said Act were empowered to lay out, construct, complete, equip and operate a single or double line of railway from a point in or near the city of Ottawa, in the county of Carleton, to a point in the village of Arnprior, in the county of Renfrew, and from thence by way of Braeside to the village of Renfrew, in said county of Renfrew, as will more fully appear, reference being had to said Act ;

And whereas by another Act of the said Legislature, passed in the fifty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered ninety one, and intituled "An Act to amend the Act to incorporate the Ottawa, Arnprior and Renfrew Railway Company," certain amendments were made in the said first recited Act, as will more fully appear, reference being had to said amending Act ;

And whereas, pursuant to the provisions of the said Acts, shares to the amount of seventy-four thousand five hundred dollars of the capital stock of the parties of the first part have been subscribed, and ten per cent paid up thereon, as required by said Acts ;

And whereas the persons named in the first schedule hereto are the shareholders of the said parties of the first part, holding shares in the said capital stock of the parties of the first part for the amounts respectively set opposite to their respective names, upon all of which said shares ten per cent has been duly paid up ;

And whereas the assets of the said parties of the first part are as specified in the second schedule hereto annexed ;

And whereas the said parties of the second part were incorporated by an Act of Parliament of Canada, passed in the

fifty-first year of the reign of Her Majesty Queen Victoria, and chaptered sixty-five, and intituled "An Act to incorporate the Ottawa and Parry Sound Railway Company," and by the said Act were empowered to lay out, construct and operate a railway from a point on the Canadian Pacific Railway, in or near the said village of Renfrew, thence by the most feasible and available engineering route to the village of Eganville, passing through the townships of Horton, Admaston and Gratton; thence to Killaloe, and through the districts of Nipissing and Parry Sound, to some point on Georgian Bay at or near the village of Parry Sound; and also to make branch lines to any length not exceeding six miles, as will more fully appear, reference being had to said last mentioned Act;

And whereas, pursuant to the provisions of said last mentioned Act shares to the amount of three hundred and nine thousand dollars of the capital stock of the parties of the second part have been subscribed, and ten per cent paid up thereon, as required by said last mentioned Act;

And whereas the persons named in the third schedule hereto are the shareholders of the said parties of the second part holding shares in said capital stock of the said parties of the second part for the amounts respectively set opposite to their respective names,—upon all of which said shares ten per cent has duly been paid up;

And whereas the assets of the said parties of the second part are as specified in the fourth schedule hereto;

And whereas work has been duly commenced on each of the said lines of railways as required by said Acts respectively;

And whereas the said parties of the first and second parts desire to amalgamate and consolidate the said two companies into one, under the name of "The Ottawa, Arnprior and Parry Sound Railway Company," on the terms and conditions hereinafter expressed:

NOW THIS INDENTURE WITNESSETH, that the said parties hereto of the first and second parts hereby agree, each with the other of them, that they the said parties hereto of the first and second parts shall be and they are hereby amalgamated and consolidated into one company, under the name of the Ottawa, Arnprior and Parry Sound Railway Company.

The capital stock of the said amalgamated company shall not exceed four million dollars, to be divided into forty thousand shares of one hundred dollars each.

The said shareholders of the said parties of the first and second parts mentioned in the said first and third schedules hereto shall each become, and they are each hereby declared to be shareholders in the said amalgamated company for the number of shares set opposite to their respective names in said first and third schedules hereto; and upon all such shares ten per cent. shall be deemed to have been duly paid up as shown in said schedules; and the said shareholders, and all such other persons as shall hereafter become shareholders in the said

amalgamated company, shall be and they are hereby constituted a body corporate and politic, by the name of The Ottawa Arnprior and Parry Sound Railway Company.

And the said amalgamated company may lay out, construct and operate all and every the lines of railway and branch railways as mentioned and described in said recited Acts.

That Claude McLachlin, John R. Booth, Charles Mohr, William Anderson, Charles J. Booth, Neil McIntosh and John F. Booth in said first or third schedules mentioned, shall be and they are hereby constituted the first directors of the said amalgamated company, and shall hold office as such until others shall be elected by the shareholders at the first annual general meeting of the said amalgamated company.

That the number of directors of said amalgamated company shall be fixed at seven.

That the annual general meeting of the shareholders of the said amalgamated company for the election of directors and other general purposes shall be held on the last Tuesday in May in each year, and that the mode of calling and the place of holding such general meeting, and also special general meetings, shall be governed by the provisions of the Railway Act (Dominion).

That the said amalgamated company shall be, and it is hereby vested with, and declared to have, possess, be entitled to and capable of having and exercising all the rights, franchises, powers, privileges, and all the property and assets of the said companies parties hereto of the first and second parts, and every of them, which they and every of them, the said parties of the first and second parts, have, possess, are entitled to, or capable of having or exercising, under and by virtue of the said several Acts relating to the said parties of the first and second parts respectively; and particularly, but without limiting the generality of the preceding words, the said amalgamated company shall have and it is hereby vested with and declared entitled to all the property and assets of the said parties of the first and second parts mentioned in the second and fourth schedules hereto; Provided always, that said amalgamated company shall not have power to amalgamate with any railway company or companies other than the railway companies which the Ottawa, Arnprior and Renfrew Railway Company, parties of the first part, are now authorized to amalgamate with under said recited Acts of the Legislature of Ontario, nor shall said amalgamated company have power to enter into or conclude any agreement for selling, conveying or leasing the amalgamated railway or any part thereof, or for the working of the said amalgamated railway or any part thereof, except with such railway companies as the Ottawa, Arnprior and Renfrew Railway Company, parties of the first part, are now authorized under said last mentioned Acts.

That the said amalgamated company shall be liable for all the debts, duties and obligations of the said respective amalga-

mating companies; and no proceedings of any nature, either by or against the said amalgamating companies, or either of them, shall be abated, or discontinued, by reason of this indenture, but shall be continued to their natural and ordinary termination as if this indenture had never been made. But if any judgment be rendered therein, such judgment shall be binding upon and executory against the said amalgamated company, or shall enure to the benefit thereof, and may be enforced thereby as the case may be.

The said amalgamated company hereby formed shall have power to issue mortgage bonds to an amount not exceeding twenty-five thousand dollars per mile of the amalgamated railway and its branches, and charged upon the whole of the said amalgamated railway and branches.

All conveyances and deeds, if any, necessary for the further carrying out of this agreement and of the amalgamation hereby made shall be executed by either party hereto.

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

[L.S.] CLAUDE McLACHLIN,
 President, O. A. and R. Ry.
 A. W. FLECK,
 Secretary.

[L.S.] J. R. BOOTH,
 President, O. and P. S. Ry.
 A. W. FLECK,
 Secretary.

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

WILLIAM LEBRETON ROSS.

First Schedule to the deed of amalgamation between the Ottawa, Arnprior and Renfrew Railway Company and the Ottawa and Parry Sound Railway Company, dated the eighteenth day of May, eighteen hundred and ninety-one.

STOCKHOLDERS OF THE OTTAWA, ARNPRIOR AND RENFREW RAILWAY COMPANY.

Names.	Number of Shares of \$100 each.	Total Amount Subscribed.	Amount Paid up.
		\$	\$
Claude McLachlin	100	10,000	1,000
Hugh F. McLachlin.	100	10,000	1,000
John Ferguson	20	2,000	200
J. F. Booth	50	5,000	500
E. J. Chamberlin	20	2,000	200
J. R. Booth	300	30,000	3,000
E. Mohr	25	2,500	250
R. G. Moles	10	1,000	100
Charles Mohr	20	2,000	200
N. McIntosh	20	2,000	200
C. J. Booth	50	5,000	500
W. Anderson	20	2,000	200
W. H. Berry	10	1,000	100
		\$74,500	\$7,450

[L.S.] CLAUDE McLACHLIN,
President, O. A. and R. Ry.
 A. W. FLECK,
Secretary, O. A. and R. Ry.

Witness:
 WILLIAM LEBRETON ROSS.

Second Schedule to the amalgamation deed between the Ottawa, Arnprior and Renfrew Railway Company and the Ottawa and Parry Sound Railway Company, dated the eighteenth day of May, one thousand eight hundred and ninety-one.

Assets of the Ottawa, Arnprior and Renfrew Railway Company:

All rights of way acquired and work done, and surveys and plans taken and made in connection with the last named railway company.

Third Schedule to the deed of amalgamation between the Ottawa, Arnprior and Renfrew Railway Company and the Ottawa and Parry Sound Railway Company, dated the eighteenth day of May, one thousand eight hundred and ninety-one.

STOCKHOLDERS OF THE OTTAWA AND PARRY SOUND RAILWAY COMPANY.

Names.	Number of Shares of \$100 each.	Total Amount Subscribed.	Amount Paid up.
		\$	\$
J. R. Booth	2,860	286,000	28,600
C. J. Booth	50	5,000	500
John Ferguson	20	2,000	200
Neil McIntosh	20	2,000	200
W. Anderson	20	2,000	200
J. F. Booth	50	5,000	500
E. J. Chamberlin	20	2,000	200
A. G. Peden	5	500	50
Geo. H. Perley	20	2,000	200
A. W. Fleck	5	500	50
Claude McLachlin	20	2,000	200
		\$309,000	\$30,900

Fourth Schedule to the amalgamation deed between the Ottawa, Arnprior and Renfrew Railway Company and the Ottawa and Parry Sound Railway Company, dated the eighteenth day of May, one thousand eight hundred and ninety-one.

Assets of the Ottawa and Parry Sound Railway Company :

Ontario Government bonus of \$3,000 per mile for 30 miles	\$ 90,000
Dominion Government bonus of \$3,200 per mile for 50 miles	160,000
Total	<u>\$250,000</u>

All right of way acquired and work done, and surveys and plans taken and made in connection with the last named railway Company.

J. R. BOOTH,
President, Ottawa and Parry Sound Ry.
 A. W. FLECK,
Secretary, O. and P. S. Ry.

Witness :
 WILLIAM LEBRETON ROSS.



54-55 VICTORIA.

CHAP. 94.

An Act respecting the Lake Temiscamingue Colonization Railway Company.

[Assented to 10th July, 1891.]

WHEREAS the Lake Temiscamingue Colonization Railway Company, hereinafter called the Company, has by its petition prayed for the powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. The Company may extend its railway so as to reach from a point at or near Mattawa to a point at or near the head of Lake Temiscamingue.

Railway may be extended.

2. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing, and it may convey or lease to that company, its railway in whole or in part, or any of its rights or powers, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or it may agree to amalgamate and may amalgamate with that company,—in either case on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such sale, lease or amalgamation, or the agreement therefor, has first been sanctioned by the consent in writing of every shareholder of the Company and by the Governor in Council, or, failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at a special general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette*, and in a newspaper published at Montreal, for at least four weeks previous to the hearing of such application.

Agreement with the Canadian Pacific Railway Co.

Sanction of shareholders and of Governor or in Council.

3. The Company shall complete the construction of its works within five years from the passing of this Act, otherwise

Time for completion extended.

wise the powers granted in respect of such construction shall cease and be null and void as respects so much of them as then remains uncompleted.

Head office
may be
changed.

4. If the Company thinks fit it may, by by-law to that effect, establish its head office at Montreal, and thereafter the annual general meeting of the shareholders for the election of directors and other general purposes shall be held at that place, instead of at Ottawa as provided in its charter.

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



54-55 VICTORIA.

CHAP. 95.

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

[Assented to 31st July, 1891.]

WHEREAS the Kingston, Smith's Falls and Ottawa Railway Company have, by their petition, prayed that certain amendments, as hereinafter set forth, be made to the Act incorporating the Company and to the Act amending the said Act, and it is expedient to revive the said Acts and to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Subject to the provisions of this Act, the Act incorporating the Kingston, Smith's Falls and Ottawa Railway Company, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter eighty-eight, and the Act amending the same, passed in the fifty-second year of Her Majesty's reign, chapter seventy-nine, are hereby revived and declared to be in force; and the times limited by the said Acts for the commencement and completion of the railway of the Company are hereby extended for two years and five years respectively from the passing of this Act; and if the railway is not commenced and completed within the times so fixed, then the powers granted by the said Acts 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.

50-51 V., c. 88.

52 V., c. 79.

2. The amount of first and second preference bonds which the directors of the Company may issue under the authority of sections three and four of the Act passed in the fifty-second year of Her Majesty's reign, chapter seventy-nine, is hereby increased from twenty thousand dollars to thirty thousand dollars per mile of the said railway constructed or under contract to be constructed.

Amount of bonds.

3. Section five of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter

Section 5 of 50-51 V., c. 88 amended.

eighty-eight, is hereby amended, by adding after the words "Kingston and Pembroke Railway Company," the words "or the Canada Atlantic Railway Company, or the Montreal and Ottawa Railway Company, or any corporation owning or controlling or which hereafter owns or controls any railway station and tracks, and other terminal facilities within the city of Kingston, or within the city of Ottawa, or any railway bridge across the river Ottawa at the city of Ottawa and the tracks and approaches thereto": Provided that, in the event of the Company entering into any agreement with the Kingston and Pembroke Railway Company as provided for in the said section five, then none of the powers given or continued to the Company by virtue of this Act shall be exercised so as to give to the Kingston and Pembroke Railway Company any advantage which it does not now possess in respect of the expropriation or use for railway purposes of lands in the city of Kingston."

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



54-55 VICTORIA.

CHAP. 96.

An Act respecting the Montreal and Ottawa Railway Company.

[Assented to 10th July, 1891.]

WHEREAS the Montreal and Ottawa Railway Company Preamble.
has, by its petition, prayed for an Act to amend, as hereinafter set forth, the Act incorporating the said Company (by the name of the "Vaudreuil and Prescott Railway Company") passed in the forty-seventh year of Her Majesty's reign, chapter 47 V., c. 84. eighty-four, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding and in addition to the provisions contained in section six of the Act cited in the preamble to this Act, the shareholders of the Company may further increase the number of directors to nine. Section 6 amended.

2. Section eleven of the said Act is hereby amended by substituting the words "seventeen thousand five hundred dollars per mile" for the words "fifteen thousand dollars per mile," on line thirty of the said section. Section 11 amended.

3. Section fifteen of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the Company shall complete its line of railway on or before the first day of July, one thousand eight hundred and ninety-four; otherwise the powers granted by the Acts relating to the Company shall cease and determine and be null and void as respects so much of the railway as then remains uncompleted. Section 15 repealed. Time for completion of railway.

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



54-55 VICTORIA.

CHAP. 97.

An Act respecting the Baie des Chaleurs Railway Company.

[Assented to 30th September, 1891.]

Preamble.

45 V., c. 53
and 49-50 V.,
c. 80 (Que.)

WHEREAS by an Act of the Legislature of the Province of Quebec passed in the forty-fifth year of Her Majesty's reign, chapter fifty-three, the Baie des Chaleurs Railway Company, hereinafter called the Company, was incorporated, with all the powers, rights and privileges in the said Act mentioned, for the construction of a railway from some point on the Intercolonial Railway in the vicinity of the Restigouche river, or connecting with the said Intercolonial Railway, and extending to New Carlisle or Paspebiac bay, with the right of continuing the line to Gaspé Basin; and whereas the said Act was amended by an Act passed in the session of the same Legislature held in the forty-ninth and fiftieth years of Her Majesty's reign, chapter eighty; and whereas the Company has, under the powers conferred upon it by the said Acts, constructed and completed in part a considerable portion of its line of railway from the point of commencement on the Intercolonial Railway towards Paspebiac, and desires to complete and extend its line to Gaspé Basin; and whereas the Company has, by its petition, prayed to become a railway corporation under and within the jurisdiction of the Parliament of Canada, with such amendments to the provisions of the said Acts respecting the Company as to the Parliament of Canada seem proper, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The Baie des Chaleurs Railway is hereby declared to be a work for the general advantage of Canada.

Incorporation
of Company.

2. From and after the passing of this Act, the Baie des Chaleurs Railway Company shall be and is hereby declared to be a body corporate subject to the legislative authority of the Parliament of Canada, with all and every the powers, rights, immunities, privileges, franchises and authorities from time to time

time conferred upon the said Company under and by virtue of the above recited Acts of the Legislature of the Province of Quebec, and each of them, as set out in the schedule to this Act, in as full and ample a manner in all respects as though the several provisions of the said Acts of the Legislature of the Province of Quebec were incorporated into and re-enacted by this Act.

Provisions of
Quebec Acts
embodied
herein.

3. Except as otherwise provided by this Act the Company shall, in all transactions and matters, occupy a like position, and shall, in all respects, stand in a like light and condition, and shall, in all things and to the fullest extent, have and possess the same rights, powers and privileges, and be subject to the same obligations and liabilities, as the said railway company incorporated under the said above recited Acts of the Legislature of the Province of Quebec before the said railway was declared to be a work for the general advantage of Canada.

Position of
Company.

4. The provisions of "*The Railway Act*" shall apply to the Company in the same manner as if the Company had been originally incorporated by the Parliament of Canada, and shall be read and construed herewith in the same manner as though forming part hereof and expressly incorporated herein.

The Railway
Act to apply.

5. Except as otherwise provided by this Act nothing herein contained shall alter, diminish or prejudice in any manner or form the rights, powers or privileges of any creditor of the Company.

Rights saved.

6. Whereas the Company have admitted that by a certain contract made on the eighth day of June, A.D. 1888, by one Charles N. Armstrong, with one Henry Macfarlane, for the construction, equipment and completion of certain portions of the railway of the Company, which contract was duly confirmed and ratified by the Company on the fourteenth day of June, A.D. 1888, and for the fulfilment of which the Company thereby obligated themselves jointly and severally with the said Charles N. Armstrong, a possessory lien (*droit de rétention*) was constituted upon the said portions, and upon all rolling stock and appurtenances of the said portions, as security for the rights of the said Henry Macfarlane under the said contract, and have also admitted that, under the said lien, the said Henry Macfarlane and the curators of his insolvent estate were and are entitled to the possession of the said portions of the railway, and all rolling stock and appurtenances of the said portions, until discharge of all claims by him or the said curators in respect thereof; and whereas the Company and the said Charles N. Armstrong, of the one part, in consideration of the relinquishment of such possession, and the said Macfarlane and the curators of his insolvent estate, of the other part, in

Provisions as
to claim of
Henry Mac-
farlane.

consideration of such admissions and of the provisions herein made for the further security of their rights, have agreed together and asked that by this Act such admissions shall be declared and the following provisions of this section be made :—

The Company shall, for the purpose of their undertaking, have full possession, occupation and enjoyment of all such portions of the railway and the rolling and other stock and movable plant used in the working thereof, as are subject to or affected by the said lien ; and, as further security for the preservation of the rights now possessed by, or which may hereafter be possessed by the said Henry Macfarlane or his legal representatives in virtue of such contract, and for payment by the Company and the said Charles N. Armstrong, or either of them, for all work done and rolling stock, materials and supplies furnished by the said Henry Macfarlane or his legal representatives, upon or in respect of the said portions of the railway, he and they are hereby declared to have had, since the eighth day of June, A.D. 1888, and shall have a first preferential claim and charge upon that part of the railway of the Company, extending from its junction with the Intercolonial Railway at or near Metapedia to the Cascapedia river, and upon all lands, works, buildings, materials, rolling stock and other property, movable or immovable, to the said part of the railway, at the date of the passing of this Act, appurtenant or belonging :

2. The said claim and charge has had and shall have priority over all mortgages, hypothecs, charges and encumbrances whatsoever, created by the Company, before or after the passing of this Act, for any purpose whatsoever, upon the said part of the railway, or upon the said lands, works, buildings, materials, rolling stock or other property, movable or immovable, to the said part appurtenant ; and no registration in any manner whatsoever shall be necessary in order to preserve such priority.

3. If the Company deposit a sum of not less than one hundred and eighty thousand dollars in any chartered bank in Canada, to the joint credit of the general manager of the Ontario Bank and of the president of the Company and their respective successors in office, in trust, as security for and to be applied towards the payment of any sum, which may, by any final judgment, agreement or arbitration between the said Henry Macfarlane or his legal representatives, and the Company or the said Charles N. Armstrong, be found to be due to the said Henry Macfarlane or his legal representatives in virtue of the said contract, or for work done, or rolling stock, materials or supplies furnished by the said Henry Macfarlane or his legal representatives, then, and so soon as such deposit has been made, the said claim, charge and lien shall cease to exist :

4. The Company shall, within ten days of making such deposit, file with the Minister of Railways and Canals a

deposit receipt or other sufficient certificate of such deposit, and shall give notice of such filing by advertisement in *The Canada Gazette*.

7. The rights, powers, privileges and obligations of the Company respecting the construction of its line shall apply to the extent in mileage from the junction with the Intercolonial Railway at Metapedia to Gaspé Basin, a total distance of about one hundred and eighty miles.

Extent of rights, &c., of company.

8. The time for the completion of the railway to Paspébiac is hereby extended for two years, and to Gaspé Basin for four years from the passing of this Act; and if the railway is not then completed and in operation, then the powers granted for such construction shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time extended for completion to Paspébiac and Gaspé Basin.

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

Issue of bonds.
Amount limited.

10. General meetings and special general meetings of the shareholders of the Company may be held, from time to time, at the head office of the Company at Montreal.

Meetings of shareholders.

11. The board of directors of the Company shall not exceed nine members, the increase beyond seven to be determined by a resolution of the said board.

Number of directors.

12. Notwithstanding the provisions of the next preceding section, the Governor in Council may appoint two persons to be directors of the Company in addition to the number already authorized by the Act of incorporation and by this Act; such directors shall not require to be qualified by the holding of any shares, and shall have all the rights, powers and authority conferred upon the directors of the Company by "*The Railway Act*," or by this Act:

Governor may appoint two directors.

2. If the Governor in Council exercises the power of appointing two directors, five directors shall constitute a quorum.

Quorum in such case.

SCHEDULE.

STATUTES OF THE PROVINCE OF QUEBEC.

Year and Chapter.	Title of Act.
45 Vict., chap. 53.....	An Act to incorporate the Baie des Chaleurs Railway Company.
49-50 Vict., chap. 80	An Act respecting the Baie des Chaleurs Railway Company.

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54 - 55 VICTORIA.

CHAP. 98.

An Act further to amend an Act to incorporate the Great Eastern Railway Company.

[Assented to 28th August, 1891.]

WHEREAS the Great Eastern Railway Company, herein-after called the Company, have, by their petition, prayed that an Act be passed to further amend, as hereinafter set forth, the Act incorporating the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Section four of the Act incorporating the Company, being the Act forty-fifth Victoria, chapter seventy-one, is hereby repealed and the following section substituted therefor:—

Section 4 of 45 V., c. 71 repealed.

4. The Company may lay out, construct and operate a line of railway from a point on the frontier, in the county of Huntingdon, to the town of Lévis, in the county of Lévis, passing through such portion of the counties of Huntingdon, Chateauguay, Beauharnois, Napierville, Laprairie, St. Johns, Chambly, Verchères, Richelieu, St. Hyacinthe, Yamaska, Nicolet, Lotbinière and Lévis as is necessary; and may also build a branch line to a point on the frontier near the village of Hemmingford, in the county of Huntingdon, or the village of Lacolle, in the county of St. Johns, and also build a branch line, or lines to connect the said railway with any bridge or tunnel now constructed or which may hereafter be constructed across the river St. Lawrence at or within twelve miles of the city of Montreal.”

Line of railway described.

Branch line and connection with bridge.

2. Section nine of the said Act is hereby amended by striking out the word “fifty,” in the sixth line thereof, and substituting therefor the word “ten.”

Section 9 amended.

3. The Company may divide its line into sections, and the bonds authorized to be issued by the Company may be divided into different issues, and may be secured by hypothec and mortgage on separate sections of the line; but the total issue

Separate issue of bonds on sections.

Proviso. of bonds shall not exceed twenty thousand dollars per mile on the whole line of railway constructed or under contract to be constructed; but the Company shall not issue any bonds on that portion of the railway on which bonds to the extent of two hundred and forty-six thousand pounds sterling have already been issued,—which bonds are secured by a deed of trust and mortgage dated the thirtieth day of November, one thousand eight hundred and eighty-seven,—except upon the redemption of all such bonds and interest coupons thereon now outstanding, due and to fall due.

Section 19 amended.

4. Section nineteen of the said Act is hereby amended by striking out the word “with” in line two thereof, and inserting in lieu thereof the words “for the purchase of the railway of.”

Agreement with another company.

5. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Delaware and Hudson Canal Company or the Grand Trunk Railway Company of Canada, for conveying or leasing its railway to such company in whole or in part, or any rights or powers acquired by it, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council:

Sanction of shareholders and of Governor in Council.

Notice of application for approval.

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

Time for completion of railway.

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



54-55 VICTORIA.

CHAP. 99.

An Act to amend the Act respecting the New Brunswick Railway Company.

[Assented to 10th July, 1891.]

WHEREAS the New Brunswick Railway Company, hereinafter called the Company, has, by its petition, represented that, in addition to the obligations in respect of which it may now issue consolidated debenture stock, it is under a covenant to pay to the St. John and Maine Railway Company half-yearly, by way of rent, a certain named proportion of half-yearly aggregate gross earnings, more particularly described in an indenture of lease hereinafter referred to, in so far as such proportion exceeds, if it does exceed, a sum therein specified, whereby the Company's periodical obligation in respect of such rent is indefinite; and that it would be an advantage to the Company, and all parties concerned, if the Company could satisfy its liability under the said covenant by the issue of consolidated debenture stock, thereby defining the amount of its half-yearly liability in respect of the said rent; and whereas it has prayed for authority to issue consolidated debenture stock in lieu of such last mentioned obligation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Section three of the Act passed in the fifty-third year of Her Majesty's reign, chapter seventy-one, intituled "*An Act respecting the New Brunswick Railway Company*" is hereby amended by adding thereto the following paragraphs:

Section 3 of 53 V., c. 71 amended.

"(e.) And a further amount for the purpose of satisfying the Company's obligation to pay half-yearly to the St. John and Maine Railway Company, or its assigns, any sum beyond three thousand pounds sterling, in respect of the line of railroad and other properties demised to the Company by the St. John and Maine Railway Company by a certain indenture of lease, made the twenty-first day of May, one thousand eight hundred and eighty-three, and confirmed by an Act passed by the Parliament of Canada in the forty-seventh year of Her Majesty's reign and chaptered seventy-five:

Consolidated debenture stock for certain purposes.

“(f.) And a further amount for the purpose of satisfying or acquiring in whole or in part perpetual debenture stock of the New Brunswick and Canada Railway Company issued before the passing of this Act to the amount of eighty-two thousand pounds sterling, and bearing interest at the rate of three and one-half per cent per annum, payable half-yearly,—which interest the Company is under an obligation to pay by way of rent; provide^d that the stock to be so issued shall not bear interest exceeding in amount that borne by the perpetual debenture stock for the satisfaction or acquisition of which it is so issued.

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54-55 VICTORIA.

CHAP. 100.

An Act respecting the Salisbury and Harvey Railway Company.

[Assented to 28th August, 1891.]

WHEREAS a petition has been presented praying for the Preamble. passing of an Act to confirm the letters patent issued to the Salisbury and Harvey Railway Company, in the Province of New Brunswick, and set forth in the schedule to this Act, and to grant certain additional powers, as hereinafter set forth, 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:—

1. The letters patent set out in the schedule to this Act, Letters patent confirmed. granted under "*The New Brunswick Joint Stock Companies Letters Patent Act*," and the Act of Assembly of the said Province of New Brunswick passed in the fifty-first year of Her Majesty's reign, chapter ten, and intituled "*An Act relating to the foreclosure of Mortgages on Railways*," and issued under the Great Seal of the Province of New Brunswick, and bearing date the tenth day of October, one thousand eight hundred and eight-nine, are hereby ratified and confirmed; and it is hereby declared that the said Salisbury and Harvey Railway Company is a corporation subject to the legislative authority of the Parliament of Canada, for the purposes mentioned in the said letters patent, to the same extent and to all intents and purposes as if the said Company had been created, incorporated and established under and by virtue of a statute passed by the Parliament of Canada, instead of under and by virtue of the said letters patent and of the said Acts of Assembly of the Province of New Brunswick; and all the powers conferred upon, and rights given to the said Company by the said letters patent and the said Acts of Assembly of the Province of New Brunswick, shall be both at law and in equity as if conferred and given by an Act of the Parliament of Canada.

Powers held previous to this Act sustained.

2. The Company shall, in all transactions and matters, occupy the like position, and shall, in all respects, stand in the like condition, and shall, in all things to the fullest extent, have and possess the same rights, powers and authority as did the Company incorporated under the said above cited Acts and letters patent of the Province of New Brunswick, immediately before the time of the passing of this Act, except in so far as its powers may be affected by the passing of this Act.

Capital stock and shares.

3. Nothing herein contained shall alter, diminish or prejudice in any manner or form the rights, powers or privileges of any creditor of the Company, incorporated under the provisions of the above mentioned Acts and letters patent of the Province of New Brunswick, or of any person or corporation having any right, at law or in equity, claim or lien of any nature or sort against the Company or undertaking, or against the Albert Railway Company mentioned in the schedule hereto.

Capital stock increased.

4. The capital stock of the Company shall be and is hereby increased to four hundred and fifty thousand dollars, divided into shares of one hundred dollars each,—which four hundred and fifty thousand dollars shall include the present capital stock of the Company; and any certificate of shares of the present capital stock held by any stockholder in the Company at the time of the passing of this Act may be surrendered to the Company, and upon such surrender new certificates under this Act shall be issued in lieu thereof to the holder or holders of the said surrendered certificates.

Issue of bonds limited.

5. The Company may issue bonds, debentures or other securities to the extent of ten thousand dollars per mile of the railway and branches thereof now or hereafter owned by the Company, and constructed or under contract to be constructed.

Declaratory.

6. The railway of the Salisbury and Harvey Railway Company is hereby declared to be a work for the general advantage of Canada.

“The Railway Act” to apply.

7. The provisions of “*The Railway Act*” shall apply to the Company and to the railway of the Company.

SCHEDULE.

VICTORIA, by the Grace of God, of the United
(Great Seal.) Kingdom of Great Britain and Ireland, Queen,
Defender of the Faith, &c., &c., &c.

(Signed) To all to whom these presents shall come, or whom
S. L. TILLEY. the same may in any wise concern, Greeting :

WHEREAS in and by a certain Act of the Legislature of New Brunswick, known as “*The New Brunswick Joint Stock Companies*”

Companies Letters Patent Act,” it is, amongst other things, in effect enacted that the Governor in Council may, by letters patent under the great seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons, and others who may become shareholders in the company thereby created, a body corporate and politic, for certain purposes or objects in such Act mentioned, upon the applicants therefor establishing, to the satisfaction of the Provincial Secretary, or of such other officer who may be charged by the Governor in Council to report thereon, due compliance with the several conditions and terms in and by the said Act set forth and thereby made conditions precedent to the granting of such charter ;

And whereas by another certain Act of the said Legislature passed in the fifty-first year of the reign of Her present Majesty, intituled “ *An Act relating to the foreclosure of Mortgages upon Railways,*” it was enacted that it should be lawful for the mortgagee of any railroad and the franchises connected therewith, or the holders of the bonds or debentures issued by any railway corporation, secured by mortgage upon its property and franchises, to become purchasers thereof at any sale, *inter alia* under a decree of foreclosure and sale, and upon such purchase, the purchaser or purchasers having received a conveyance and had the same duly registered, such purchaser or purchasers should be entitled to apply for and have himself, themselves, his or their associates, duly incorporated as a corporation under the provisions of the said Act of Assembly, known as “ *The New Brunswick Joint Stock Companies Letters Patent Act,*” and that upon the issuing of such letters patent the corporation erected thereby should be and become entitled to all the franchises, rights and privileges of the said railway corporation conferred and granted to it by its Act of incorporation in the same manner and extent as enjoyed by such corporation ;

And whereas Robert Jones Griffiths, LL.D., of the city of London, in that part of Great Britain called England, barrister-at-law, has, by his petition, set forth that the Albert Railway Company, a railway corporation duly incorporated by the Legislature of New Brunswick, had issued bonds or debentures secured by mortgage upon its property and franchises, and that under a decree of foreclosure and sale he, being a holder of the said bonds or debentures, had, at public sale of the property and franchises of the said Albert Railway, become the purchaser thereof, and received a conveyance thereof, and had the same duly registered, and therefore prayed to be incorporated and be granted a charter under the provisions of the said Act constituting himself and his associates, William Milford Norsworthy, of London, England, chartered accountant ; John Samuel Partridge, of South Penge Park, in the County of Surrey, England, gentleman ; Alexander Rogers, of London, England, gentleman ; and Robert O. Stockton, of the

city of St John, in the city and county of St. John, Province of New Brunswick, barrister-at-law; and such others as may become the shareholders in the Company thereby created, a body corporate and politic, under the name of "The Salisbury and Harvey Railway Company," for the purposes hereinafter mentioned, and have established, to the satisfaction of the Provincial Secretary (no other officer having been charged by the Lieutenant Governor in Council to report thereon), due compliance with the several conditions and terms referred to.

And whereas, among other things, it is, in the notice of this application and in the said petition, averred, and it has been established, that the amount of the capital stock of the intended Company is thirty thousand eight hundred pounds sterling, divided into six hundred and sixteen shares of fifty pounds each;

Now know ye, that by and under the authority of the hereinbefore in part recited Act, and of any other power and authority whatsoever in us vested in this behalf, we do, by these our letters patent, constitute the said Robert Jones Griffiths, William Milford Norsworthy, John Samuel Partridge, Alexander Rogers and Robert O. Stockton, and all others who may become shareholders in the said Company, a body corporate and politic, by the name of "The Salisbury and Harvey Railway Company," with all the rights and powers given by the said several Acts, and for the purposes of owning, operating and maintaining a line of railway from Salisbury (on the present line of railway leading from the city of St. John to Moncton), to Shepody bay or river, in the county of Albert, in the Province of New Brunswick; having and exercising all the powers, franchises, authorities, rights and privileges necessary for the maintenance and use of such line of railway as the same were conferred by Act of Assembly upon the said Albert Railway Company.

That the place within the Province of New Brunswick which is to be the chief place of business of the said Company is Hillsborough, in the county of Albert.

The capital stock of the said Company shall be thirty thousand eight hundred pounds sterling, divided into six hundred and sixteen shares of fifty pounds sterling each, subject to the increase of such capital stock under the provisions of the said Act.

In testimony whereof, we have caused these our letters to be made patent and the great seal of New Brunswick to be hereunto affixed. Witness, His Honour The Honourable Sir Samuel Leonard Tilley, C.B., K.C.M.G., Lieutenant Governor of our Province of New Brunswick, at our city of Fredericton,

this tenth day of October, in the year of Our Lord one thousand eight hundred and eighty-nine and in the fifty-second year of Our reign.

By command of the Lieutenant Governor,
(Signed) DAVID McLELLAN,
Provincial Secretary.

I, Richard W. L. Tibbits, Deputy Provincial Secretary of the Province of New Brunswick, do hereby certify that the foregoing is a true and correct copy of the letters patent granted to "The Salisbury and Harvey Railway Company," and that I have carefully compared the same with the original in the office on file, and find the same to be correct and true.

[L.S.] R. W. L. TIBBITS,
Deputy Provincial Secretary.

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54-55 VICTORIA.

CHAP. 101.

An Act to enable the Victoria and North American Railway Company to run a Ferry between Becher Bay, in British Columbia, and a point on the Straits of Fuca, within the United States of America.

[Assented to 10th July, 1891.]

Preamble.

WHEREAS the Victoria and North American Railway Company are desirous of being allowed to construct, maintain and work a steam ferry from the proposed terminus of their railway line at Becher bay, on the north side of the straits of Fuca, in British Columbia, to a point on the south side of the said straits of Fuca, in the territory of the United States of America, for the purpose of connecting with the American system of railways; and whereas a petition has been presented praying that an Act be passed for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Steam ferry
may be estab-
lished.

1. The Victoria and North American Railway Company may, for the purpose of their railway, construct, maintain and work a steam ferry between the proposed terminus of their railway at Becher bay, on the straits of Fuca, in British Columbia, and some point on the straits of Fuca, within the United States of America; and the sections of "*The Railway Act*," under the title or sub-heading "Tolls," shall apply to all tolls levied for the use of such ferry.

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54-55 VICTORIA.

CHAP. 102.

An Act respecting the River St. Clair Railway Bridge and Tunnel Company.

[Assented to 10th July, 1891.]

WHEREAS the Canada Southern Railway Company and certain of the provisional board of directors of the River St. Clair Railway Bridge and Tunnel Company have petitioned that the periods for the commencement and completion of the works of the River St. Clair Railway Bridge and Tunnel Company be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The times limited for the commencement and completion of the works of the River St. Clair Railway Bridge and Tunnel Company are hereby continued and extended for three years and six years respectively from the passing of this Act; and if the works are not so commenced and completed, then the powers granted by the Acts respecting the Company and this Act shall be null and void.

Time for construction extended.

2. Chauncey M. Depew and Charles F. Cox shall be provisional directors of the Company in the place and stead respectively of William H. Vanderbilt and Augustus Schell, both deceased.

Provisional directors replaced.

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54-55 VICTORIA.

CHAP. 103.

An Act respecting the Canada and Michigan Tunnel Company.

[Assented to 10th July, 1891.]

Preamble.

WHEREAS the Canada and Michigan Tunnel Company and certain of its provisional directors have petitioned that the periods for commencing and completing the works of the said Company be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

51 V., c. 93.

Time for construction extended.

1. The times limited by the Act fifty-first Victoria, chapter ninety-three, for the commencement and completion of the works of the Canada and Michigan Tunnel Company are hereby extended for three and six years respectively from the passing of this Act; and if the works are not so commenced and completed then the powers granted by the said Act and this Act shall cease and be null and void.

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54-55 VICTORIA.

CHAP. 104.

An Act to incorporate the St. Catharines and Merritton Bridge Company.

[Assented to 31st July, 1891.]

WHEREAS the persons hereinafter named have, by their Preamble.
petition, prayed for the passing of an Act incorporating
a Company to construct and maintain two toll bridges for
ordinary traffic purposes across the Welland canal, as herein-
after 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. Albert Chartfield, Thomas R. Merritt, William Hamilton Incorporation.
Merritt and J. H. Ingersoll, all of the city of St. Catharines,
W. Hamilton Merritt, D. R. Wilkie and Coote N. Shanly, all
of the city of Toronto, James Prior, of the village of Merritton,
Moïse Schwab, of the city of Montreal, and such persons as
become shareholders in the Company hereby incorporated, are
hereby constituted a body corporate by the name of "The St. Corporate
Catharines and Merritton Bridge Company," hereinafter called name.
the Company.

2. The Company may build and complete two bridges, for Company may
ordinary traffic purposes, across the old Welland canal, one at build two
or near a point on the said canal south of the Imperial Bank bridges across
in the city of St. Catharines, and the other at or near a point the old Wel-
north of the old spoke factory in the village of Merritton, land canal.
and may erect and construct toll gates, and construct, complete
and maintain the necessary approaches to the said bridges, and
may also do and execute all such other matters and things as
are necessary to equip and maintain the said bridges in a
proper and efficient manner.

3. The Company shall not commence the bridge or bridges, Plans to be
or any work thereunto appertaining, until it has submitted to approved of by
the Governor in Council plans of such bridge or bridges and of Governor in
Council.

all the intended works thereunto appertaining, nor until the plans and site of such bridge or bridges 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 or bridges and works have been complied with; nor shall any such plans be altered, or any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes.

Bridge at St. Catharines to be a draw bridge.

4. The bridge at the crossing of the old canal at St. Catharines shall be provided with a draw, or swing, so as to have two openings, of spans to be hereafter determined, as provided for in section three of this Act; and the bridge at the crossing of the old canal at Merritton shall have one opening of approved span, so as not to hinder or delay unnecessarily the passage of any vessels, steamboats, rafts or water craft, or interfere with the stability or efficient maintenance and operation of the canal; and during the season of navigation the Company shall maintain from sundown to sunrise suitable and proper lights upon the said bridges to guide vessels, steamboats and other water craft approaching the draws or swings thereof.

And at Merritton.

Lights, &c.

Capital stock.

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

Provisional directors.

6. The persons named in the first section of this Act shall be the provisional directors of the Company; and a majority of such directors shall form a quorum.

Stock books to be opened.

7. The directors may open stock books and procure subscriptions for stock, and shall deposit the payments thereon in a chartered bank in Canada to the credit of the Company, and withdraw the same for the purposes of the Company only; and notice shall be given in at least one newspaper published in the city of St. Catharines and in the *Canada Gazette*, for the period of two weeks, stating the time and place when and where the said books will be opened, and the period during which the same will remain open for the subscription for stock in the Company.

Notice.

First meeting of shareholders.

8. As soon as two hundred shares of the capital stock have been subscribed and ten per cent paid thereon, the directors shall call a meeting of the subscribers for the election of directors; notice of such meeting shall be given to each subscriber by posting a notice to his address, as given in the stock book, at least ten days before the date of the meeting,—such notice to state the time and place of holding the meeting; and at the said meeting, the shareholders present in person or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect five directors.

Election of directors.

9. The directors may fix and, from time to time, regulate, increase or reduce the tolls and rates to be charged to all persons using the said bridge or bridges; and such rates and tolls shall not exceed for every person five cents; children under six years of age accompanied by parent or guardian, free; for every horse and single carriage, wagon, cart or other vehicle and driver, ten cents; for each additional horse, five cents; for each additional carriage, wagon, cart or other vehicle, five cents; for every horse and groom or rider, ten cents; for horses and cattle, singly, ten cents each; for horses and cattle, in droves of three or more, five cents each; for calves, sheep and swine, singly, five cents each; for calves, sheep and swine, in droves of three or more, three cents each; for every handcart or wheelbarrow and attendant, five cents; but, so long as all persons are charged equal rates and given equal privileges and facilities, the directors may, as they think proper, charge less than the rates above fixed: Provided however, that the tolls from time to time charged by the Company shall, before being imposed, first be submitted to and approved of by the Governor in Council.

Tolls and rates for use of bridges.

10. The head office of the Company shall be in the city of St. Catharines.

Head office.

11. Notice of each annual or special general meeting shall be given by advertising the same in at least one newspaper published in the city of St. Catharines, and in the *Canada Gazette*, for the period of two weeks before the date of each such meeting,—which notice shall state the time and place of holding the meeting and the business to be transacted thereat.

Notice of annual or special meetings.

12. The Company may borrow, from time to time, such sums of money, not exceeding one hundred thousand dollars, as are expedient for building, completing, maintaining and working the said bridges, with the buildings and fixtures required therewith, at a rate of interest not exceeding eight per cent per annum,—and may make the bonds, debentures or other securities issued for the sums so borrowed payable either in currency or in sterling, and at such place or places in Canada or without as are deemed advisable,—and may sell the same at such price or prices or discount as is deemed expedient or necessary,—and may hypothecate, mortgage or pledge the lands, tolls, revenue and other property, real and personal, of the Company, for the due payment of the said bonds and the interest thereon; but no such debentures or bonds shall be for a less sum than one hundred dollars.

Borrowing powers of Company.

13. Aliens may be shareholders in the Company and may be directors thereof.

Aliens.

14. The directors shall keep exhibited in each and every place where the tolls are to be collected, in some conspicuous place

Schedule of tolls to be exhibited.

place therein, a printed board or paper showing all the tolls payable, and particularizing the price or sum of money to be charged or taken for the passage of any matter, vehicle, animal or person over the said bridge or bridges as fixed by the directors from time to time, as in this Act provided.

Time for construction of works limited.

15. The said bridge or bridges shall be commenced within three years and completed within six years from the passing of this Act ; otherwise the powers granted for such construction shall cease and determine.

Arrangements with tramway companies, &c.

16. The Company may make arrangements with any existing tramway company or street car company or electric railway company, for the use of the said bridges and approaches thereto for the running of cars or motors over the same, and may lay down, construct and complete double or single tracks of iron or steel or other material on and over the said bridges and approaches, and may carry and transport in the said cars all manner of goods, property and passengers at such reasonable rates as the directors may, from time to time, determine, and as are, from time to time, approved of by the Governor in Council, but not to exceed the rates, so far as applicable, hereinbefore provided for tolls.

Expropriation.

17. The Company shall have and enjoy all the powers of expropriation given to railway companies by "*The Railway Act*," so far as is necessary for the purposes of its business.

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54-55 VICTORIA.

CHAP. 105.

An Act respecting the Niagara Grand Island Bridge Company.

[Assented to 10th July, 1891.]

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

1. The times limited by the Acts respecting the Niagara Time for construction extended.
Grand Island Bridge Company for the commencement and completion of its undertaking are hereby extended as follows: The works authorized by the Act thirty-seven Victoria, 37 V., c. 77.
chapter seventy-seven, incorporating the Company, shall be commenced within three years and completed within six years from the passing of this Act; otherwise the powers granted by the said Act incorporating the Company shall cease and be null and void.

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54-55 VICTORIA.

CHAP. 106.

An Act to amend an Act to incorporate the Montreal Bridge Company.

[Assented to 28th August, 1891.]

Preamble.

WHEREAS the Montreal Bridge Company have, by their petition, prayed that an Act be passed to amend, as hereinafter set forth, the Act incorporating the Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

53 V., c. 93,
section 4
amended.

1. Section four of the Act incorporating the Company, being the Act fifty-third Victoria, chapter ninety-three, is hereby amended by striking out, in line fifteen thereof, the words “one hundred and seventy” and substituting therefor the words “at least one hundred and fifty.”

Section 11
amended.

2. Section eleven of the said Act is hereby amended by striking out, in line two thereof, the word “three” and substituting therefor the word “six.”

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54-55 VICTORIA.

CHAP. 107.

An Act to revive and amend the Act to incorporate the Quebec Bridge Company.

[Assented to 31st July, 1891.]

WHEREAS a petition has been presented praying for the Preamble.
passing of an Act to revive and amend, as hereinafter
set forth, the Act to incorporate the Quebec Bridge Company, 50-51 V., c. 98.
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 Act incorporating the Quebec Bridge Company, Act of incorporation revived.
passed in the session held in the fiftieth and fifty-first years of
Her Majesty's reign, chapter ninety-eight, is hereby revived
and re-enacted, and all the powers thereby granted to the
Company are hereby again conferred upon the Company, and
everything heretofore done in virtue of the said Act, including
the subscription and allotment of stock and the payment of
calls thereon, the organization of the Company, the election of
directors, the nomination of officers, and all other acts and
proceedings under the said Act, are hereby ratified and con-
firmed.

2. Section twenty-five of the said Act is hereby repealed, Section 25 repealed.
and in lieu thereof it is hereby enacted that the bridge and
connecting railway lines shall be commenced within three
years and completed within six years from the passing of this Time for construction.
Act, and that, in default of the performance of either of these
conditions, the powers granted to the Company by the said Act
and by this Act shall be forfeited.

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54-55 VICTORIA.

CHAP. 108.

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

[Assented to 31st July, 1891.]

Preamble.

52 V., c. 89.

WHEREAS the city of Winnipeg has, by its petition, prayed for the passing of an Act to extend the times for the commencement and the completion of the works authorized by the Act passed in the fifty-second year of Her Majesty's reign, chapter eighty-nine, intituled "*An Act to enable the city of Winnipeg to utilize the Assiniboine river water power,*" and that the said city be authorized to transfer its rights to construct, own and operate the said works and appurtenances to some company or person upon such conditions as are agreed upon, subject to the right of the city to the user of such water power as is required for the purposes mentioned in the said Act; and whereas it is expedient to revive the said Act and to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

52 V., c. 89,
revived.

Time for con-
struction.

1. Subject to the provisions of this Act, the Act passed in the fifty-second year of Her Majesty's reign, chapter eighty-nine, is hereby revived and declared to be in force; and the times limited for commencing and completing the works authorized by that Act are hereby extended for two and four years respectively from the passing of this Act; and failing such commencement and completion within the said times, the powers granted for such construction shall cease and determine.

City may
transfer its
rights,

2. The said city may assign and transfer to any company or person, upon such terms and conditions as are agreed upon between the city and such company or person, any or all of its rights, franchises and powers in respect of the construction, ownership and operation of the works authorized by the said Act and by this Act, subject to the user by, or supply to, the city of water power for the purposes mentioned in the said Act.



54-55 VICTORIA.

CHAP. 109.

An Act to incorporate the Macleod Irrigation Company.

[Assented to 28th August, 1891.]

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated, with such other persons as shall be associated with them, as a company under the name of "The Macleod Irrigation 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:—

Preamble.

1. Donald Watson Davis, George Allan Kennedy, Charles Edward Dudley Wood and John B. Bright, together with such other persons as become shareholders in the Company hereby incorporated, are hereby created a body corporate, under the name of "The Macleod Irrigation Company," hereinafter called the Company.

Incorporation.
Corporate name.

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

Head office.

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

Provisional directors.

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

Capital stock.

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

Annual general meeting.

6. The Company may—

(a.) Excavate, construct, maintain and operate an irrigation ditch or canal, from a point on the Old Man river, about fifteen

Powers.
Ditch or canal.

fifteen miles west of the town of Macleod, to a point at or near the junction of the Old Man and Belly rivers, in the district of Alberta, in the North West Territories of Canada, with all necessary cross or branch ditches or canals for supplying the water from such ditch or canal for irrigation purposes ;

Cross ditches. (b.) Draw off the waters of the channel, stream, waters and backwaters of the Old Man river to the extent of five hundred cubic feet of water per second, and for that purpose may construct works in, into or under the same, and all such cribs, sluices and flumes as are necessary ; Provided always, that at no time shall the Company take or draw off from the river more than twenty-five per cent of the water flowing therein ;

Use of water.

Proviso.

Charges. (c.) Collect such rates or charges for water supplied for irrigation purposes as are, from time to time, fixed by the by-laws of the Company ; and the tariff of such rates or charges shall be submitted to and approved of by the Governor in Council before any such rates or charges are exacted or recovered ; and such tariff may be revised and altered from time to time by the Governor in Council.

Approval of Governor in Council.

Plans and site to be approved by Governor in Council. 7. No work for the construction and operation of the said ditch or canal, nor for the construction from time to time of cross or branch ditches, shall be commenced or proceeded with until the plans and the site of the said works have been approved of by the Governor in Council and such conditions as he thinks fit to impose for the public good have been complied with ; nor shall any such plan be altered or deviations therefrom be allowed, except by permission of the Governor in Council and upon such conditions as he imposes.

“The Railway Act” to apply. 8. “The Railway Act,” so far as applicable and when not inconsistent with this Act, shall apply to the Company hereby incorporated and to the undertaking of the Company :

Interpretation : “Company.” 2. Wherever in “The Railway Act” the expression “Company” occurs, it shall mean the Company hereby incorporated :

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

Time for construction limited. 9. The works authorized by this Act shall be commenced within three years, and the main ditch or canal completed within six years, from the passing of this Act ; otherwise the rights and privileges herein conferred shall cease and determine.



54-55 VICTORIA.

CHAP. 110.

An Act respecting the Ontario Express and Transportation Company.

[Assented to 30th September, 1891.]

WHEREAS by the Act of the Parliament of Canada, forty-first Victoria, chapter forty-three, the Ontario Express and Transportation Company was constituted a body politic and corporate, for the purposes in the said Act named; and whereas the said Company was duly organized, the whole of the capital stock thereof being subscribed and twenty per cent. thereof paid thereon in cash, as required by section sixteen of the said Act, and within the time in the said section specified; and whereas the said Company carried on its business for several years before it ceased its operations; and whereas the said Company has been re-organized, and desires to continue to carry on business on the terms and conditions in the said Act specified: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The charter and Act of incorporation of the Ontario Express and Transportation Company, hereinafter called "the Company," is hereby declared to be in full force and effect, and the Company as now organized is hereby declared capable of doing business. Charter declared in force.

2. Nothing herein contained shall, in any way, interfere with or prejudice the rights of any creditor of the Company, either as originally organized or as re-organized, or interfere in any way with any suit now pending on behalf of or against the Company. Rights saved.

3. Nothing in this Act contained shall, in any wise, affect or interfere with any suit, action or proceedings heretofore had or taken by the Company in any court or place against any railway company; nor shall anything in this Act contained render valid or effective any demand made by the Company upon any railway company before the passing of this Act, for The same.

business facilities upon the railway of such railway company, and no action shall be maintainable against any railway company by the Company because of the failure or refusal of such railway company, before the passage of this Act, to afford such facilities to the Company.

Liability of
shareholders.

4. Notwithstanding anything in this Act, no person now owning or holding any share in the capital stock of the Company shall be liable to pay any call or calls hereafter made on such share, if, within one month after notice to him of the first call made subsequent to the passing of this Act, he gives written notice to the Company that he surrenders his shares,—whereupon such shares shall be forfeited to the Company and his liability in respect thereof shall cease.

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54-55 VICTORIA.

CHAP. III.

An Act to continue the charter of the Pictou Bank.

[Assented to 31st July, 1891.]

WHEREAS a petition has been presented by the liquidators Preamble.
of the Pictou Bank praying for the passing of an Act to
continue in force the charter of the Pictou Bank until its
affairs are wound up, and it is expedient to grant the prayer
of the said petition: Therefore Her Majesty, by and with the
advice and consent of the Senate and House of Commons of
Canada, declares and enacts as follows:—

1. The charter and Act of incorporation of the Pictou Charter and
powers con-
tinued until
Bank is wound
up under 50-51
V., c. 54.
Bank and the corporate state and all the corporate powers of
the said bank are hereby declared to have continued in force
notwithstanding anything in "*The Bank Act*," Chapter 120
of "*The Revised Statutes of Canada*," or in "*The Bank Act*,"
fifty-third Victoria, chapter thirty-one, and shall continue in
force until the affairs of the bank are finally wound up, and
until the bank shall be dissolved and the charter thereof
abandoned in the manner provided by section three of the Act
passed in the Session held in the fiftieth and fifty-first years of
Her Majesty's reign, chapter fifty-four, intituled "*An Act to
authorize and provide for the winding up of the Pictou Bank*;"
Provided, however, that no business shall be transacted by the Proviso.
bank other than such as is requisite for the winding up of its
affairs, in the manner provided by the said last mentioned Act.

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Excellent Majesty.



54-55 VICTORIA.

CHAP. 112.

An Act with respect to the Albion Mines Savings Bank.

[Assented to 26th June, 1891.]

Preamble.

WHEREAS it is expedient that an Act be passed continuing the Acts relating to the Albion Mines Savings Bank, and for other purposes as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Acts continued to 1st July, 1893.
37 V., c. 64.
48-49 V., c. 14.

1. The Act of the Parliament of Canada, passed in the thirty-seventh year of Her Majesty's reign, chapter sixty-four, intituled "*An Act respecting the Albion Mines Savings Bank,*" and the Act passed in amendment thereof in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chapter fourteen, intituled "*An Act to continue an Act respecting the Albion Mines Savings Bank,*" are hereby continued in force until the first day of July, in the year one thousand eight hundred and ninety-three.

Bank may amalgamate with loan company.

2. The Albion Mines Savings Bank, hereinafter called the Bank, may amalgamate with, or transfer its assets and property to, any loan company thereto lawfully authorized, on such terms and conditions as are agreed upon: Provided that such terms and conditions are first sanctioned and approved of at a meeting of the shareholders of the Bank specially called for the purpose, by the votes of shareholders of the Bank representing in person or by proxy a majority in number of the then shareholders of the bank, and at least two-thirds in value of all the shares of the Bank then issued: And provided further that the terms and conditions of such amalgamation or transfer shall provide that all further business shall be carried on in the name of the loan company with which the Bank amalgamates as aforesaid, or to which it transfers its assets and property as aforesaid.

Liabilities.

3. Such loan company shall be liable for all the debts, obligations and liabilities of the Bank, and may be sued therefor.

4. Any action or proceeding pending, or judgment exist-^{Pending suits.}ing, at the time when such amalgamation takes effect, by or against the Bank, may be continued, completed and enforced by or against the said loan company.

5. Nothing in this Act shall be construed to limit or restrict^{Saving.} any existing liability on the part of the Bank or any of its shareholders.

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54-55 VICTORIA.

CHAP. 113.

An Act respecting the Farmers' Bank of Rustico.

[Assented to 26th June, 1891.]

Preamble.

WHEREAS the Farmers' Bank of Rustico, hereinafter called "the Bank," have, by petition, prayed for the passing of an Act to further continue their Act of incorporation, being an Act passed by the Legislature of Prince Edward Island in the twenty-sixth year of Her Majesty's reign, chapter sixteen, intituled "*An Act to incorporate sundry persons by the name of the President, Directors and Company of the Farmers' Bank of Rustico,*" which said Act was continued by an Act passed by the Parliament of Canada in the forty-sixth year of Her Majesty's reign, chapter forty-nine, until the first day of July, one thousand eight hundred and ninety-one, 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:—

P.E.I., 26 V.,
c. 16.

46 V., c. 49.

Incorporation
continued till
1894.

1. Subject to the provisions in this Act contained, the Act of incorporation of the said Farmers' Bank of Rustico is hereby further continued and shall remain in force until the first day of July, one thousand eight hundred and ninety-four.

Redemption
of notes.

2. The notes of the Bank in circulation shall, each year, be reduced as follows: in the year ending the first day of July, eighteen hundred and ninety-two by an amount equal to ten per cent of the amount of such notes outstanding and in circulation on the first day of July, eighteen hundred and ninety-one; in the year ending the first day of July, eighteen hundred and ninety-three, by an amount equal to twenty per cent of the amount of such notes outstanding and in circulation on the first day of July, eighteen hundred and ninety-two; and in the year ending the first day of July, eighteen hundred and ninety-four, the whole of the remaining notes of the Bank outstanding and in circulation on the first day of July, eighteen hundred and ninety-three shall be called in and cancelled.

Bank may
amalgamate
with loan
company.

3. The Bank may amalgamate with, or transfer its assets and property to any loan company thereto lawfully authorized,

on such terms and conditions as are agreed upon : Provided that such terms and conditions are first sanctioned and approved of, at a meeting of the shareholders of the Bank specially called for the purpose, by the votes of shareholders of the Bank, representing in person or by proxy a majority in number of the then shareholders of the Bank, and at least two-thirds in value of all the shares of the Bank then issued : and provided further that the terms and conditions of such amalgamation or transfer shall provide that all further business shall be carried on in the name of the loan company with which the Bank amalgamates as aforesaid, or to which it transfers its assets and property as aforesaid.

4. Such loan company shall be liable for all the debts, obligations and liabilities of the Bank, and may be sued therefor. Liabilities.

5. Any action, or proceeding pending, or judgment existing, at the time when such amalgamation takes effect, by or against the Bank, may be continued, completed and enforced by or against the said loan company. Pending suits.

6. Before any such amalgamation takes effect or goes into force all outstanding notes of the Bank in circulation presented for payment shall be redeemed, and a sum out of the assets of the Bank equal to the amount then outstanding of the notes intended for circulation issued by the Bank and unredeemed shall be deposited with the Minister of Finance and Receiver General ; and the sum so paid shall be held by the Minister of Finance and Receiver General, and applied for the purpose of redeeming when presented (within three years after such deposit) such outstanding notes without interest ; and any balance not so applied shall, at the end of such period, be paid over to such loan company. Conditions precedent to amalgamation.

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54-55 VICTORIA.

CHAP. 114.

An Act to authorize the London and Canadian Loan and Agency Company (Limited) to issue Debenture Stock.

[Assented to 10th July, 1891.]

Preamble.

WHEREAS the London and Canadian Loan and Agency Company (Limited) have, by their petition, represented that they are duly incorporated by the laws of Canada and are empowered by the Parliament of Canada to borrow money by way of debentures, and that they now desire to have the power to issue debenture stock as hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as “*The London and Canadian Loan and Agency Company (Limited) Act, 1891.*”

Issue of debenture stock.

2. The directors may 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 this limitation,—that the amount borrowed, including any issue of debenture stock under this Act and the amount of money received by the Company on deposit, taken together, at any time shall not in the whole exceed the amount which the Company is already by law authorized to borrow and receive irrespective of this Act.

Amount limited.

Entry and transfer of such stock.

3. The debenture stock aforesaid shall, as issued, be entered by the Company in a register to be kept for that purpose at such place or places as the directors order,—wherein shall be set forth the names and addresses of the several persons 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.

4. 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 upon holders of debenture stock in respect thereof than are held or enjoyed by holders of debentures of the Company. Certificates.
Rights of holders of stock.

5. Nothing herein contained shall affect the rights of the holders of any debentures of the Company now outstanding ; but the holders of the present or future 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.

6. 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. Ranking of debenture stock.

7. The directors may, at any time in the interest of the Company, buy up and cancel the said debenture stock or any part thereof. Cancellation thereof.

8. If any such debenture stock at any time stands in the name of two or more persons, the first named in the register of such persons shall, as regards receipt of dividends and all other matters connected with the Company, except transfers of such debenture stock, be deemed the sole holder thereof. Stock standing in name of more than one person.

9. Notice of any trust, express, implied or constructive, entered on the said registers or other books of the Company, shall not in any way affect the Company. Trusts.

10. Instruments of transfer of debenture stock shall be executed by the transferrer and transferee, and the transferrer shall be deemed to remain the holder of such stock until the name of the transferee is entered in the proper register aforesaid in respect thereof. Transfers of stock.

11. Sections one, two and three of the Act passed in the forty-second year of Her Majesty's reign, chapter seventy-five, shall apply to the debenture stock to be issued under this Act. 42 V., c. 75.



54-55 VICTORIA.

CHAP. 115.

An Act to incorporate the Great-West Life Assurance Company.

[Assented to 28th August, 1891.]

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.

1. J. H. Ashdown, S. A. D. Bertrand, J. H. Brock, G. R. Crowe, F. A. Fairchild, Geo. F. Galt, P. C. McIntyre, Hon. D. H. McMillan, S. Nairn, R. T. Riley, W. B. Scarth, F. W. Stobart, R. J. Whitla, and J. A. M. Aikins, all of the city of Winnipeg, and James McLenaghan, of the town of Portage la Prairie, together with such persons as become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name of "The Great-West Life Assurance Company," hereinafter called the Company.

Corporate name.

Business of the company.

2. The Company may effect contracts of insurance throughout Canada and elsewhere with any persons or corporations on life or lives, may grant, sell or purchase annuities, grant endowments, and generally carry on the business of life insurance in all its branches.

Capital stock and shares.

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

Increase of capital stock.

2. The directors may increase the amount of the capital stock, at any time or from time to time, to an amount not exceeding one million dollars; but the stock shall not be increased until the resolution of the board of directors author-

izing such increase has first been submitted to and confirmed by a majority in number and amount of the shareholders at an annual general meeting of the Company, or at a special meeting of the shareholders duly called for that purpose.

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 in Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Company, and withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

Provisional directors and their powers.

5. So soon as two hundred and fifty thousand dollars of the capital stock of the Company has been subscribed and twenty-five per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the city of Winnipeg, in the Province of Manitoba,—at which general meeting the shareholders present in person or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of directors:

First meeting of shareholders.

2. 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.

Election of directors.

Qualification of directors.

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 not be less than ten per cent upon the amount subscribed by such shareholder.

Calls of 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 seven nor more than fifteen directors,—of whom five shall be 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

Annual general meeting.

mencement of business at its head office ; and at such meeting a statement of the affairs of the Company shall be submitted.

Offices.

9. The head office of the Company shall be in the city of Winnipeg, in the Province of Manitoba ; 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 of the stock or debentures of any building society, loan or investment company incorporated in Canada,—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.

Sale of property acquired under mortgage.

Limitation as to value of real estate.

13. The Company may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for

the use and accommodation of the Company, but the annual value thereof in any province of Canada shall not exceed five thousand dollars, except in the Province of Manitoba, where it shall not exceed ten thousand dollars.

14. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act*. R.S.C., c. 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 it is not inconsistent with any of the provisions hereinbefore contained. R.S.C., c. 118 to apply, except sections 18 and 39.

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54-55 VICTORIA.

CHAP. 116.

An Act respecting the Citizens' Insurance Company of Canada.

[Assented to 31st July, 1891.]

Preamble.

WHEREAS the Citizens' Insurance Company of Canada has, by its petition, represented that it has abandoned the business of life insurance, and has re-insured and provided for all risks taken in the said business to the satisfaction of the Superintendent of Insurance, and that it has not entered upon the business of marine insurance; and that, therefore, it is unnecessary to maintain so large a subscribed capital as at present; and has prayed that the nominal amount of its subscribed stock be reduced; and that the provisions of its charter authorizing life insurance and marine insurance, and establishing a special fund for the security of its life policies be repealed; and it is expedient that the prayer of the said petition be granted upon the conditions in this Act contained: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

19-20 V., c. 124, and 27-28 V., c. 98 (Can.), and 39 V., c. 55, amended.

1. The provisions of the Act of the former Province of Canada passed in the Session held in the nineteenth and twentieth years of Her Majesty's reign, chapter one hundred and twenty-four, and of the Act of the same legislature passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chapter ninety-eight, authorizing the Company to effect contracts of assurance in respect of marine risks, and contracts of assurance on any life or lives; and also the provisions of the Act thirty-ninth Victoria, chapter fifty-five, constituting a separate fund available only to the holders of life policies in the Company, are hereby repealed.

Reduction of value of shares.

2. The shareholders of the Company present or represented by proxy at a special general meeting thereof called for the purpose may, by a vote of the majority in value of such shareholders, reduce the paid and unpaid portions of the nominal amount of the subscribed shares of the Company to such several

sums of money respectively as they deem fit ; provided always Proviso. that the aggregate amount of such shares shall not be less than four hundred thousand dollars ; and provided also that at Proviso. least one-half of the amount of the said shares be *bonâ fide* paid up and unimpaired and represented by assets of equivalent value. And in effecting the said reduction and adjustment of Issue of additional shares. capital, the Company may issue additional shares of the reduced value, requiring payment on account thereof, of a proportion thereof corresponding to the proportion paid up on the existing shares when so reduced ; but the aggregate of the Limitation of capital. subscribed capital of the Company shall not exceed the limits fixed by its charter.

3. Until all the policies granted by the Company have expired or have been exchanged for policies based on the said reduced capital, the action of the shareholders with regard to the said reduction of capital shall remain suspended so far as the unpaid portion only of the said capital is concerned ; but so soon as all such policies have expired, or have been so exchanged as aforesaid, and the said amount of capital has been paid up, the whole of the capital stock of the Company shall be reduced, to all intents and purposes whatever, to the extent so agreed upon and determined by the shareholders. Further conditions as to reduction of capital.

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54-55 VICTORIA.

CHAP. 117.

An Act further to amend the Act respecting the London Life Insurance Company.

[Assented to 28th August, 1891.]

Preamble.

47 V., c. 89.

WHEREAS the London Life Insurance Company has, by its petition, prayed that the Act respecting the Company passed in the forty-seventh year of Her Majesty's reign, chapter eighty-nine, be further amended, as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 14 repealed.

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

Rates of premium.

14. The directors may fix the rates at, and the rules and conditions under which, the Company's policies, contracts and interim receipts shall be issued, sold or repurchased, and shall have charge of the investment of the

Investment of funds.

funds of the Company; and the Company may invest any moneys or funds subject to its control, on the security of, or in the public stocks, or debentures, or other securities of the Dominion, or of any Province thereof, or in the debentures of any municipal or public school corporation in any Province thereof, or in the bonds, debentures or debenture stock of any permanent building society or loan company incorporated under the laws of the Dominion or any of the Provinces thereof, or on the security of the stock of any incorporated bank or building society or loan company, or on the security of real estate in any such Province, or of mortgage thereon, or in any loans collaterally secured by any of the foregoing securities, or by assignment of the Company's policies; and in case the Company opens any offices or branches in any other country it may, if so required by the laws of such country, or if deemed advisable for the purpose of improving the company's standing therein, invest any of its money or funds in similar classes of securities in such country, and deposit with the government or other public authorities of such country any of the

Investment in other countries.

Company's moneys or securities ; and may take, receive, transfer and hold all or any of such securities either in the corporate name of the Company or in the name of trustees for that purpose appointed ; provided always that any such investment made in any country other than Canada shall not exceed the amount required to be invested in such country for the purpose of complying with the laws of such country necessitating such investments ; and such investments, if and so far as required by the laws of such country, may be primarily for the security of all or any of the policy holders of the Company in such country."

2. Any investment in the name of trustees may be subject to such conditions and stipulations and with such powers and authorities as the directors deem proper ; and any trust deeds, agreements, declarations or instruments may be executed by the Company to effectuate the same or declare such trusts, conditions, stipulations, powers or authorities ; and in any such trust deed or instrument provisions may be made for changes of the trustee or trustees and the appointment of their successors in the trust ; and trustees for the security of policies or contracts issued on the lives of persons non-resident in Canada need not reside in Canada ; and any corporation authorized to act as trustee may be appointed trustee under this section.

Investment in name of trustees.

3. The directors may form or establish distinct classes or branches of insurance, wholly or partially upon the mutual insurance principle, and may keep separate accounts of the business transacted in such classes or branches,—each class or branch sharing its own profits and paying its proper portion of expenses.

Classes of insurance.

4. Not more than ten per cent upon the allotted stock of the Company shall be called in or made payable by any one call ; nor shall any two or more successive calls, together exceeding twenty per cent upon such stock, be made payable within any one period of six calendar months, unless such calls, in so far as they are in excess of twenty per cent, are first approved of by a meeting of shareholders duly called for the purpose of considering the same.

Calls on stock.

5. No call upon the allotted stock of the Company shall be payable upon any share until after twenty days' written notice of the making thereof and of the amount thereof has been given to the holder of such share, either by delivery thereof personally, or by mailing the same post-paid and registered addressed to such shareholder at his address as entered on the Company's books ; and no such call shall be made except by by-law passed at a meeting of the directors,—of which meeting not less than twenty days' notice shall be given by the secretary to the directors.

Notice of calls.

Confirmation
of by-laws.

6. In case a by-law made by the directors of the Company, which, in default of confirmation at a general meeting of the members of the Company, would cease to have effect, is not confirmed by a general meeting of the members of the Company at which the same could be confirmed, no subsequent by-law made by the directors substantially the same in effect shall have any force until confirmed, by a general meeting of the members of the Company duly called for that purpose, or by the annual meeting of the members of the Company held next after the making of such by-law by the directors.

The same.

7. No by-law made by the directors, repealing or amending expressly or in effect a by-law passed or confirmed by a general meeting of the members of the Company, shall have any force until confirmed, by a general meeting of the members of the Company duly called for that purpose, or by the annual meeting of the members of the Company held next after the making of such by-law by the directors.

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54-55 VICTORIA.

CHAP. 118.

An Act to incorporate the Steam-Boiler and Plate-Glass Insurance Company of Canada.

[Assented to 31st July, 1891.]

WHEREAS Thomas D. Hodgens, Thomas Beattie and J. A. Blair, of the city of London; James Gamble, of Inwood, and A. Q. Bobier, of the village of Exeter, have, by their petition, prayed to be incorporated under the name of "The Steam-Boiler and Plate-Glass Insurance Company of Canada," for the purpose of making contracts of insurance 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 persons mentioned in the preamble, together with such persons as become shareholders in the company here-
by incorporated, are hereby constituted a body corporate, under the name of "The Steam-Boiler and Plate-Glass Insurance Company of Canada," hereinafter called the Company.
- 2.** The head office of the Company shall be in the city of London, in the Province of Ontario, but agencies or branches may be established elsewhere.
- 3.** The Company may make contracts of insurance and reinsurance against loss or damage, from explosion of stationary, marine and locomotive boilers, to such boilers, the machinery connected therewith, or the house, store or other building, or vessel, steamer, boat or other craft, in which the same are placed or to which they are attached, or to any goods, wares, merchandise, cargo or other property of any description stored or conveyed therein; and may also make contracts of insurance with any person against any loss or damage to plate or other glass, whether placed in doors, windows or other parts of buildings, and whether stored or in transit, on shore or afloat; and for the said purposes or any or either of them, at any and all

- all times and places may make and execute written or printed, or partly written and partly printed, policies, contracts, agreements or undertakings, according to the exigency of the particular case, and generally may do and perform all the necessary matters and things connected with and proper to promote these objects: Provided that the risks taken by the Company upon any one property shall not, at any time, exceed ten per cent of the paid-up capital stock of the Company.
- Proviso.**
- Provisional directors.** **4.** The persons hereinbefore mentioned by name shall be the first or provisional directors of the Company,—of whom a majority shall form a quorum.
- Capital stock.** **5.** The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.
- Payment of shares.** **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 ten per cent, and no subsequent instalment shall exceed five per cent; and not less than thirty days' notice thereof shall be given in one newspaper published in the city of London and by circular addressed to each shareholder at his last known address.
- Increase of capital stock.** **7.** The directors of the Company, with the consent of the majority in number and value of the shareholders present at any meeting called for that purpose, at any time after the whole capital stock of the Company has been taken up and fifty per cent thereon paid in, may, by by-law, increase the capital stock of the Company, from time to time, to an amount not exceeding one million dollars.
- First meeting of shareholders.** **8.** So soon as two hundred thousand dollars of the capital stock have been subscribed, and ten per cent of that amount paid in to some chartered bank in Canada to the credit of the Company, the directors shall call a general meeting of the shareholders at some place to be named in the city of London, giving at least ten days' notice thereof by circular mailed to each shareholder,—at which general meeting the shareholders present in person or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect five directors, in the manner and qualified as hereinafter provided, who shall hold office until the annual general meeting in the year following their election; and a majority of the said directors shall form a quorum thereof; and no person shall be qualified as such director unless he is the holder of at least five shares of the capital stock of the Company, and has paid up all calls due thereon.
- Election of directors.**
- Annual general meeting.** **9.** The annual general meeting of the shareholders for the election of directors and other general purposes shall be held

on the first Tuesday in February in each year, at the city of London, in Canada; and notice of the time and place of such meeting shall be given in the manner required in the next preceding section, and by advertisement, published at least twice within ten days prior thereto, in some newspaper in the city of London.

10. The Company may purchase and hold, for the purpose of investing therein any part of the funds or money of the Company, any of the public securities of the Dominion, or of any Province thereof, or the bonds and debentures of any incorporated city, town, municipal corporation or loan company, and may sell and transfer the same, and again renew such investment, when and as often as a due regard to the interests of the Company requires. Investment of funds.

11. 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.

12. 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.

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54-55 VICTORIA.

CHAP. 119.

An Act respecting the Canadian Land and Investment Company, (Limited).

[Assented to 31st July, 1891.]

Preamble.

Company in-
corporated by
letters patent.

WHEREAS the Canadian Land and Investment Company, (Limited), hereinafter called the Company, was duly incorporated by letters patent under the Great Seal of Canada, issued in pursuance of "*The Companies' Act*," and dated the seventeenth day of January, one thousand eight hundred and ninety-one, and recorded in the office of the Secretary of State at Ottawa, on the twenty-eighth day of January, one thousand eight hundred and ninety-one, in Liber one hundred and thirty-seven, folio nineteen; and whereas the Company have represented by their petition that they are desirous of improving and erecting buildings on their lands, and for that purpose require larger borrowing powers than they possess under the letters patent incorporating the Company, and have petitioned that larger borrowing powers be granted 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.—

Power to bor-
row money.

1. The directors of the Company may, from time to time, with the sanction of the majority of the shareholders present in person or represented by proxy at the annual general meeting, or at a meeting specially called for the purpose, borrow money on behalf of the Company, at such rate of interest and upon such terms as the directors by resolution determine; and the Company may secure the money so borrowed by mortgage on the whole or any part of their real estate.

Issue of de-
bentures.

Debentures
may be pledg-
ed as security.

2. The directors of the Company may, after the sanction of the shareholders has been obtained, as provided in the last preceding section, issue debentures of the Company; and the Company may execute mortgages upon their real estate to trustees in order to secure the payment of such debentures and the interest thereon, and may pledge the said debentures, or

any part thereof, to any bank or other corporation or person as security for the money borrowed by the Company.

3. The amount borrowed upon mortgage and debentures shall in no case exceed four times the amount of the paid-up and unimpaired capital of the Company. Borrowing powers limited.

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54-55 VICTORIA.

CHAP. 120.

An Act respecting the Ontario and Qu'Appelle Land Company (Limited).

[Assented to 31st July, 1891.]

Preamble.

WHEREAS the Ontario and Qu'Appelle Land Company (Limited), hereinafter called the Company, has, by its petition, prayed for the passing of an Act for the purposes hereinafter set forth, and it is expedient to grant in part the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Transfer of shares in payment of lands of company.

1. The Company may accept shares in its capital stock in payment for lands of the Company, upon such terms and conditions as are agreed upon between the Company and the holders of such shares, subject to the terms of this Act.

Price of lands to be fixed by shareholders.

2. No unsold lands of the Company shall be given to shareholders of the Company in exchange for stock of the Company, except at such price per acre as is, from time to time, established by the majority of the shareholders of the Company present or represented at an annual or special general meeting of the shareholders of the Company duly called for the purpose, or as is fixed by the board of directors with the previous authorization of the majority of the shareholders present or represented at an annual or special general meeting duly called for the purpose.

Cancellation of shares.

3. The certificate for every share which is under the provisions of this Act transferred to the Company in payment of the price of land, or in exchange for land, shall be delivered to the Company and shall forthwith be cancelled, and the holder of such share shall not thereafter have in respect thereof any right or interest in the Company, or in any of the lands or other property thereof, or be entitled to receive any interest or dividend or capital for or in respect of such share.

4. The capital stock of the Company shall, from time to time, be and be deemed to be reduced by the par value of the shares cancelled in accordance with the provisions of this Act. Reduction of capital.

5. Every such transfer, surrender and cancellation of shares may be in such form as the board of directors from time to time determine by by-law. Form of transfer, &c.

6. The shares of the capital stock of the Company are hereby reduced from fifty dollars each to forty dollars each; provided always, that the liability of the shareholders to the present creditors of the Company shall not be, in any way, diminished by this reduction. Shares reduced. Proviso.

7. The register of shareholders of the Company shall be amended in accordance with the provisions of this Act. Register to be amended.

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54-55 VICTORIA.

CHAP. 121.

An Act to incorporate the Pembroke Lumber Company.

[Assented to 10th July, 1891.]

- Preamble. **W**HEREAS certain persons hereinafter named have, by their petition, represented that they are desirous of becoming incorporated under the name of "The Pembroke Lumber Company," and have prayed that an Act be passed for that purpose; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—
- Incorporation. **1.** Andrew Thomson White, Arunah Dunlop, Peter White, Thomas Deacon, Cornelius Chapman and John Bromley, and such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Pembroke Lumber Company," hereinafter called the Company.
- Corporate name.
- Business of the Company. **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 the business of wharfingers, shippers and vessel owners, general merchants and dealers,—
- Powers as to property. 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, wharves, 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.
- 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 Andrew Thomson White, Arunah Dunlop, Peter White, Thomas Deacon, Cornelius Chapman and

John Bromley, under the name of the Pembroke Lumber Company, and the whole or any of the good will, stock in trade, assets and property, real and personal, movable and immovable, of the said Pembroke Lumber Company, 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 persons in connection with the said business or businesses, and also the obligations affecting the assets and property so purchased from the said persons.

And liabilities assumed.

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.

Shares in certain companies.

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.

Company may be party to certain instruments.

As to notes payable to bearer.

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 re-payment 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 all or any of the assets and property of the Company.

Borrowing money, and security therefor.

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 one hundred thousand

Issue of debentures.

Amount limited.

- How secured. 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.
- Capital stock and shares. **8.** The capital stock of the Company shall be one hundred and twenty thousand dollars, divided into shares of one thousand dollars each; and the said capital stock, after the whole of the authorized capital stock for the time being has been subscribed, may, from time to time, be increased to a sum not exceeding two hundred and forty thousand dollars by a resolution of the shareholders passed at a special general meeting duly called for the purpose of considering the same, and approved at such meeting by a vote of shareholders representing at least two-thirds in value of the shares of the Company.
- Increase of capital stock.
- Provisional directors. **9.** The persons mentioned by name in section one of this Act 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
- Meetings. by-law or resolution of the provisional directors, any three of them may call meetings of the provisional directors to be held at the town of Pembroke at such times as they determine:
- Notice. 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
- Quorum. previous to the date of such meeting. A majority of the provisional directors shall form a quorum.
- First meeting of shareholders. **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 town of Pembroke 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.
- Notice.
- Vacancies in the board of directors. **11.** The directors and provisional directors of the Company may act, notwithstanding any vacancy in their number: Pro-

vided 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.

12. The head office of the Company shall be at the town of Pembroke; 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: Provided, that the domicile of the Company in Ontario shall be at the town of Pembroke aforesaid. Head office
and domicile.

13. Sections eighteen and thirty-nine of "*The Companies Clauses Act*" shall not apply to the Company. Sections 18
and 39 of R.S.
C., c. 118 not
to apply.

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54-55 VICTORIA.

CHAP. 122.

An Act respecting the Rathbun Company.

[Assented to 30th September, 1891.]

Preamble.

46 V., c. 89.

WHEREAS the Rathbun Company, hereinafter called the Company, have, by their petition, represented that doubts have arisen as to their power, under the Act by which they are incorporated, being the Act forty-sixth Victoria, chapter eighty-nine, from time to time to issue bonds or debentures and to secure the same upon the property of the Company, real and personal, or either; and whereas the Company pray that such doubts be removed; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Borrowing powers.

Issue of bonds.

Limitation of amount to be borrowed.

1. The directors of the Company may, from time to time, when authorized by a by-law for that purpose passed and approved of by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company, represented at a special general meeting of the shareholders duly called for considering such by-law, borrow money upon the credit of the Company and issue bonds, debentures or other securities for any sum or sums so borrowed, at such prices as are, by the directors, deemed necessary or expedient from time to time, and may hypothecate, pledge or mortgage the real and personal property, or either, of the Company, to secure the payment of any bonds or debentures so issued, and of the principal and interest of the sums so borrowed thereon; but no such bond or debenture or other security so issued shall be for a less sum than one hundred dollars:

2. The amount borrowed shall not, at any time, be greater than seventy-five per cent of the actual paid-up capital stock of the Company; but the limitation hereby made shall not apply to commercial paper made or discounted by the Company.



54-55 VICTORIA.

CHAP. 123.

An Act respecting the E. B. Eddy Manufacturing Company, and to change its name to "The E. B. Eddy Company."

[Assented to 10th July, 1891.]

WHEREAS the E. B. Eddy Manufacturing Company has, Preamble.
by its petition, prayed for the passing of an Act to amend,
as hereinafter set forth, the Act incorporating the Company,
and also to change its name to "The E. B. Eddy 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 Name changed.
E. B. Eddy Manufacturing Company" to "The E. B. Eddy
Company," but such change in name shall not, in any way,
impair, alter or affect the rights or liabilities of the Company, Saving.
nor in any wise affect any suit or proceeding now pending or
judgment existing, either by, in favour of or against the Com-
pany, 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.

2. Six thousand of the unsubscribed and unissued shares of Unsubscribed shares cancelled.
the capital stock of the Company, representing the nominal
value of six hundred thousand dollars, are hereby cancelled and
extinguished.

3. The remaining capital stock is hereby reduced to three Capital stock reduced.
hundred thousand dollars.

4. The remaining existing shares are hereby converted into Conversion of shares.
three thousand new shares of one hundred dollars each; and
every person who is a paid-up shareholder shall be entitled to
one paid-up share of such new shares for every three of the
old paid-up shares held by him at the time when this Act
comes into effect.

Register to be amended. **5.** The register of the shareholders of the Company shall be amended in accordance with the provisions of this Act.

Liability of shareholders. **6.** Nothing in this Act shall be construed so as to lessen the liability of the shareholders of the Company to the present creditors thereof.

Old stock wiped out. **7.** From the passing of this Act, except for the purposes herein set forth, the existing shares of the old stock shall be extinguished.

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54-55 VICTORIA.

CHAP. 124.

An Act respecting the Maritime Chemical Pulp Company, Limited, and to change the name thereof to "The Maritime Sulphite Fibre Company, Limited."

[Assented to 31st July, 1891.]

WHEREAS the Maritime Chemical Pulp Company, Limited, Preamble. hereinafter called the Company, have, by their petition, represented that they are incorporated by letters patent, granted under the Great Seal of Canada, dated the fifteenth day of October, one thousand eight hundred and eighty-six, with an authorized capital of one hundred and twenty-five thousand dollars, of which one hundred thousand dollars have been subscribed and paid up, and that they have acquired lands and constructed works at the town of Chatham, in the Province of New Brunswick, at a cost largely in excess of the capital stock, and it is necessary to provide for such extra expenditure, and the Company have prayed for power to issue first mortgage bonds and preference stock, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The directors of the Company may, after the sanction of Issue of bonds. the shareholders has first been obtained at an annual general meeting, or at a special general meeting called for such purpose, issue bonds of the Company to an amount not exceeding two hundred thousand dollars, and may fix and define by by-law the amount or denomination of such bonds, the time or times, and the place or places for payment of the principal moneys thereof, and the interest thereon, and all other particulars in reference thereto; provided that no such bond shall be for a less sum than one hundred dollars and that the rate of interest on such bonds shall not exceed six per cent per annum:

2. Subject to any existing lien, charge or encumbrance, such First charge on under-taking. bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon

upon the undertaking of the Company and the real property, fixtures, plant and machinery thereof then existing or thereafter acquired ; and each holder of the said bonds shall be deemed a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the Company as aforesaid :

Disposal of bonds.

3. The directors may sell, mortgage, hypothecate or pledge such bonds or any of them to raise money for the purposes of the Company.

Increase of capital stock.

2. The capital stock of the Company is hereby increased to two hundred and twenty-five thousand dollars ; and the directors of the Company may pass a by-law for creating and issuing the new or additional stock to the amount of one hundred thousand dollars, as preference stock, giving such stock such preference and priority as respects dividends and repayment of capital stock, in the event of the winding up of the Company, over ordinary stock, as is declared by the by-law :

Preference stock.

Position of holders of preference stock.

2. The by-law may provide that the holders of such preference shares may elect a certain stated proportion of the board of directors or may give them such control over the affairs of the Company as is considered expedient :

By-law to be approved.

3. Such by-law shall not have any force or effect until it has been sanctioned by a vote of shareholders representing at least two-thirds of the issued capital stock of the Company, present in person or represented by proxy, at a general meeting of the Company duly called for the purpose of considering such by-law :

Allotment and sale of preference stock.

4. The directors may allot such preference stock in such amounts, and subject to the payment of such calls, of such amount, and at such times, and at such premium or discount as they think fit ; or may agree for the sale of such stock, or any part thereof, at such prices as they think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments ; and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call made in accordance with the provisions of "*The Companies Act* ; "

Disposal of proceeds.

5. The money raised by the sale or allotment of such preference stock shall be applied to the purposes of the Company :

Rights of holders.

6. Holders of such preference stock shall be shareholders within the meaning of "*The Companies Act*," and shall, in all respects, possess the rights and be subject to the liabilities of shareholders within the meaning of that Act ; provided, however, that in respect of dividends and repayment of capital stock in the event of the winding up of the Company they shall, as against the original or ordinary shareholders, be entitled to the preference given by such by-law as aforesaid :

Rights of creditors.

7. Nothing in this section shall affect or impair the rights of creditors of the Company.

3. The directors of the Company may by by-law increase the number of directors to any number not exceeding seven. Number of directors.

4. The name of the Company is hereby changed from the "Maritime Chemical Pulp Company, Limited," to the "Maritime Sulphite Fibre Company, Limited," but such change in name shall not, in any way, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, either by or against the Company, or any judgment existing, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed or enforced as if this Act had not been passed. Name of Company changed.

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54-55 VICTORIA.

CHAP. 125.

An Act to incorporate the McKay Milling Company.

[Assented to 10th July, 1891.]

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated under the name of "The McKay Milling 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:—

Incorporation.

1. William Scott, William Hutchison, Thomas Masson McKay and Archer Bayly, all of the city of Ottawa, and William Moore McKay, of the city of Toronto, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The McKay Milling Company," hereinafter called the Company.

Corporate name.

Business of the company.

2. The Company may carry on, throughout Canada and elsewhere, the business of millers and the general business of merchants in flour, meal and other milling products, and the business of elevating and storing wheat and all other grain and the products thereof, and the business of baking flour, meal and breadstuffs,—and may purchase, lease, hire or sell power for supplying electricity to electrical dynamos, motors, accumulators, wires, cables, lamps, works and other machinery, and carry on the business of supplying electricity for light, heat and power by electrical appliances,—and may buy and sell and lease or rent lands, machinery, water power and other property in connection with or incidental to their said business or businesses.

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 firm of Thomas McKay and Company, 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 Thomas McKay and Company, subject to the obligations, if any, affecting the same; and may pay the price therefor 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 partly in cash and partly on time secured by a mortgage upon any real estate, or partly in cash and subject to the payment of any mortgage which is now or is at the time of the purchase aforesaid upon the real estate; and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts, mortgages and engagements of the said business or businesses so carried on by the said Thomas McKay and Company and also the obligations, liabilities, contracts, mortgages and engagements affecting the assets and property so purchased from them; and may purchase, lease or rent any mills, water power, lands and machinery for cash or partly for cash and partly on time, to be secured by a mortgage from the Company on the property purchased, or partly for cash, and the Company to assume any mortgage thereon made by the vendor or vendors or any prior or other owner or owners thereof.

Mills, water power, etc., may be purchased.

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

Shares in boom companies, etc., may be held.

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.

Company may be party to certain instruments.

No notes to be payable to bearer.

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 re-payment 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.

Borrowing powers, and as to security for moneys borrowed.

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

Issue of debentures.

- 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.
- 8.** The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each; and of these shares four thousand shall be called preference shares, and six thousand shall be called ordinary shares.
- 9.** The holders of the preference shares in the Company shall be entitled to receive, out of the profits of each year, a preferential dividend for such year, at the rate of seven per cent per annum on the amount for the time being paid up on the preference shares held by them respectively; and the surplus profits of the Company, in each year, may be applied to the payment of dividends to the holders of the ordinary shares in the Company, in proportion to the capital paid up thereon.
- 10.** William Scott, William Hutchison, Thomas Masson McKay, Archer Bayly and William Moore McKay, 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 by this Act; and until otherwise ordered by by-law or resolution of the provisional directors, any three of them may call meetings of the provisional directors to be held at the 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.
- 11.** Within one year after the passing of this Act the provisional directors, or any three of them, shall call a general meeting of the shareholders of the Company, to be held at the city of Ottawa, at such time as they determine, for the purpose of passing

passing or ratifying the by-laws of the Company, of electing directors and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing, signed by the provisional directors calling such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

Notice there-
of.

12. 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.

Vacancies in
the board of
directors.

13. The head office of the Company shall be at the city of Ottawa, but every place in Canada at or in which the Company has an office or place of business shall be deemed to be a domicile of the Company: Provided that the domicile of the Company in Ontario shall be at the city of Ottawa.

Offices.

Domicile.

14. Section eighteen of "*The Companies Clauses Act*" shall not apply to the Company.

Section 18 of
R.S.C., c. 118
not to apply.

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54-55 VICTORIA.

CHAP. 126.

An Act to amend the Act incorporating the Canadian Power Company.

[Assented to 10th July, 1891.]

Preamble.

50-51 V.,
c. 120.

WHEREAS a majority of the provisional directors of the Canadian Power Company have petitioned that an Act be passed to amend, as hereinafter set forth, the Act incorporating the Company passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter one hundred and twenty, 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.

1. Notwithstanding anything contained in the Act incorporating the Company, the times limited for the commencement and completion of the works mentioned in that Act are hereby extended for the period of three years and six years respectively from the passing of this Act; and unless the said works are commenced and completed within the times mentioned in this section, the powers granted by the said Act of incorporation shall cease and be null and void.

Names substituted for others.

2. The names of Samuel Rollin Hesson, of Stratford, Nicol Kingsmill and William T. Jennings, of Toronto, are hereby substituted for the names of Henry C. Symmes, Charles Patrick and John Bender wherever the latter names appear in the said Act.

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54-55 VICTORIA.

CHAP. 127.

An Act to incorporate the Incorporated Construction Company of Canada.

[Assented to 31st July, 1891.]

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

Preamble.

1. John F. Zebley, Austin Gallagher, Adolph A. Knudson, Charles D. Jones, James T. Kirk, John D. Purdy and James Domville, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Incorporated Construction Company of Canada," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The first meeting of the provisional directors of the Company may be held at the city of St. John or at the city of Montreal, and the head office of the Company shall be at either of said places, or at such other place in Canada as is determined by by-law of the Company :

First meeting

Head office.

2. The company may also have an office in London, England, or in the city of New York, or in any other place out of Canada, as is determined from time to time by by-law of the Company,—at which office stock books and stock transfer books may be opened and kept and meetings of the Company held, and any other business of the Company transacted. Every office in which the Company transacts its business or any portion thereof shall be deemed to be a domicile of the Company.

Other offices.

Domicile.

3. The Company may carry on the business of mining ; manufacturing of iron and steel, and other metals ; the building of ships and vessels of all kinds ; the manufacture of railway rolling stock and supplies, and equipment for railways and vessels, and dealing in the same ; may construct or acquire

Purposes of Company.

acquire by lease or purchase, and use and operate, wharves and docks; may construct or acquire and operate street railways or tramways, to be worked by any motive power; may trade as carriers of passengers and goods; may acquire the business and franchises of any gas or electric light and power companies, and may operate the same; and may acquire by purchase, lease or construction, as the case may be, all property and plant, patents of invention, and patent rights of all kinds, necessary or convenient for the carrying on of any of the above businesses: Provided that nothing herein contained shall be construed as enabling the company to acquire real estate beyond what is reasonably necessary for the carrying on of the businesses as aforesaid.

Proviso as to real estate.

Power to acquire other concerns.

4. The Company may purchase, take over, or otherwise acquire from any other person or company, all or any of the businesses which the Company is hereby empowered to carry on, together with all or any of the assets, franchises and property, real and personal, movable and immovable, of the seller or sellers thereof, subject to the obligations, if any, affecting the same, and may pay the seller or sellers the price thereof wholly or partly in cash or wholly or partly in fully paid-up shares or in partly paid-up shares of the Company or otherwise, and also undertake, assume, pay or guarantee all or any of the obligations or liabilities of the seller or the obligations affecting the assets and property purchased from time to time.

Stock of other companies.

5. The Company may take, or otherwise acquire and hold shares in the stock of any other company, incorporated or chartered for all or any of the purposes similar to those of this Company, in payment in part or in whole of any purchase made by the Company under the next preceding section, and may sell, hold or otherwise deal with the same, and may guarantee the principal or interest of any such shares.

Promissory notes, &c.

6. The Company may make, accept, indorse or execute promissory notes and bills of exchange for sums of not less than one hundred dollars each, and warehouse receipts and other negotiable instruments: Provided, however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer or intended to be circulated as money or as the note or bill of a bank.

Proviso.

Borrowing powers.

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

Bonds and debentures.

and property of the Company ; and such bonds or debentures may be issued in whole or in part in currency, or in United States dollars, or pounds sterling or francs, or in any other money, and may be made payable in London, England, the city of New York, or any other place in or out of Canada : Provided always, that the bonds and debentures issued and outstanding from time to time shall never exceed the then total amount of the paid up capital of the Company ; and provided also, that no issue of bonds or debentures shall take place until previously sanctioned by a vote of the shareholders present in person or represented by proxy, and representing two-thirds in value of the shares of the Company, at a special general meeting duly called for that purpose ; and provided further that no bond or debenture shall be for a less sum than one hundred dollars or its equivalent.

Limitation

Proviso.

Proviso.

8. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, which shall be applied first to the payment of all costs and expenses incurred in obtaining the passing of this Act, and the remainder for the purposes of the Company ; and the said capital stock, after the whole of the authorized capital stock for the time being has been subscribed, and fifty per cent paid thereon may, from time to time, be increased to a sum not exceeding three millions of dollars by a resolution of the shareholders passed at a special general meeting of the shareholders duly called for the purpose of considering the same, and approved at such meeting by a vote of shareholders representing at least a majority in value of the shares of the Company :

Capital stock.

Increase thereof.

2. A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed.

Calls.

9. The directors may, by by-law, issue one-third of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and repayment of capital stock, in the event of the winding up of the Company, over ordinary stock, as is declared by the by-law :

Preference stock.

2 Such by-law shall not have any force or effect whatever until after it has been sanctioned by a vote of shareholders, representing at least two-thirds of the issued capital stock of the Company, present in person or represented by proxy at a general meeting of the Company duly called for considering the same :

Sanction of issue

3. Holders of such preference stock shall be shareholders within the meaning of this Act, and shall, in all respects, possess the rights and be subject to the liabilities of shareholders within the meaning of this Act : Provided however that, as respects dividends and repayment of capital stock, in the event of the winding up of the Company, they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid :

Rights of holders of preference stock.

Proviso.

Creditors' rights saved.

4. Nothing in this section contained shall affect or impair the rights of creditors of the Company.

Provisional directors.

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

First general meeting.

11. So soon as two hundred and fifty thousand dollars of the said capital stock have been subscribed and ten per cent thereof paid into one of the chartered banks in Canada,—which amount shall not be withdrawn except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever,—the provisional directors, or a majority of them, shall call a general meeting of the shareholders of the Company, to be held at St. John or Montreal, at such time as they determine, for the purpose of electing directors, of passing or ratifying the by-laws of the Company, and of organizing the Company generally; and notice in writing, signed by the provisional directors calling any such meeting, of the date and place of holding the same, mailed at the post office at St. John or Montreal aforesaid by registered letter to the address of each shareholder as registered in the books of the Company, not less than twenty days previously, shall be deemed sufficient notice of such meeting.

Notice.

Directors.

12. The directors shall not be more than seven and not less than five in number, of whom a majority shall form a quorum; and no person shall be a director unless he is a shareholder owning twenty shares of stock absolutely in his own right and has paid all calls due thereon.

Shareholders.

13. All shareholders in the Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal right to hold stock in the Company and shall be eligible to office in the Company.

Amalgamation with other companies.

14. The Company may unite, amalgamate and consolidate its stock, property, business and franchises with those of any other company or society incorporated or chartered for all or any of the like purposes; and the provisions of sections ninety-eight, ninety-nine and one hundred of "*The Companies' Act*" as amended by the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter twenty, except in so far as they relate to an amalgamation, union or consolidation with any building, savings or loan company or society, shall, so far as they are applicable, be incorporated with this Act, form part thereof, and be construed therewith as forming one Act.

Sections of R.S.C., c. 119 to apply.

Tramways.

15. No tramway or street railway authorized to be constructed or acquired under the provisions of section three of this Act shall exceed six miles in length, and no crossing or junction

junction shall be made with any railway without application to the Railway Committee for approval thereof under the provisions of "*The Railway Act.*"

16. Sections eighteen and thirty-nine of "*The Companies' Clauses Act*" shall not apply to the Company. Ss. 18 and 39 R.S.C., c. 118 not to apply.

17. The powers and authority hereby granted shall not have any force or effect in any Province in any respect in which they are inconsistent with the laws of such Province. Conflict of laws.

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54-55 VICTORIA.

CHAP. 128.

An Act to incorporate the Anglo-Canadian Electric Storage and Supply Company.

[Assented to 31st July, 1891.]

Preamble

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

Incorporation.

1. The Honourable Francis Clemow, Charles H. Mackintosh, John Alexander Gemmill, John W. McRae, the Honourable William McDougall, C.B., and C. C. Ray, all of the city of Ottawa, in the Province of Ontario, and Arthur Shippey and Henry Woodward, of the city of London, England, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Anglo-Canadian Electric Storage and Supply Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Ottawa, in the Province of Ontario, or such other place in Canada as the Company from time to time determine.

General powers.

3. The Company may—
(a.) Manufacture, sell, deal in and let on hire, secondary batteries and dynamo machinery, cables, wires, batteries, electric motors, electric balloon signals, miners' electric safety lamps, transformers, meters, instruments, fittings, and other electric appliances used for producing, storing, supplying and transmitting electricity or electric currents for the purposes of light, heat, power, telegraphs, telephones, printing, or any other electrical purposes, and for the supply of electricity to railways, tramway cars, cabs, carriages, carts, boats, ships, maritime and other purposes; and may establish generating and central stations throughout Canada, to produce and supply electricity or electrical currents or force;

(b.) Construct, operate and maintain telpherage lines for the carriage of passengers and freight, the motive power of which shall be electricity ;

(c.) Purchase or otherwise acquire or obtain any inventions or letters patent, or like privileges, for any inventions relating to, or which may be deemed to be of use in connection with the production, supply or use of electricity, or electrical currents or force, or any part or share or interest therein, or any license to exercise or use any such inventions or patent rights,—and may make or cause to be made such experiments and investigations as are considered desirable in relation to any such matters ; and may grant licenses for the use of, and turn to account in any way any such inventions or patent rights, or apparatus and things made in accordance with any such inventions ;

(d.) Purchase, lease, hire or otherwise acquire any lands, water powers, factories, buildings, rights or privileges, or other property necessary or expedient for the Company's business ;

(e.) Sell, mortgage or dispose of all or any property of the Company,—and may make any sale or disposition in consideration (wholly or partially) of shares, stock or debentures of any other company,—and may make a sale of the business, property and assets of this Company, by way of amalgamation with any company carrying on, or formed for carrying on any business comprised in the objects of this Company,—and may make a sale of any shares, debentures, or interests in, or securities of, any other company possessed by this Company, with or without any guarantee by this Company as to dividends, interest, redemption of capital or otherwise ; but no such sale or mortgage shall be valid without the authority of the shareholders, given in the manner set forth in section nine of this Act ;

(f.) Purchase or otherwise acquire or carry on and administer, as principals or agents, the whole or any part of the business of any person, firm, company or association carrying on, or formed for carrying on any business comprised in the objects of this Company, and may purchase any such business, with all or any part of the property and assets of the vendor, and, in connection with such purchase or acquisition, may undertake all or any of the liabilities of the vendor ;

(g.) Contract and agree, in consideration of services to be rendered to this Company, or of patents or other rights or benefits, or property, real or personal, to be acquired by this Company, to pay or allow a proportionate part of the receipts, or of the gross or net profits of this Company, to any person or company ;

(h.) Enter into any arrangements for partnership, sharing profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise, with any person, firm or company carrying on or about to carry on and engage in any business or transactions which this Company is authorized to carry on

or engage in, and may lend money to guarantee the contracts of, subsidize or otherwise assist any such person, firm or company ;

(i.) Subscribe for, purchase or otherwise acquire, and may hold or dispose of the whole or any part of the shares, debentures or securities of any company carrying on, or formed for carrying on any business comprised in the objects of this Company, and may promote or establish, or assist in the promotion or establishment of any such company, and may make and carry out all such financial arrangements in relation thereto as are deemed expedient.

Erection of
lines.

4. With the consent of the municipal council having jurisdiction over the roads or streets of any city, town or municipality, the Company may construct, erect and maintain its wires along the sides of and across or under any public highway, streets, public bridges, water-courses or other such places, in Canada, and may, by its servants, agents or workmen, enter upon any street, public road, public bridge, water-course or highway, in any city, incorporated town, village, county or municipality, for the purpose of erecting and maintaining its wires along the sides of, or across or under the same ; and may construct, erect and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining its systems, and may stretch wires thereon, and from time to time, as often as the Company, its agents, officers or workmen think proper, break up and open any part whatsoever of the said roads, streets, highways or water-courses, subject, however, to the following provisions, that is to say :—

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

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

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

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

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

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

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

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

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

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

5. The first five persons named in the first section of this Act shall be provisional directors of the Company, four of whom shall form a quorum ; and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada and withdraw the same for the purposes of the Company only.

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

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

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

Borrowing powers.

9. The directors may, when authorized by a by-law for that purpose, passed and approved of by the votes of at least two-thirds of the holders in value of the subscribed stock of the Company, present in person or represented by proxy at a special general meeting called for considering such by-law, borrow such sum of money, not exceeding the paid up capital stock of the Company, as the shareholders deem necessary, and issue bonds or debentures therefor, in sums of not less than one hundred dollars each, at such rates of interest, and payable at such times and places as are determined, for the purpose of carrying out any of the objects of the Company.

Limitation of time.

10. The Company shall begin operations within three years from the passing of this Act, otherwise the powers granted by this Act shall cease and be null and void.

Grants in aid of works.

11. The Company may receive from any Government, or from any person, or body corporate, municipal or politic, having power to make or grant the same, in aid of the construction, equipment and maintenance of the said works, grants of lands, premises, loans, gifts of money, guarantees and other securities for money, and may hold and alienate the same.

Agreements with other companies.

12. The Company may enter into working and other agreements and arrangements with any other company or companies, Government or Governments, person or body corporate, municipal or politic.

R.S.C., c. 118.

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

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54-55 VICTORIA.

CHAP. 129.

An Act to incorporate the Vancouver Dock and Ship Building Company.

[Assented to 31st July, 1891.]

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

1. Imrie Bell, of the city of Glasgow, Scotland; Walter Incorporation.
Charles Cutbill, of the city of London, England, and George F. Chipman, of the city of Vancouver, in the Province of British Columbia, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Vancouver Dock and Corporate name.
Ship Building Company," hereinafter called the Company.

2. The head office of the Company shall be in the city of Head office.
London, England, or such place in Canada as the Company from time to time determine by by-law.

3. The Company may lay out, construct and operate a dry Powers.
dock and ship building and repairing yards in Burrard inlet in the neighbourhood of the city of Vancouver, British Columbia; and the undertaking hereby authorized is declared to be a work for the general advantage of Canada.

4. The persons named in the first section of this Act shall Provisional directors.
be provisional directors of the Company, two of whom shall form a quorum; and they may open stock books and procure subscriptions of stock; and they shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only.

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

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

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

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

Borrowing powers. **8.** The directors may, when authorized by a by-law for that purpose, passed and approved by the votes of at least two-thirds of the holders in value of the subscribed stock of the Company, present in person or represented by proxy at a special general meeting duly called for considering such by-law, borrow such sum of money, not exceeding the amount of the paid up capital of the Company, as the shareholders deem necessary, and issue bonds or debentures therefor, in sums of not less than one hundred dollars each, at such rates of interest, and payable at such times and places, as is determined, for the purpose of carrying out any of the objects of the Company.

Security. **2.** The Company may secure the repayment of any moneys so borrowed, or of any other moneys owing by the Company : in such manner and upon such terms and conditions as are agreed upon, and, in particular, by the mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

Time for commencing and completing works. **9.** The said dry dock and yards shall be commenced within two years and completed within four years from the passing of this Act,—otherwise the powers granted by this Act shall cease and be null and void.

Gifts in aid. **10.** The Company may receive from any Government or from any person, or body corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said dock and yards, grants of land, premises, loans, gifts of money, guarantees and other securities for money, and hold and alienate the same.

Agreements with other companies. **11.** The Company may enter into working and other agreements and arrangements with any other company or companies, Government or Governments, person or body corporate, municipal or politic.

R.S.C., c. 118. **12.** Sections eighteen and thirty-nine of "*The Companies Clauses Act*" shall not apply to the Company.



54-55 VICTORIA.

CHAP. 130.

An Act to amend the Act to incorporate the Empire Printing and Publishing Company (Limited).

[Assented to 10th July, 1891.]

WHEREAS the Empire Printing and Publishing Company Preamble.
(Limited) has, by its petition, prayed for the passing of an Act to empower the Company to increase the number of its directors, 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 nine of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter one hundred and twenty-three, intituled "*An Act to incorporate the Empire Printing and Publishing Company (Limited)*," is hereby repealed, and the following substituted therefor :—

"**9.** The directors shall be not less than five nor more than nine in number, as is, from time to time, determined by by-law of the Company ; and no person shall be eligible for election, or be elected or appointed as a director, unless he is a shareholder owning stock absolutely in his own right to the amount of not less than one thousand dollars, and is not in arrear in respect of any call thereon."

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54-55 VICTORIA.

CHAP. 131.

An Act to confer on the Commissioner of Patents certain powers for the relief of Jay Spencer Corbin.

[Assented to 28th August, 1891.]

Preamble.

WHEREAS Jay Spencer Corbin, manufacturer, having his chief place of business at the town of Prescott, in the Province of Ontario, has, by petition, represented that on and prior to the twenty-first day of April, one thousand eight hundred and ninety, he was the holder of letters patent under the Great Seal of Canada, dated the twenty-first day of April, one thousand eight hundred and eighty-five, for improvements in combined harrows and seeders, being patent number twenty-one thousand four hundred and eighty-one; that on or before the expiration of the first five years of the said letters patent, which were granted for a term of fifteen years (only the partial fee for the first five years being paid upon the issue thereof), the said Jay Spencer Corbin was entitled upon application therefor to a certificate of renewal of the same, as provided by the twenty-second section of "*The Patent Act*," chapter sixty-one of the Revised Statutes of Canada; and whereas the said Jay Spencer Corbin and others had, prior to the said twenty-first day of April, one thousand eight hundred and ninety, invested the sum of twenty thousand dollars and upwards in the purchase of buildings, the equipment of a factory and the establishment of an incorporated company, to wit, the St. Lawrence Manufacturing Company, for the manufacture of the said patented article; that the treasurer of the said Company, carrying on business at Prescott aforesaid, was charged with but inadvertently omitted to make such application, but, so soon as the omission was observed, application by the said Jay Spencer Corbin was made on the twenty-seventh day of April, one thousand eight hundred and ninety following, less than one week after the time by law appointed,—at which date such application could not be entertained, as the Commissioner of Patents could not then accept the further fee and grant such renewal certificate; and whereas the said Jay Spencer Corbin has petitioned for an Act authorizing the Commissioner of Patents to receive his application and

the fee for the remainder of the term of fifteen years for which the said letters patent were conditionally granted, and to grant and issue to him the certificate of payment provided by "*The Patent Act*," and an extension of the term of such letters patent in as ample a manner as if application had been duly made within five years from the date of such letters patent, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything to the contrary in the Patent Act of 1872, and amending Acts thereto, or in "*The Patent Act*," being chapter sixty-one of the Revised Statutes of Canada, or in the said letters patent, the Commissioner of Patents may receive from the said Jay Spencer Corbin the application and usual fee for a renewal or extension of the said letters patent, for the remainder of the term of fifteen years from the date thereof, and grant and issue to the said Jay Spencer Corbin the certificate of payment or of renewal provided by "*The Patent Act*," and an extension of the period of the duration of the said letters patent to the full term of fifteen years, in as full and ample a manner as if application therefor had been duly made within five years from the date of the issue of such letters patent.

Commissioner of Patents may renew certain letters patent.

2. Any person who has, within the period between the twenty-first day of April, one thousand eight hundred and ninety, and the extension or renewal hereunder of the said letters patent, acquired, by assignment, user, manufacture or otherwise, any interest or right in respect of such improvements or invention, shall continue to enjoy the same as if this Act had not been passed.

Rights of third persons saved.

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54-55 VICTORIA.

CHAP. 132.

An Act for the relief of Thomas Bristow.

[Assented to 31st July, 1891.]

Preamble.

WHEREAS Thomas Bristow, of the township of Osprey, in the county of Grey, in the Province of Ontario, yeoman, has, by his petition, humbly set forth that, on the thirteenth day of December, in the year of our Lord one thousand eight hundred and eighty-two, he was married to Olivia Emeline Bristow, formerly Olivia Emeline Small; that there were born of said marriage two children still living, viz.: George Albert Bristow, born ninth day of November, one thousand eight hundred and eighty-three, and Norman Victor Bristow, born twenty-fifth day of May, one thousand eight hundred and eighty-five; that, on or about the first day of September, one thousand eight hundred and eighty-six, she deserted her said husband and went to Collingwood township, Collingwood town, the town of Oakville, the village of Coldwater and the town of Midland, all in the Province of Ontario, and has not, since the first day of September, one thousand eight hundred and eighty-six, resided with the said Thomas Bristow; that the said Thomas Bristow discovered, as the fact was, that on or about the first of January, one thousand eight hundred and ninety, the said Olivia Emeline Bristow had committed adultery with one James Robertson, then of the village of Coldwater, had gone through the form of the marriage ceremony with the said Robertson under the assumed name of Lizzie Emeline Small on the first day of January, one thousand eight hundred and ninety, and still continues to live with the said Robertson ostensibly as his lawful wife; and whereas the said Thomas Bristow has humbly prayed that the said marriage may be dissolved, so as to enable him to marry again, and that further relief may be afforded him as may be deemed meet; and whereas the said Thomas Bristow has proved the allegations in his petition and has established the acts of adultery and bigamous marriage therein set forth, and 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 marriage between the said Thomas Bristow and the said Olivia Emeline Bristow, his wife, is hereby dissolved, and shall be from henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Thomas Bristow 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 Olivia Emeline Bristow had not been solemnized. Right to marry again.

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54-55 VICTORIA.

CHAP. 133.

An Act for the relief of Mahala Ellis.

[Assented to 31st July, 1891.]

Preamble.

WHEREAS Mahala Ellis, of the city of Toronto, in the county of York, and Province of Ontario, wife of Charles Shuttleworth Ellis, of the same place, commercial traveller, hath by her petition set forth that, on the seventh day of April, one thousand eight hundred and eighty, she was lawfully married at the said city of Toronto to the said Charles Shuttleworth Ellis; that they cohabited together as husband and wife until the year one thousand eight hundred and eighty-nine; that the said Charles Shuttleworth Ellis has been a frequenter of houses of ill-fame and has committed adultery with certain women in the city of London, in the Province of Ontario, and elsewhere; and whereas the said Mahala Ellis has humbly prayed that the said marriage may be dissolved, and that she be authorized and empowered to marry again, and that such further relief may be afforded her as may seem meet; and whereas the said Mahala Ellis has proved the allegations of her said petition, and has established the adultery above mentioned, and it is expedient that the prayer of her 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 the said Mahala Ellis and Charles Shuttleworth Ellis, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mahala Ellis may, at any time hereafter, marry any man whom she might lawfully marry if the said marriage with the said Charles Shuttleworth Ellis had not been solemnized.



54-55 VICTORIA.

CHAP. 134.

An Act for the relief of Adam Russworm.

[Assented to 31st July, 1891.]

WHEREAS Adam Russworm, of the township of Carrick, in Preamble. the county of Bruce, in the Province of Ontario, yeoman, has by his petition humbly set forth that on the twenty-eighth day of March, in the year of Our Lord one thousand eight hundred and seventy-six, he was married to Emma Russworm, formerly Emma Correll; that there were born of said marriage seven children still living, namely, Millie Russworm, Katie Russworm, Edith Russworm, Norman Russworm, Clara Russworm, Cora Russworm and Wesley Russworm; that on the twenty-fifth day of December one thousand eight hundred and eighty-eight, the said Emma Russworm deserted her said husband and went to the city of Chicago, in the State of Illinois, one of the United States of America, and has not since the twenty-fifth day of December, one thousand eight hundred and eighty-eight, resided with him; that shortly after the said Emma Russworm deserted him as aforesaid, he discovered, as the fact was, that the said Emma Russworm was residing with one Gilbert Porteus, at the city of Chicago, in the State of Illinois, and had committed adultery with the said Gilbert Porteus; and whereas the said Adam Russworm has humbly prayed that the said marriage may be dissolved, so as to enable him to marry again, and that the custody of the said children may be given to him, and that further relief may be afforded him as may be deemed meet; and whereas the said Adam Russworm has proved the said allegations in his said petition, and has established the acts of adultery therein set forth, and it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts at follows:—

1. The said marriage between the said Adam Russworm and the said Emma Russworm, his wife, is hereby dissolved, Marriage dissolved. and shall be from henceforth null and void to all intents and purposes whatsoever.

Right to
marry again.

2. The said Adam Russworm 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 Emma Russworm had not been solemnized.

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54-55 VICTORIA.

CHAP. 135.

An Act for the relief of Isabel Tapley.

[Assented to 31st July, 1891.]

WHEREAS Isabel Tapley, formerly Isabel Carpenter, of the Preamble. city of Hamilton, in the county of Wentworth, in the Province of Ontario, Assistant Matron of the Hamilton Home of the Friendless at the city of Hamilton, has by her petition humbly set forth that on the thirtieth day of April, one thousand eight hundred and eighty-four, she was lawfully married to William H. Tapley, of the city of Montreal, in the Province of Quebec, agent; that such marriage was duly solemnized at the said city of Hamilton, by license; that they lived and cohabited together as husband and wife until about the thirty-first day of December, one thousand eight hundred and eighty-five, when the said William H. Tapley deserted her, his said wife, and subsequently, about the end of the year one thousand eight hundred and eighty-five, went to the said city of Montreal and there committed adultery and lived and continued to live, ever since the said last mentioned date, in a state of adultery with one May Gourley; that the said May Gourley has given birth to a female illegitimate child, the issue of her adulterous intercourse with the said William H. Tapley; that the said William H. Tapley has ever since the said month of December, one thousand eight hundred and eighty-five, lived apart from the said Isabel Tapley; and that he has by his conduct dissolved the bond of matrimony on his part; and whereas the said Isabel Tapley has humbly prayed that the said marriage may be dissolved, so as to enable her to marry again, and that such further relief may be afforded her as may be deemed fit; and whereas the said Isabel Tapley has proved the allegations of her said petition and established the adultery above mentioned, and it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between the said Isabel Tapley and William H. Tapley, her husband, is hereby dissolved, and is and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

Right to
marry again.

2. The said Isabel Tapley may, at any time hereafter, marry any man whom she might lawfully marry in case the said marriage with the said William H. Tapley had not been solemnized.

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