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ACTS  
OF THE  
PARLIAMENT  
OF THE  
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE  
SIXTIETH AND SIXTY-FIRST YEARS OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE  
SECOND SESSION OF THE EIGHTH PARLIAMENT

*Begun and holden at Ottawa, on the Twenty-fifth day of March, and  
closed by Prorogation on the Twenty-ninth day of June, 1897*



HIS EXCELLENCY

THE RIGHT HONOURABLE SIR JOHN CAMPBELL HAMILTON-GORDON, EARL OF ABERDEEN

GOVERNOR GENERAL

VOL. II.  
LOCAL AND PRIVATE ACTS

OTTAWA  
PRINTED BY SAMUEL EDWARD DAWSON  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY  
ANNO DOMINI 1897





## 60 - 61 VICTORIA.

### CHAP. 35.

#### An Act respecting the Atikokan Iron Range Railway Company.

[Assented to 21st May, 1897.]

**W**HEREAS the Atikokan Iron Range Railway Company Preamble. has, by its petition, prayed that the Act incorporating the said Company be revived and amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Subject to the provisions of this Act, the Act to incorporate the Atikokan Iron Range Railway Company, being chapter sixty-one of the statutes of 1891, is hereby revived and declared to be in force, and the time limited for the commencement of the said railway, and expenditure of fifteen per cent of the amount of the capital stock required by section eighty-nine of *The Railway Act*, is hereby extended for the period of two years from the passing of this Act; and if such expenditure is not so made, and if the railway is not completed within five years from the passing of this Act, then the powers of construction granted to the said Company shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time extended for construction of railway. 1891, c. 61 revived. 1888, c. 29.

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







60 - 61 VICTORIA.

CHAP. 36.

An Act respecting the British Columbia Southern Railway Company.

[Assented to 29th June, 1897.]

WHEREAS the British Columbia Southern Railway Com- Preamble.  
pany has, by its petition, represented that it was incor-  
porated by an Act of the Legislature of the province of British B.C., 1888,  
Columbia, being chapter forty-four of the statutes of 1888, c. 44.  
under the name of "The Crow's Nest and Kootenay Lake  
Railway Company,"—that the said Act was amended by  
chapter sixty-three of the statutes of 1890,—that the said Acts B.C., 1890,  
were amended and the said Company's name was changed to c. 63.  
"The British Columbia Southern Railway Company," by  
chapter fifty-six of the statutes of 1891,—that the said Acts B.C., 1891,  
were further amended by chapter forty-seven of the statutes c. 56.  
of 1893,—that the said Acts were consolidated by chapter B.C., 1893,  
fifty-three of the statutes of 1894,—that by the said Acts the c. 47.  
said Company is authorized to build its railway, of a gauge of B.C., 1894,  
not less than three feet, from the eastern boundary of British c. 53.  
Columbia to New Westminster, in three sections, and a branch, Line of rail-  
way described  
as follows :—

(a.) The Eastern Section to consist of that portion of the Eastern  
said railway commencing at the junction of Summit Creek section.  
with Michel Creek, thence by way of Michel Creek to Elk  
River and the Upper Kootenay River, with power to go to  
the forty-ninth parallel and the Tobacco Plains ;

(b.) The Central Section to consist of that portion of the Central  
railway commencing at a point on the Elk River, near the section.  
junction of the Elk River with the Kootenay River, thence  
in a northerly direction to a point at or near Cranbrook, thence  
by the Moyee Pass to the Lower Kootenay River, or by the  
alternative route from Cranbrook by way of St. Mary's River  
to Pilot Bay on Kootenay Lake, or to the Iardo River ;

(c.) The Western Section to consist of that portion of the Western  
railway commencing from the western terminus of the Central section.  
Section to the coast, by the most convenient route, to a favour-  
able place for crossing the Fraser River to the city of New  
Westminster,

Westminster, thence to a suitable terminus on Burrard Inlet, and shall include a branch line to Nelson, via Salmon River ;

Branch line.

(d.) A branch line from a point on the main line at or near the forks of Michel Creek, thence by way of Michel Creek to Martin Creek ;

B.C., 1896,  
c. 53.

And whereas by an Act of the Legislature of the province of British Columbia, being chapter fifty-three of the statutes of 1896, the time for the completion of the said sections and branch was extended as follows : "The Company shall construct and equip the Eastern Section on or before the 31st day of December, 1898 ; the Central Section and the branch line mentioned in subsection (d.) of the preceding section, on or before the 31st December, 1899, and the Western Section on or before the 31st December, 1900 ." and whereas the said Company has, by its petition, further prayed that the said Company and its undertaking may be brought within the legislative jurisdiction of the Parliament of Canada, and that certain additional powers as hereinafter set forth be conferred upon the said Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

Declaratory.

**1.** The undertaking of the British Columbia Southern Railway Company, hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Extension of  
railway.

**2.** The Company may extend its line of railway from its eastern terminus in the Crow's Nest Pass, across and over the eastern boundary of British Columbia, into the district of Alberta, thence in an easterly direction to Macleod, or to a point on the line of the Calgary and Macleod Railway and there to connect with the same, and thence easterly to Lethbridge.

Amount of  
bonds, etc.,  
limited.

**3.** The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of its railway and branches, including the extension to Lethbridge, but such bonds, debentures or other securities may be issued only at the said rate for the length of railway constructed or under contract to be constructed.

Lease to  
C.P.R.

**4.** The Company may lease its works, or any part thereof, to the Canadian Pacific Railway Company, on such terms and conditions, and for such period as is agreed upon between the directors of the said companies : Provided that the lease be 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

Approval of  
shareholders  
and Governor  
in Council.

general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette*, and in a newspaper published at Vancouver in British Columbia for at least four weeks previous to the hearing of such application; and a duplicate of the said lease shall within thirty days after its execution be deposited in the office of the Secretary of State, of which deposit notice shall be given by the Company in the *Canada Gazette*.

Notice of application for sanction.

Filing of lease.

**5.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.

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## 60 - 61 VICTORIA.

### CHAP. 37.

#### An Act respecting the Canada Atlantic Railway Company.

[Assented to 21st May, 1897.]

**W**HEREAS the Canada Atlantic Railway Company has, by Preamble. its petition, prayed that the time for the completion of its line of railway be extended, and that an Act be passed to amend, as hereinafter set forth, the Acts relating to the said Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section one of chapter sixty-one of the statutes of 1877, 1877, c. 61, s. 1 repealed. intituled *An Act to amend the Coteau and Province Line Railway and Bridge Act*, is hereby repealed.

**2.** The Canada Atlantic Railway Company, hereinafter called "the Company," may construct and extend its line of railway from the present terminus at or near Lacolle, in the county of St. John, to some point on the northerly boundary of the state of New York, and also to some point on the northerly boundary of the state of Vermont, and crossing the River Richelieu by a bridge at or near Lacolle at a point and according to plans approved of by the Governor in Council upon the report of the Railway Committee of the Privy Council and also by the Department of Public Works. Extension of line of railway.

**3.** The Company may issue bonds, debentures or other securities upon the security of the lines hereby authorized, to an amount not exceeding twenty-five thousand dollars per mile of the said lines, inclusive of the said bridge, and such bonds, debentures or other securities shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon, and be limited to, the said lines, and upon the rents and revenues thereof, and upon all the property of the Company appertaining or belonging to the said lines. Amount of bonds, etc., limited.

Agreements respecting transportation.

**4.** The Company may enter into an agreement with the Government of Canada, or with any duly incorporated steamship or express company, for the transport or forwarding of passengers or cattle, goods or other things passing or intended to pass over any part of the Company's railways, 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 of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for the purpose of considering it, and that such agreement has also received the approval of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

**2.** Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*.

Ratification of bridge plans.

**5.** The plans of the said bridge heretofore made, the proceedings heretofore taken by the Company to obtain the approval thereof, and the approval and sanction thereof by the Governor in Council upon the report of the Railway Committee of the Privy Council and also of the Department of Public Works, shall be as valid and effectual as if made and done after the passing of this Act.

Annual meeting.

**6.** The annual meeting of the shareholders of the Company shall be held on the last Tuesday in September of each year, instead of the last Tuesday in May of each year as mentioned in section seven of chapter forty-seven of the statutes of 1871.

Time extended for completion of railway and bridge.

**7.** The time for the completion of the line of the railway of the Company, and of the said bridge, is hereby extended for five years from the passing of this Act; and, if the railway and bridge are not then completed, the powers granted for the construction thereof shall cease and be null and void as respects so much of the railway and bridge as then remains uncompleted.



## 60-61 VICTORIA.

### CHAP. 38.

#### An Act respecting the Canada Southern Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Canada Southern Railway Company has Preamble. petitioned that the times limited by the several Acts relating to the said Company for the commencement and completion of the several lines and branches of railway authorized by such Acts, and as yet unconstructed, be extended; and whereas the said Company has, by its petition, represented that under and by virtue of an agreement made between the London and Port Stanley Railway Company, of the first part, the Lake Erie and Detroit River Railway Company, of the second part, and the Corporation of the city of London, of the third part, bearing date the first day of December, one thousand eight hundred and ninety-three, and confirmed by an Act of the Parliament of Canada, being chapter seventy-six of the statutes of 1894, it was agreed, among other things, that all railways which during the continuance of the said agreement might intersect or cross or connect with the London and Port Stanley Railway or enter the city of London, should have reasonable and the usual running powers for their traffic over the line of the London and Port Stanley Railway; that an agreement has been entered into between the Lake Erie and Detroit River Railway Company, of the first part, the Canada Southern Railway Company, of the second part, and the Michigan Central Railroad Company, of the third part, bearing date the first day of May, one thousand eight hundred and ninety-six, respecting such running powers; that an agreement has been entered into between the London and South-eastern Railway Company, of the first part, the London and Port Stanley Railway Company, of the second part, the Canada Southern Railway Company, of the third part, and the Michigan Central Railroad Company, of the fourth part, bearing date the twenty-third day of July, one thousand eight hundred and ninety-six, providing for the use by the Canada Southern Railway Company and the Michigan Central Railroad Company of certain terminal facilities in the city of London; that the Canada

1894, c. 76.



1894, c. 66.

Southern Railway is, under an agreement bearing date the twelfth day of December, one thousand eight hundred and eighty-two, and ratified and confirmed by an Act of the Parliament of Canada, being chapter sixty-six of the statutes of 1894, operated by the Michigan Central Railroad Company; that doubts have arisen as to the legal capacity of the Canada Southern Railway Company and the Michigan Central Railroad Company to avail themselves of the running powers conferred by the said agreement of the first day of May, one thousand eight hundred and ninety-six, as well as to operate the London and South-eastern Railway under the agreement of the twenty-third day of July, one thousand eight hundred and ninety-six, and have petitioned that all doubts may 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:—

Time extended for completion of railway.

**1.** The times limited by the Acts respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company, set forth in the schedule to this Act, for commencing and completing the lines or branches of railway authorized by such Acts, or any of them, are hereby continued and extended as follows: The said lines and branches shall be commenced within two years and completed within five years from the fourth day of May, one thousand eight hundred and ninety-seven, and the powers conferred upon the Company by Parliament with respect to such lines and branches shall, if the said lines and branches are not commenced and completed as herein provided for their construction be null and void as respects so much of the railway as then remains uncompleted.

Agreements confirmed.

**2.** The agreement between the Lake Erie and Detroit River Railway Company, of the first part, the Canada Southern Railway Company, of the second part, and the Michigan Central Railroad Company, of the third part, bearing date the first day of May, one thousand eight hundred and ninety-six, and the agreement made between the London and South-eastern Railway Company, of the first part, the London and Port Stanley Railway Company, of the second part, the Canada Southern Railway Company, of the third part, and the Michigan Central Railroad Company, of the fourth part, bearing date the twenty-third day of July, one thousand eight hundred and ninety-six (which agreements were deposited and duly filed in the Department of the Secretary of State on the thirteenth day of May, one thousand eight hundred and ninety-seven), are hereby respectively confirmed and ratified and declared to be and to have been legal, valid and binding upon the parties thereto respectively on and since the respective dates thereof, and each of the companies, parties thereto respectively, is hereby empowered to do whatever is necessary to carry out

and give effect to the substance and intention of the said agreements.

**3.** Nothing in this Act or in the said agreements shall be held to relieve any of the said companies from any of its duties or liabilities under the railway laws of Canada. Railway laws to apply.

**4.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Canada Southern Railway Company from the time such Act goes into effect. Power of Parliament as to future legislation

SCHEDULE.

Year and Chapter.	Title of Act.
27 Vict. (Prov. of Can.), c. 59 . . . . .	Known as the "Erie and Niagara Railway Company Act of 1863."
36 Vict. (Can.), c. 86.....	An Act to amend the Erie and Niagara Railway Company Act of 1863.
35 Vict. (Ont.) c. 48.....	An Act to confer further corporate powers on the Canada Southern Railway Company.
36 Vict. (Ont.), c. 86.....	An Act respecting the Canada Southern Railway Company.

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## 60-61 VICTORIA.

### CHAP. 39.

An Act to confirm an Agreement made between the Canadian Pacific Railway Company and the Hull Electric Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Canadian Pacific Railway Company has, by its petition, represented that it has entered into the agreement with the Hull Electric Company set out in the schedule hereto, and has prayed for an Act to confirm the said agreement, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.

**1.** The agreement between the Hull Electric Company and the Canadian Pacific Railway Company, a copy of which is contained in the schedule hereto, is hereby confirmed and declared to be legal and binding upon the respective parties thereto, and each of them may do whatever is necessary in order to give effect to the substance and intention thereof: Provided that nothing in the said agreement or in the lease to be made in pursuance of it shall oblige the Hull Electric Company to exercise over the transportation of either freight or passengers a control which the Canadian Pacific Railway Company itself could not legally exercise if it continued to operate on its own account the railway which is the subject of the said agreement; and provided further that nothing in the said agreement, or in the lease to be made in pursuance of it, shall in any way affect or diminish such rights as the city of Hull now has in respect of regulating or controlling either freight or passenger traffic on any of its streets.

Agreement confirmed.  
Proviso.

### SCHEDULE.

THIS INDENTURE made the sixteenth day of March, A.D. 1896, between THE CANADIAN PACIFIC RAILWAY COMPANY, hereinafter called "The C.P.R." of the one part, and THE HULL ELECTRIC COMPANY, hereinafter called "The Electric Company" of the other part,

WITNESSETH that the parties hereto do hereby respectively covenant the one with the other as follows:—

It being intended that the C.P.R. will demise to the Electric Company the railway of the C.P.R. between Aylmer and the point at which it joins the C.P.R.'s main line near Hull, in the province of Quebec, about nine miles in length as hereinafter mentioned, hereinafter called "the said railway."

The Electric Company covenants that it will forthwith after the execution of these presents begin and thenceforward will continue to equip the said railway and its appurtenances so that the same can be conveniently and efficiently operated by electricity, and will complete such equipment on or before the first day of July next, time being of the essence of the contract, and that in doing so all work shall be so managed and all material so furnished and handled by the Electric Company as not to interfere with the convenient operation of the said railway by the C.P.R. either for freight or passenger traffic or any other business until the day when the use of steam power on the said railway can be abandoned and the traffic thereon efficiently handled by the Electric Company; the character of the equipment, including power installations, passenger cars electric motors, locomotives and all other matters to be furnished and completed according to specifications hereto attached as schedule "A."

The C.P.R. covenants that as soon as the said railway and its appurtenances are so equipped as aforesaid it will join with the Electric Company in executing the lease thereof to the Electric Company hereinafter more particularly described and will, in pursuance of such lease, deliver over to the Electric Company possession and control of the said railway in pursuance of the terms of the said lease.

The said lease shall contain covenants and provisions to the following effect:

The demise shall be for the term of thirty-five (35) years, terminable as hereinafter mentioned, which period is hereinafter referred to as "the said term."

The rent shall be five thousand dollars per annum, payable quarterly, without deduction on any ground whatsoever.

The Electric Company shall pay all taxes and other impositions in respect of the said railway and its appurtenances during the said term whether imposed for provincial, municipal or school purposes or any other purpose whatsoever.

During the said term the Electric Company will at all times make the arrangements hereinafter described as profitable to the C. P. R. as can be accomplished by handling and carrying on the business of the said railway as an electric railway with efficiency and despatch.

The passenger business shall be carried in the cars of the Electric Company, and the freight business in the freight cars belonging to the C.P.R. or other railway companies, excepting freight business between local stations on the said railway

for which the Electric Company shall furnish such freight cars as may be best adapted to the work.

All freight, passenger and express business originating on or passing over the said railway destined to points reached by the C.P.R.'s line or its connections, shall be handed to the C.P.R. at Hull station, and all passenger or freight business from the C.P.R. destined to points on or reached via the said railway shall be handed to the Electric Company at Hull station.

All empty freight cars required for the traffic from or over the said railway shall be hauled free from Hull to the point, or points, where the car or cars may be required.

The local earnings, that is, the earnings on all passenger or freight traffic between stations on the said railway shall belong to the Electric Company.

The through passenger or freight earnings, that is, the earnings on traffic between any point on the C.P.R.'s line or its connections, and any point on or reached via the said railway, shall be divided between the Electric Company and the C.P.R. in the proportion which the mileage of the said railway bears to the whole mileage over which the traffic was carried from point of origin to destination.

The C.P.R. shall have the right to quote rates for traffic of every description to or from any point on or reached via the said railway as if the said railway were operated and controlled by the C.P.R., but the Electric Company shall not have the right to quote rates to or from any point on or reached by the C.P.R. without the approval, in writing, of the C.P.R.'s duly authorized traffic officers.

The Electric Company shall run passenger trains to connect with all of the regular passenger trains of the C.P.R. that are scheduled to stop at Hull station.

The Electric Company shall construct spur tracks from the sidings, or yard, of the C.P.R. at Hull, to Gilmour's Mills and Eddy & Company's mills and factory at Hull, and shall perform the service of switching empty and loaded cars between the above mentioned mills and the C.P.R.'s siding at Hull station. As compensation for that service the C.P.R. shall pay the Electric Company one dollar (\$1) for each loaded car and fifty cents (50c.) for each empty car switched.

During the said term the Electric Company shall keep the said railway in good repair and at the expiry of the lease shall transfer the same to the C.P.R. with its tracks, buildings and appurtenances in as good condition as they were received.

The Electric Company will protect and indemnify the C.P.R. against every loss, damage or claim which may arise in consequence of the working of the said railway under the lease and shall do and perform all the acts, conditions, matters and things which the C.P.R. is bound to do and perform in respect of the said railway and the Government of Canada.

The Electric Company will 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.

The Electric Company will not transfer or set over or otherwise by any act or deed procure the said railway or any part thereof or the lease or any interest acquired by virtue of it to be assigned, transferred or set over or sub-let to any person or persons whomsoever or to any corporation whatsoever without the consent in writing of the C.P.R. or its successors or assigns first had or obtained.

And the Electric Company will during the said term provide and efficiently use on the said railway the property, equipment motive power and apparatus described in the said schedule.

A failure to fulfil any of the above covenants on the part of the Electric Company shall *ipso facto* terminate this agreement and the said lease if it shall have been executed, and thereupon without delay or process of law, the C.P.R. may at its option take possession of the said railway (surrendering to the Electric Company the electric equipment and appurtenances) and thereafter hold it and operate it as its own property without any right on the part of the Electric Company on that account to claim any compensation revenue or consideration of any description.

The above clauses of this agreement are to take effect as soon as it receives the consent and approval requisite to make it legally valid.

Witness the corporate seal of each of the parties and the signatures of its officials below named.

**THE CANADIAN PACIFIC RAILWAY COMPANY.**

T. G. SHAUGHNESSY,  
*Vice-president.*

C. DRINKWATER,  
*Secretary.*

**THE HULL ELECTRIC COMPANY.**

JAMES GIBSON,  
*Sec.-treas.*

W. J. CONROY,  
*President.*

**SCHEDULE A.**

(Referred to in Agreement.)

The Hull Electric Company shall provide at Deschênes Mills, or at some other point on the leased section, the necessary power house, power and plant for producing eight hundred and fifty (850) horse-power, or as much more as may

be required to efficiently handle the traffic on the leased section.

They will equip the leased section with the most modern and complete electrical apparatus, build the pole lines, provide the necessary electric locomotive, or locomotives, and perform all the necessary works to enable the Electric Company to perform the service connected with the movement of freight and passenger business promptly and efficiently.

The Electric Company shall also provide as many closed and open passenger cars, as well as such mail, express and baggage cars as may be necessary for the reasonable requirements of the public, all subject to the approval of the managing officer of the C. P. R.

T. G. SHAUGHNESSY.

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# 60-61 VICTORIA.

## CHAP. 40.

### An Act respecting the Central Counties Railway Company.

[Assented to 29th June, 1897.]

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

**1.** The paragraph substituted by section one of chapter forty-two of the statutes of 1893, for paragraph (b) of section one of chapter eighty-nine of the statutes of 1891, is hereby amended by adding the following sub-paragraph thereto:— 1891, c. 89, s. 1 amended.

“(2). The Company may also construct a line from the said Branch line. village of Hawkesbury, or from the village of Vankleek Hill, easterly to the boundary line of the province of Quebec, in the said county of Prescott, and the said branch or extension shall form part of the said section two of the undertaking.”

**2.** Section five of chapter forty-two of the statutes of 1893 is hereby amended by substituting the word “seven” for the word “five” in line two thereof. 1893, c. 42, s. 5 amended.

**3.** The Company may—

(a.) acquire lands, and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy; Powers of Company to acquire lands and use electric plant.

(b.) build and maintain power-houses and stations for the development of electrical force and energy; Power houses.

(c.) acquire by lease, purchase or otherwise, any exclusive rights in letters patent, franchises, or patent rights for the purpose of the works and undertakings hereby authorized, and again dispose of such rights; Patent rights.

(d.) sell or lease any surplus power which the Company may develop or acquire, either as water power or by converting the Surplus power.

same into electricity or other force for the distribution of light, heat or power, or for all purposes for which electricity can be used.

Future legis-  
lation.

4. The powers hereby conferred, as to an electric railway, shall be subject to the provisions of any general Act hereafter passed by the Parliament of Canada relating to electric railways.

Power of  
Parliament  
as to future  
legislation.

5. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Central Counties Railway Company without the enactment of this section.

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# 60 - 61 VICTORIA.

## CHAP. 41.

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

[Assented to 29th June, 1897.]

**W**HEREAS the Columbia and Kootenay Railway and Navigation Company has, by its petition, prayed that an Act be passed authorizing it to extend its lines 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 Columbia and Kootenay Railway and Navigation Company, hereinafter called "the Company," may construct the railway mentioned in section two of chapter forty-five of the statutes of 1893, namely, a railway between some point on its present line between Nelson and Robson on the south, and Revelstoke on the north, together with such branch or branches of that railway or of its main line as are from time to time authorized by the Governor in Council, not exceeding in any one case the length of thirty miles.

Prerogative.

Line of railway described.

1893, c. 45, s. 2.

Branch lines.

**2.** The said railway and the extension authorized by section three of this Act shall be commenced, and fifteen per cent on the amount of the capital stock of the Company expended thereon, on or before the first day of July, one thousand eight hundred and ninety-nine, and the said railway, extension and branches shall be completed within three years from that date, otherwise the powers conferred upon the Company by Parliament shall cease, and be null and void as respects so much of the railway, extension, and branches as then remain uncompleted.

Time limited for construction of railway.

1890, c. 87.  
1893, c. 45.

**3.** The Company may also extend its railway from any point at or near Nelson, thence easterly to a point at or near Queen's Bay, thence easterly and southerly to some point on Kootenay Lake; and westerly or south-westerly and westerly from Robson, a distance not exceeding fifteen miles to a point on Lower Arrow Lake.

Extension of railway.

What Acts to  
apply to  
extension.

**4.** The provisions of the Dominion and Provincial Acts respecting the Company shall, in so far as they are not inconsistent with the general railway laws of Canada, apply to the extension authorized by section three of this Act.

Power of  
Parliament  
as to future  
legislation.

**5.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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## 60-61 VICTORIA.

### CHAP. 42.

An Act respecting the Grand Trunk Railway Company of Canada.

[Assented to 21st May, 1897.]

**W**HEREAS the Grand Trunk Railway Company of Canada Preamble. has, by its petition, represented that its net revenue from the first day of January, one thousand eight hundred and ninety-four, has been insufficient to meet in full the interest on all the borrowed capital of the Company and the other net revenue charges, and that although the deficiency has been temporarily provided out of the general funds of the Company, it remains a charge against future revenue, and that it is expedient that the Company should be authorized to charge the same to capital account,—and that the Company, under the provisions of chapter twenty-five of the statutes of 1878, has entered into working arrangements with the Chicago and Grand Trunk Railway Company, and is the holder of the greater part of the ordinary stock of that company, and a large proportion of its bonded indebtedness,—and that the Chicago and Grand Trunk Railway Company has not been able out of its own funds to maintain its line and works in an efficient state, and that the Company has been compelled from time to time to make to them advances for this and other purposes, and that it is anticipated that further advances may be required, and that it is expedient that the Company should have express powers to make the same to that company,—and that it is expedient that the Company should have power to increase its capital; and whereas the Company has prayed for an Act conferring the said powers 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:—

1878, c. 25.

1. This Act may be cited as *The Grand Trunk Act, 1897.* Short title.

2. The expression “the Company” wherever used in this Act, means the Grand Trunk Railway Company of Canada as now constituted. Meaning of word “Company.”

Directors may charge capital account.

Proviso.

Advances to Chicago and Grand Trunk Company.

Company may issue consolidated debenture stock.

1884, c. 52 ;  
1887, c. 57 ;  
1888, c. 51 ;  
1890, c. 48 ;  
1892, c. 39 ;  
1893, c. 47.

Debenture stock ; how to rank

When Act to take effect.

3. The directors may at any time after the thirtieth day of June, one thousand eight hundred and ninety-seven, charge the capital account of the Company with the sums by which the net revenue up to and inclusive of that date may have been insufficient to meet the interest to that date upon the borrowed capital of the Company and other net revenue charges ; provided that the amount to be so charged to capital account and the time and manner of charging the same shall be subject to the approval of the proprietors in general meeting.

4. The directors may, in addition to the advances already made by them to the Chicago and Grand Trunk Railway Company, from time to time make further advances to that company. Any sums so advanced shall be included in the accounts of the half year in which the advances are made, and the amount thereof shall be stated in the balance sheet and accounts of the Company.

5. In addition to the amounts which the Company is authorized to borrow and raise under the several Acts following, that is to say, under the Grand Trunk Railway Acts 1874, 1882, 1884, 1887, 1888, 1890 and 1892, and the Grand Trunk Act, 1893, the Company may borrow and raise for the general purposes of the Company by the creation and issue of perpetual consolidated debenture stock, to be called Grand Trunk Consolidated Debenture Stock, bearing interest at any rate not exceeding four per cent per annum, such sum as the proprietors of the Company entitled to vote in general meeting assembled shall from time to time determine ; provided always that the aggregate amount of the annual interest on the debenture stock to be issued under this Act shall not exceed fifty thousand pounds sterling.

6. The debenture stock by this Act authorized shall rank equally and be consolidated with the debenture stock issued or to be issued as Grand Trunk Consolidated Debenture Stock under any Act now in force and shall be subject to all conditions applicable thereto.

7. This Act shall not take effect unless and until submitted to a general meeting of the Company and accepted by a majority of the votes of the persons present at such meeting or represented by proxy entitled to vote thereat ; provided that notice of the submission of this Act at such meeting has been duly given ; and the certificate in writing of the chairman of such meeting shall be taken as sufficient evidence of the acceptance of this Act, and such certificate shall be filed in the office of the Secretary of State of Canada and notice thereof published in the *Canada Gazette*, and copies thereof

thereof certified by the Secretary of State shall be taken and accepted in all courts of law as sufficient evidence of the acceptance of this Act.

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# 60-61 VICTORIA.

## CHAP. 43.

### An Act respecting the Great Eastern Railway Company.

[Assented to 29th June, 1897.]

**WHEREAS** the Great Eastern Railway Company has, by its petition, prayed for the passing of an Act to extend the time limited for the completion of its railway 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:—

Preamble.  
1894, c. 63, s. 6.

**1.** The Great Eastern Railway Company, hereinafter called "the Company," shall complete its railway and the branch authorized by section two of this Act within three years from the passing of this Act, otherwise the powers granted for such construction shall cease and determine as respects so much of the said railway and branch as then remains uncompleted.

Time extended for completion of railway.

**2.** The Company may lay out, construct and operate a branch line of railway not exceeding fifteen miles in length, to connect its line with the United Counties Railway or the Drummond County Railway at some point in or near the city of St. Hyacinthe.

Branch line.

**3.** The Company may, for the purpose of its railway, and in connection with its business:

Powers of Company.

(a.) lay out and manage parks and pleasure grounds, lease the same, contract with any person or corporation for their occupation and use;

Manage parks,

(b.) build, purchase, lease and manage hotels, dwelling-houses and restaurants along its lines of railway;

And hotels,

(c.) acquire any exclusive rights in letters patent, franchises or patent rights, for the purpose of its works and undertaking, and again dispose of such rights.

Acquire patent rights.

**4.** The Company may enter into an agreement with the Drummond County Railway Company, the United Counties Railway

Agreements with other companies.

Railway Company or the Montreal and Province Line Railway Company, for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, or for the purchase or lease by the Company of any or all of the said railways or any sections thereof, and each and all of the said companies may enter into such agreements with the 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 approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council:

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction 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.

Power of Parliament as to future legislation.

5. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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## 60 - 61 VICTORIA.

### CHAP. 44.

#### An Act respecting the Great Northern Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Great Northern Railway Company has, by Preamble. its petition, prayed that the Acts incorporating the said Company be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Sections three and ten of chapter forty of the statutes of 1892, c. 40, 1892, respecting the Great Northern Railway Company, hereinafter called "the Company," are hereby repealed. ss. 3, 10, repealed.

**2.** Notwithstanding anything contained in the Acts relating to the Company, the time limited for the completion of the Great Northern Railway is hereby extended for a period of three years from the passing of this Act, and, if the railway is not then so completed, then the powers granted by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time extended for construction of railway.

**3.** The bridge, the construction of which is authorized by section five of the said Act of 1892, shall be completed within three years from the passing of this Act; otherwise the powers granted under the said section five shall cease and be null and void. Time extended for completion of bridge.

**4.** The Company may enter into agreements with the Lower Laurentian Railway Company or the Quebec and Lake St. John Railway Company for conveying or leasing to such company the railway of the Company, in whole, or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery, and other property to it belonging, or for any amalgamation with either of such companies, or may purchase or lease the railways of the said companies on such terms and conditions. Agreements with other companies.

Approval of the shareholders and of the Governor in Council.

conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that each such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that each such agreement has also received the sanction of the Governor in Council.

Notice of application for sanction.

2. Such sanction 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 runs, and in which a newspaper is published.

Agreement confirmed.

5. The agreement entered into between the Great Northern Railway Company and the Quebec and James Bay Railway Company, set out in the schedule to this Act, is hereby confirmed, and all the rights and privileges conferred upon the said Quebec and James Bay Railway Company by chapter seventy of the statutes of 1887, are hereby transferred to the Great Northern Railway Company, provided the said railway is completed to some point on James Bay within five years from the passing of this Act.

Proviso.

Saving, as to claims against Quebec and James Bay Railway Co.

6. Nothing in this Act shall in any way impair or affect any charge, lien or claim now pending, subsisting or outstanding upon or against the Quebec and James Bay Railway Company, or its railway or assets.

Power of Parliament as to future legislation.

7. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

## SCHEDULE.

AGREEMENT entered into at Quebec this 28th day of April, 1897, between the Quebec and James Bay Railway Company and the Great Northern Railway Company.

Whereas the Quebec and James Bay Railway Company was incorporated by Act of the Parliament of the Dominion of Canada 50-51 Victoria, chapter 70, assented to 23rd June, 1887, with power to construct a railway from Quebec or some point on the Quebec and Lake St. John Railway to some point on or near the shore of James Bay, and whereas work has been begun from Roberval northwards, and whereas it is desirable that the time for the completion of the line and its charter rights should be extended, and such extension can be most conveniently obtained by means of a transfer of its rights to the Great Northern Railway Company, which is controlled by the Quebec and Lake St. John Railway, as contemplated by clause 20 of the said Act, all the three said companies being composed, to a large extent, of the same persons.

Now this agreement witnesseth that the Quebec and James Bay Railway Company, for valuable considerations, hereby transfers and makes over to the Great Northern Railway Company, accepting thereof, all the rights, privileges and franchises conferred upon the said Quebec and James Bay Railway Company by the said Act of the Parliament of the Dominion of Canada, 50-51 Victoria, chapter 70.

E. BEAUDET,  
*Chairman.*

J. G. SCOTT,  
*Secretary pro tem.*  
Quebec and James Bay Ry. Co.

P. GARNEAU,  
*President.*

J. G. SCOTT,  
*Secretary,*  
Great Northern Railway Co.

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## 60-61 VICTORIA.

### CHAP. 45.

#### An Act respecting the Great North-west Central Railway Company.

[Assented to 29th June, 1897]

**W**HEREAS the Great North-west Central Railway Company has, by its petition, represented that the time limited by chapter forty-eight of the statutes of 1895 for the construction of the first portion of the extension of the said Company's railway is about to expire, and that the time limited by the said Act for the complete construction of the said Company's railway is insufficient for such purpose; and whereas the said Company has prayed that the times named in the said Act for the construction of the said railway 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.  
1895, c. 48

**1.** In lieu of the times limited by chapter forty-eight of the statutes of 1895 for finishing and putting in operation that part of the railway of the Great North-west Central Railway Company yet unconstructed to the Rocky Mountains, authorized by the charter of the said Company in the said Act mentioned, the said Company shall complete, before the end of the year one thousand eight hundred and ninety-eight, and during each year thereafter, such a portion of its railway, not less than twenty miles, as is from time to time prescribed by the Governor General in Council; otherwise the powers conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time extended for completion of railway.  
1895, c. 48.

**2.** The said Company may extend the main line of the railway from the point of commencement named in its Act of incorporation, to a point on the Northern Pacific and Manitoba Railway at or near Brandon, as if such last mentioned point had been named in the said Act as the point of commencement of the railway instead of a point on the Canadian Pacific Railway; provided that the said Company shall make and so prosecute

Extension to Brandon.  
Proviso



cute the necessary applications to the Railway Committee of the Privy Council for power to cross the Canadian Pacific Railway and to effect a junction and interchange of traffic with the Northern Pacific and Manitoba Railway, that the extension and junction hereby authorized may be completed within the time named in this Act for the completion of the next twenty miles of the present chartered line of the said Great North-west Central Railway.

Power of  
Parliament  
as to future  
legislation.

**3.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Great North-west Central Railway Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the said Company without the enactment of this section.

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# 60-61 VICTORIA.

## CHAP. 46.

### An Act to incorporate the Hudson's Bay and Yukon Railways and Navigation Company.

[Assented to 29th June, 1897.]

**WHEREAS** a petition has been presented praying for the incorporation of a company to construct and operate railways 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. Charles Thompson Harvey, Stapleton Caldecott, the Honourable Samuel Hume Blake, John Woodburn Langmuir, Robert Kilgour, James Kirkpatrick Kerr and James Scott, all of the city of Toronto, together with such persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Hudson's Bay and Yukon Railways and Navigation Company," hereinafter called "the Company."

Incorporation.  
Corporate name.

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

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 Chesterfield Inlet in the north-west part of Hudson's Bay, in the North-west Territories, to a point on the Great Slave Lake, or any navigable water connected therewith, and from a point on the Mackenzie River to a point on the Porcupine or Yukon Rivers, or to or from a point on the tributaries or branches of any such rivers, or any navigable waters in the territory lying between the waters aforesaid.

Line of railway described

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

Provisional directors.

Capital stock and calls thereon.

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

Annual meeting.

**6.** The annual general meeting of the shareholders shall be held on the third Wednesday in September 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 not less than seven nor more than twelve persons to be directors of the Company, one or more of whom may be paid directors.

Amount of bonds, etc., limited.

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

Powers of Company.

**9.** The Company may, for the purpose of its business, and in connection with its railways,

Control vessels,

(a.) construct, acquire, charter, control, equip and dispose of steam and other vessels upon Hudson's Bay, Great Slave Lake, the Mackenzie River, Porcupine River and the Yukon River, and upon the lakes and streams forming part thereof or tributary thereto, and may contract for and undertake the transport by water of passengers and freight, and may construct, acquire, and sell wharfs, docks, elevators, warehouses and other works for facilitating transportation for passengers or freight upon or across the said rivers, lakes and streams;

Carry passengers and freight,

Construct docks, warehouses, etc.,

Generate electricity.

(b.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes, and may dispose of power generated by the Company's works and not required for the undertaking of the Company;

Acquire patent rights.

(c.) acquire exclusive rights in letters patent, franchises or patent rights and again dispose of the same.

Time limited for construction of railway.

**10.** The railways hereby authorized shall be commenced within three years and finished and put in operation within seven years, and fifteen per cent on the amount of the capital stock shall be expended thereon within three years, from the passing of this Act, otherwise the powers granted by this Act shall be null and void as respects so much of the railways as then remain uncompleted.

Power of Parliament as to future legislation.

**11.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other

rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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## 60-61 VICTORIA.

### CHAP. 47.

An Act respecting the James Bay Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS the James Bay Railway Company has, by its Preamble.  
petition, prayed for the passing of an Act for the purposes 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 James Bay Railway Company, hereinafter called "the Company," may lay out, construct and operate an extension of its line of railway from Parry Sound in the province of Ontario, to the city of Toronto or to some point along the line of some existing railway adjacent to the said city of Toronto, in addition to the line of railway authorized by the Act incorporating the Company. Extension of railway. 1895, c. 50.

2. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting, heating and motor purposes in connection with its railway or any branch or part thereof. Use of electricity.

3. The Company may, subject to the provisions contained in section five of this Act, construct, equip, work and maintain a telegraph line and telephone lines along the whole length of the railway extension and branches, and may establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of erecting and operating such telegraph and telephone lines the Company may enter into a contract with any other company or may lease any of the Company's lines or any portion thereof. Telegraph and telephone lines.

2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. Arrangements with telegraph and telephone companies.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph, or for Approval of rates by Governor in Council.

for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council.

R.S.C., c. 132. 4. *The Electric Telegraph Companies Act*, being chapter one hundred and thirty-two of the Revised Statutes, shall apply to the telegraphic business of the Company.

Powers shall apply to extension and branches.

4. All the provisions of the Act incorporating the Company as to the issue of bonds, debentures or other securities, and all the other powers of the Company, shall apply to the extension and branch lines hereby authorized.

Power to enter upon highway, etc.

5. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon; and, as often as the Company thinks proper, may enter upon, use, break up and open any highway or public place, subject, however, to the following provisions:—

Erect poles,

Stretch wires,

Break up highway.

Travel not to be obstructed.

Height of wires.

Kind of poles.

Cutting poles or wires in case of fire.

Injury to trees.

Supervision of municipality.

Surface of street to be restored.

Future legislation as to carrying wires under ground.

(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;

(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

(c.) All 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.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

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

(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company;

(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring

ing the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to wear badges.

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

Private rights.

(j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Temporary removal of wires and poles.

Notice to Company.

(k.) The Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works.

Liability for damage.

6. If the railway and the extension hereby authorized are not commenced within two years, and if fifteen per cent on the amount of the capital stock is not expended thereon within such two years, or if the railway is not finished and put in operation within five years from the passing of this Act, then the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway and extension as then remain uncompleted.

Time limited for construction of railway.

7. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company hereby incorporated from the time such Act goes into effect ; but this

Power of Parliament as to future legislation.



section shall not be construed to imply that such Act would not apply to the Company hereby incorporated without the enactment of this section.

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## 60 - 61 VICTORIA.

### CHAP. 48.

#### An Act to incorporate the Kaslo and Lardo-Duncan Railway Company.

[Assented to 29th June, 1897.]

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

Preamble.

**1.** Daniel J. Munn, of the city of New Westminster, David W. Moore, of the town of Kaslo, and N. Franklin Mackay, of the said city of New Westminster, in the province of British Columbia, with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Kaslo and Lardo-Duncan Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Declaratory.

**3.** The head office of the Company shall be at the town of Kaslo, in the province of British Columbia, or in such other place in Canada as the directors from time to time determine by by-law.

Head office.

**4.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Kaslo, in the district of West Kootenay, in the province of British Columbia, thence by Kootenay Lake to a point at or near Lardo, thence to a point at or near the southern end of Upper Kootenay Lake, thence along or near the shore of said Upper Kootenay Lake to a point at or near the mouth of the Duncan River, thence along the said Duncan River to its head water, with a branch line beginning at or near the mouth of the Lardo River, thence by the

Line of railway described

the most feasible route to and by Trout Lake, to a point at or near Lardeau on Arrow Lake.

Branch lines,  
1888, c. 29.

**2.** Subject to the provisions of sections one hundred and twenty-one and one hundred and twenty-two of *The Railway Act* the Company may construct and operate one or more branches from convenient points on its main line or on the branch line from the mouth of the Lardo River to Lardeau on Arrow Lake, to any mine adjacent to such main or branch line, but no such branch line shall exceed twenty miles in length.

Power to  
build docks,  
elevators and  
vessels,

**5.** The Company, at any point where the railway or any branch thereof, touches or crosses any navigable water, may, for the purposes of its business, build, equip and operate docks and elevators, and steam and other vessels, and may collect wharfage and storage charges for the use of its wharfs and buildings, and may, in connection with its railway, convey passengers and freight, between ports in Canada and ports outside of Canada, and may carry on a general transportation service in connection with the said railway and may sell and dispose of such vessels.

Charge  
storage,

Convey pas-  
sengers and  
freight.

Provisional  
directors.

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

Capital stock  
and calls  
thereon.

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

Annual  
meeting.

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

Election of  
directors.

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

Amount of  
bonds, etc.,  
limited.

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

Issue of bonds.

**11.** The Company may issue the bonds, debentures or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branch or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject

to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect to which the same are thus respectively issued, and upon the rents and revenues thereof and upon all the property of the Company appertaining to or belonging to such section, branch or extension. 1888, c. 29.

**12.** The Company may enter into an agreement with the Kaslo and Slocan Railway Company, or the Canadian Pacific Railway Company, for conveying or leasing to such company its railway in whole or in part or any rights or powers acquired under this Act, as also the surveys, plans, work, plant, material, machinery, franchises and other property to it belonging, or for an amalgamation with any of the said companies on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has first been approved by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such agreement has also received the sanction of the Governor in Council; Agreement with another company. Approval of shareholders and Governor in Council.

2. Such sanction 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 runs, and in which a newspaper is published. Notice of application for sanction.

**13.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect. Power of Parliament as to future legislation.





# 60 - 61 VICTORIA.

## CHAP. 49.

### An Act respecting the Lake Manitoba Railway and Canal Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Lake Manitoba Railway and Canal Company has petitioned for the confirmation of a certain agreement with the Manitoba and North-western Railway Company of Canada, and also for the confirmation of the mortgage securing the bonds of the said Company and for power to issue land grant and other bonds, to extend its railway to the River Saskatchewan, and to construct a branch to Shell 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:—

Preamble.

**1.** The agreement, a copy of which is set out in schedule A to this Act, is hereby confirmed and ratified, and declared to be and to have been legal, valid and binding upon the parties thereto respectively, to the same extent and in the same manner as if the said agreement were set out and indicated as part of this Act, and each of the parties thereto respectively may do whatever is required to give effect to the substance and intention of the said agreement, and may agree to renew and extend the same.

Agreement confirmed.

**2.** The mortgage, a copy of which is set out in schedule B to this Act, and the bonds and debentures secured thereby, are hereby sanctioned and confirmed, and declared to be binding as therein expressed.

Mortgage confirmed.

**3.** The Lake Manitoba Railway and Canal Company, hereinafter called "the Company," may issue bonds, debentures, or other securities, secured as follows:—

Power to issue bonds, etc.

(a.) By mortgage upon any lands granted to the Company, in aid of the said railway, by the Dominion of Canada, the province of Manitoba, or any municipality;

By mortgage on lands.

(b.) Bonds secured by mortgage second to the mortgage forming schedule B to this Act;

By second mortgage.

(c.) Bonds secured by the said lands and by mortgage second to the mortgage forming the said schedule B.

Proviso.

1892, c. 41.  
1888, c. 29.

Provided that the total issue of the Company's bonds shall not exceed the amount limited by chapter forty-one of the statutes of 1892; and that sections ninety-three and ninety-four of *The Railway Act* shall apply to the issue of such bonds.

Line of  
railway  
described.

4. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from its present terminus, running in a northerly direction to the south bank of the River Saskatchewan, to a point between Cedar Lake and Cumberland House; and may build a branch from a point on the Company's main line, at or near the town of Dauphin, through the Gilbert Plains, and thence by the most practicable route to the Shell River: Provided however, that the location of the line shall be subject to the approval of the Governor in Council.

Approval of  
Governor in  
Council.

Time limited  
for construc-  
tion of  
railway.

5. If the railway described in section four of this Act is not commenced within two years and if the line is not finished and put in operation within five years from the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Power of  
Parliament  
as to future  
legislation.

6. Any Act hereinafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

#### SCHEDULE A.

THIS AGREEMENT made this first day of August one thousand eight hundred and ninety-six between The Manitoba and North Western Railway Company of Canada, hereinafter called "The North Western Company" of the first part;

Francis Douglas Grey of East Sheen, in the county of Surrey, England, Lieutenant-Colonel and Sir John Robert Heron-Maxwell Baronet of Hamilton House Tooting in the county of Surrey, England, the trustees under the deed of mortgage dated the sixteenth day of April, one thousand eight hundred and eighty-six, securing certain bonds issued by the North Western Company hereinafter called "The bondholders' trustees" of the second part;

George Hague, general manager of the Merchants Bank of Canada, and William Miller Ramsay, manager in Canada of the Standard Life Assurance Company, hereinafter called "The debenture stockholders' trustees" of the third part;

H. Montagu Allan of the city of Montreal, Esquire, the receiver of the undertaking and assets of the North Western Company appointed in the proceedings hereinafter referred to of the fourth part;

Augustus Meredith Nanton, of the city of Winnipeg, broker, the receiver of the revenues, freights, tolls, incomes, rents, issues, and profits of the first division of the North Western Company's Railway and Telegraph appointed in the proceedings hereinafter referred to of the fifth part;

Andrew Allan, H. Montagu Allan and Bryce J. Allan as individuals and H. Montagu Allan and Andrew A. Allan trustees of the estate of Arthur E. Allan creditors of the North Western Company having executions in the sheriff's hands hereinafter called "the execution creditors" of the sixth part;

And the Lake Manitoba Railway and Canal Company hereinafter called "The Lake Manitoba Company" of the seventh part.

Whereas the North Western Company is the owner of a line of railway part of which runs from the town of Portage la Prairie through the village of Gladstone in the Province of Manitoba a distance of about thirty-six miles;

And whereas by an order pronounced by Her Majesty's Court of Queen's Bench in the Province of Manitoba dated the eighth day of June one thousand eight hundred and ninety-three in a certain suit wherein the said Andrew Allan H. Montagu Allan and Bryce J. Allan and H. Montagu Allan and Andrew A. Allan trustees of the estate of Arthur E. Allan were plaintiffs and the North Western Company were defendants it was ordered that the said H. Montagu Allan should be and he was appointed receiver of the undertaking and assets of the North Western Company until the hearing or other final determination of such suit;

And whereas by a decree pronounced in such suit upon the thirteenth day of July, one thousand eight hundred and ninety-three it was ordered and decreed that the said H. Montagu Allan should be continued as such receiver.

And whereas by an order pronounced by Her Majesty's Court of Queen's Bench of the Province of Manitoba dated the fourteenth day of August one thousand eight hundred and ninety-four in a certain suit wherein the bondholders' trustees were Plaintiffs and the North Western Company was Defendant it was ordered that a receiver of the revenues tolls and profits of that portion of the railway of the North Western Company known as the first division should be appointed;

And whereas the said Augustus Meredith Nanton was subsequently appointed such receiver;



And whereas by a decree pronounced in such last mentioned suit upon the seventeenth day of April one thousand eight hundred and ninety-five it was ordered and decreed that the said Augustus Meredith Nanton should be continued as such receiver;

And whereas by a decree pronounced in such last mentioned suit upon the tenth day of February one thousand eight hundred and ninety-six on appeal from the said decree of the seventeenth day of April one thousand eight hundred and ninety-five the said Augustus Meredith Nanton was thereby declared to be and since his appointment to have been receiver of so much of the revenues of the North Western Company's Railway and Telegraph as might be applicable to the said first division after payment of the working expenses of the said Company's entire railway and telegraph from which last mentioned decree the bondholders' trustees have appealed to the Judicial Committee of Her Majesty's Privy Council which appeal is now pending;

And whereas the bondholders' trustees are made parties hereto for the purpose of consenting to and confirming this agreement;

And whereas by a mortgage dated the fifteenth day of October one thousand eight hundred and eighty-eight made by the North Western Company to the debenture stockholders' trustees an issue of debenture stock to the extent of three thousand pounds (£3000) per mile of a portion of the said railway was secured on the property and assets of the North Western Company as therein described and the debenture stockholders' trustees are made parties hereto for the purpose of consenting to and confirming this agreement;

And whereas the execution creditors having recovered judgments against the North Western Company and having placed in the sheriff's hands executions on such judgments they are made parties hereto for the purpose of consenting to and confirming this agreement;

And whereas the said bondholders and the debenture stockholders have consented to and approved of this agreement and have directed its execution by their respective trustees as testified by the endorsements hereon;

And whereas by an order pronounced by the said court in the said suits the said court approved of this agreement being entered into and directed the execution thereof;

And whereas the said H. Montagu Allan and Augustus Meredith Nanton, parties hereto of the fourth and fifth parts, are made parties hereto, for the purpose of consenting to and confirming this agreement;

And whereas the running powers and other arrangements hereinafter mentioned have been agreed on;

Now this agreement witnesseth—

1. The expression "joint section" in this agreement means that portion of the railway of the North Western  
Company

Company between its point of junction with the railway of the Lake Manitoba Company at or near Gladstone to be hereafter made and its point of intersection with the west side of Main street in the town of Portage la Prairie.

The expression "terminals" means that portion of the main line tracks of the railway of the North Western Company lying east of the west side of Main street in the town of Portage la Prairie, and all the yards tracks buildings and other immovable property owned or used by the North Western Company situate east of the said west side of Main street.

2. The North Western Company grants to the Lake Manitoba Company the right for the purposes of this agreement to use the joint section for all the engines and freight passenger express and other cars with their traffic that the Lake Manitoba Company desires to run over it; also the right for the purposes of this agreement to use all sidings and tracks connecting with other railways now or hereafter laid, and all station buildings water stations engine and car houses turn tables coal and wood sheds and other facilities which are now, or which hereafter may be erected or placed upon the joint section or which the North Western Company has the right to use on the joint section.

The North Western Company also grants to the Lake Manitoba Company the right for the purposes of this agreement to use all tracks sidings and tracks connecting with other railways now or hereafter laid and all buildings water stations engine and car houses turn tables coal and wood sheds and other facilities which are now or which hereafter may be laid erected or placed on the terminals.

The Lake Manitoba Company shall have the right to use as if they formed part of the joint section any branch lines or spur tracks, now or hereafter constructed or extended by the North Western Company and connecting with the joint section or terminals and in the event of such use the provisions of this agreement respecting rental per mile for the joint section and respecting the proportion of expense of repairing and maintaining the same payable on the wheelage basis and all other provisions respecting the joint section shall apply to such branch lines or spur tracks.

3. It is understood and agreed that the Lake Manitoba Company hereby acquires and shall subject to the terms of this agreement enjoy the rights above granted with respect to the joint section and terminals branch lines and spur tracks equally with the North Western Company and that limited only by the necessary conditions of joint operation and the equal rights of the North Western Company and by the terms of this agreement these rights shall be as full and free as if the joint section terminals branch lines and spur tracks were the property of the Lake Manitoba Company.

4. The trains engines and cars and the conductors engine

men train men and other employees of the Lake Manitoba Company connected with its trains engines and cars shall while on the joint section and terminals branch lines and spur tracks be subject to the rules and regulations of the North Western Company and to the orders of the manager superintendent train masters train despatchers and all other officers of the North Western Company in all matters relating to the movement of trains or in any way affecting the safe and proper working of the joint section and terminals branch lines and spur tracks and the Lake Manitoba Company shall on demand for reasonable cause stated by the North Western Company discharge any such conductor train man engine man or other employee.

5. The Lake Manitoba Company shall have the right at its own cost and expense from time to time to connect or to have connections made between the tracks of the North Western Company and the tracks of the Lake Manitoba Company at Gladstone and between the tracks of the North Western Company and those of any other railway company with which the Lake Manitoba Company desires to have connections made for its purposes and between the tracks of the North Western Company and the tracks connecting with any terminals hereafter acquired or established by the Lake Manitoba Company and such connections shall be made at such points and in such manner as shall be agreed upon between the companies parties hereto or in default of this agreement within a reasonable time then as shall be approved and determined by the Railway Committee of the Privy Council of Canada. As between the companies parties hereto the said connections shall as well as the frogs be kept in repair by the North Western Company at the sole expense of the Lake Manitoba Company during the continuance of this agreement; such expense is not to exceed however the actual cost of such repairs and the switches at such connections shall when not required for use be kept locked on the line of the North Western Company.

In the event of the North Western Company declining after ten days' written request by the Lake Manitoba Company to do all such acts and take all such steps and proceedings as may be necessary for the purpose of having connections made as above mentioned between the tracks of the North Western Company and any other company as aforesaid the Lake Manitoba Company may in the name of the North Western Company do all such acts and take all such steps or proceedings at its own expense as it shall think necessary and at the like expense the proper officers of the North Western Company shall on demand execute all such documents and do all such acts as may be reasonably required by the Lake Manitoba Company in that behalf.

6. All time cards and rules and regulations for the operation of trains upon the joint section and terminals shall be made by the North Western Company and they shall be binding

binding upon and be obeyed by the officers and employees of the Lake Manitoba Company they having first been reasonably brought to the notice of the superintendent or other designated officer of the Lake Manitoba Company; but such time cards rules and regulations shall be reasonable and just to both companies without unfair preference or discrimination in favour of or against either company and if at any time the Lake Manitoba Company deems any of such time cards rules or regulations to be otherwise than reasonable and just or if the North Western Company declines to make reasonable changes therein within ten days after notice has been given to it by the Lake Manitoba Company of the changes therein required to suit the requirements of the Lake Manitoba Company that company shall have the right to appeal to the arbitrator or arbitrators appointed as hereinafter provided who shall have full power and authority to alter and modify such time cards rules and regulations complained of so as to make the same reasonable and just to both companies, and in the event of the Lake Manitoba Company having after the expiration of such period of ten days suffered loss or damage by or through any unreasonable time cards rules or regulations of the North Western Company then the North Western Company shall be liable to the Lake Manitoba Company therefor.

7. The superintendent or other designated officer of the Lake Manitoba Company shall be consulted as to all schedules of time to be made for the running of trains of the Lake Manitoba Company over the joint section and in fixing the time of the arrival and departure of trains over and upon the joint section the interests of neither Company shall be unreasonably subordinated to the interests or necessities of the other.

8. Nothing herein is to be construed as limiting the right of either Company to send over the joint section and terminals special trains or engines at pleasure, subject to the usual rules and regulations of the North Western Company governing the running of the same.

9. The Lake Manitoba Company shall have the right during the continuance of this agreement to construct maintain and operate at its own expense telegraph and telephone lines along the right way of the joint section and terminals either by placing its wires not to exceed two in number on the poles of the North Western Company as now or hereafter at any time erected or by erecting poles and lines on the opposite side of the track from the telegraph line of the North Western Company. The construction and erection of such lines are to be at the sole cost and expense of the Lake Manitoba Company and the work of such construction or erection is to be done under the direction of and in a manner satisfactory to an officer of the North Western Company to be appointed by it for that purpose.

10. The Lake Manitoba Company shall have the right at any time at its own expense to remove such lines and poles so erected by it from off the property of the North Western

Company such removal to be done in such manner or to damage or interfere as little as possible with the lines poles and property of the North Western Company.

11. The term for which such running powers and the other rights and obligations herein provided for is to continue shall be fifty (50) years from the date fixed by or under clause 47 of this agreement and after such term of fifty years for a further period of one year from the date upon which the North Western Company or the Lake Manitoba Company shall give written notice to the other of its intention to terminate this agreement.

12. The Lake Manitoba Company may terminate the said term of fifty years and everything in this agreement contained at the expiration of five years from the commencement of the said term of fifty years upon giving to the North Western Company at least six months' previous notice in writing of its intention so to do.

13. The Lake Manitoba Company may terminate this agreement in so far only as it relates to the terminals at the expiration of such period of five years upon giving to the North Western Company at least six months' previous notice in writing of its intention so to do and in the event of such termination the Lake Manitoba Company shall have the right during the continuance of the term of fifty years and any extended term to the use of the main line track included in the terminals and tracks connecting the lines of other companies therewith as if the same formed part of the joint section and the provisions of this agreement respecting rental per mile for the joint section and respecting the proportion of expense of repairing and maintaining the same payable on the wheelage basis and all other provisions respecting the joint section shall apply to the said portion of the main line track and said connecting tracks included in the terminals.

14. The Lake Manitoba Company shall during the said term of fifty years and any extended term or until the provisions of this agreement are earlier terminated as herein provided pay to the North Western Company at its office in the city of Winnipeg a yearly rental for such running powers and all other rights and privileges herein agreed to be given to it at the rate of two hundred dollars (\$200) per mile of the joint section the said mileage hereby being fixed at thirty-six miles and one thousand dollars (\$1000) per annum for the use of the terminals and the same is to be paid in equal half yearly payments in each year from the commencement of said term whether the Lake Manitoba Company shall use the said property or not during such period unless any such non-user has been caused by some act or default of the North Western Company.

15. The Lake Manitoba Company shall in addition to the said rentals pay to the North Western Company such proportion of the expense of repairing and maintaining the joint section during the last preceding calendar month as the number

ber of wheels per mile The Lake Manitoba Company shall run over the joint section or any part thereof bears to the whole number of wheels per mile run over the said joint section or any part thereof during the same period of time and of all taxes and assessments municipal parliamentary or otherwise imposed upon the joint section and of all premiums of insurance paid for insurance on buildings and erections upon the joint section and of the wages of all station agents station men train despatchers signal men track men (but not train men) employed upon the joint section and of other expenses necessary to the safe and convenient working of the joint section and of the salaries and expenses of any general officers who may be employed on any special work done on the joint section during the time so employed.

16. The Lake Manitoba Company shall also in addition pay to the North Western Company half yearly at the same time as the rentals are payable such proportion of the interest at the rate of five per cent per annum reckoned upon the wheelage basis in the last clause mentioned of the cost to the North Western Company of any improvement made with the written consent of the Lake Manitoba Company upon the joint section including the erection of fences and sign boards referred to in clauses 22 and 23 hereof and of all property acquired with such written consent during such term or any extended term in connection with the joint section for the purposes of carrying the objects of this agreement into effect the right to use which is given to the Lake Manitoba Company by this agreement, and if any such improvements be made or property be acquired without such consent and should the Lake Manitoba Company refuse to pay such proportion of interest on the cost thereof the question as to whether it should or should not pay the same shall be referred for determination to arbitration as hereinafter provided for.

17. The Lake Manitoba Company shall also in addition pay to the North Western Company half yearly at the same time as the rentals are payable the proportion hereinafter defined of the interest at the rate of five per cent per annum on the cost of any improvements made with such written consent upon the property comprising the terminals and upon the cost of all property acquired with such consent during said term or extended term for the purposes of carrying the objects of this agreement relating to the terminals into effect and shall also pay monthly as in clause 18 hereof provided the said proportion of the cost of all repairs maintenance and renewals of the said terminal property and of all taxes and assessments whether municipal parliamentary or otherwise imposed upon the terminals, and of all premiums of insurance paid for insurance on buildings and erections upon the terminals such proportion being that which the business done at and upon the terminals by the Lake Manitoba Company bears to the total amount of business done at and upon the terminals during the same period of time and

and also monthly as in clause 18 hereof provided its proportion reckoned on the aforesaid basis of the wages of all agents and employees employed at the terminals and of all other expenses necessary to the safe and convenient maintenance and working of the tracks and switches included in the terminals and of all expenses of switching thereon and also its proportion reckoned on the aforesaid basis of salaries and expenses of any general officers who may be employed on any special work done on the terminals during the time so employed and also its proportion reckoned on the aforesaid basis of the cost of handling and billing of freight at and upon the terminals and if any such improvements be made or property be acquired without such consent and should the Lake Manitoba Company refuse to pay such proportion of interest on the cost thereof the question as to whether it should or should not pay the same shall be referred for determination to arbitration as hereinafter provided for.

18. The amounts to be paid by the Lake Manitoba Company provided for in clauses 15, 34, 35, 37 and 39 of this agreement shall be settled and paid monthly between the twentieth and thirtieth days of each month during the continuance of this agreement

For the purpose of ascertaining the said amounts and for the proper carrying into effect the terms of this agreement it shall be the duty of each Company on or before the fifteenth day of each month to cause to be made out and rendered to the other Company true and just accounts and statements in writing requisite for that purpose and each Company shall allow to the other or any of its officers proper inspection of all books accounts returns and vouchers for the purpose of checking or verifying the same and each Company shall have the right from time to time to employ an auditor to investigate the accuracy of the said statements or accounts and shall from time to time afford to the other all proper facilities for such investigation. The acceptance or making of any payment before an audit or verification shall not prejudice the rights of either Company to audit or verification or to demand and collect such further sum or any over payment as it shall justly be entitled to.

19. The Lake Manitoba Company shall have the right during the said term or any extended term at a nominal rent and under the form of lease at present in use by the North Western Company in similar cases to erect on the right of way of the North Western Company and to use any buildings which it considers necessary in addition to those of the North Western Company for the transaction of its business at or near any of the stations upon the joint section branch lines and spur tracks and to make and use all necessary connections between the said buildings and the line of the North Western Company the site and location of the said buildings to be mutually agreed upon between the Companies or if not so agreed upon to be referred to arbitration as hereinafter provided and the

Lake Manitoba Company shall have the right at the expiration or other determination of this agreement or whenever it desires so to do to remove all such buildings, restoring as far as possible the right of way so occupied to its original condition.

20. The North Western Company agrees that it will at all times during the continuance of this agreement maintain and keep the joint section and terminals and all of its property which may at any time be used by the Lake Manitoba Company under the provisions of this agreement in good order repair and condition.

21. The North Western Company agrees that it will at all times during the continuance of this agreement keep the buildings upon the Joint Section and Terminals insured to the extent of their full insurable value and in the event of the destruction or damage by fire of any of such buildings or part thereof the Lake Manitoba Company shall only be called upon to contribute its proper proportion under the terms of this agreement of the cost of the restoration or repairing of any such building in excess of the full insurable value thereof whether the same has been so kept insured or not and whether the insurance money has or has not been received. Provided always that any building so destroyed or damaged shall be rebuilt or restored to the same general character as before unless the Lake Manitoba Company consents to rebuilding or restoration of a more expensive character.

22. Defective fences or lack of fences along the right of way of the joint section and surrounding the property pertaining thereto and the failure to erect sign-boards at street and road crossings in compliance with the laws of the Dominion of Canada or the erection of sign-boards which do not fully comply with such laws and latent and unknown defects in the property comprised in this agreement or any part thereof or such defects therein as are equally well known to both Companies shall not be construed to be a breach of the above covenant to repair on the part of the North Western Company unless and until after notice in writing by the Lake Manitoba Company the North Western Company has failed to proceed with reasonable despatch to erect or repair and make good the same.

23. In the event of the North Western Company not proceeding with reasonable despatch after the giving of such notice to repair and make good such defects or to erect repair or make good such fences and sign-boards the Lake Manitoba Company may do so and for that purpose may enter upon the Joint Section and Terminals at reasonable times and thereafter may charge the cost of such erections and repairs to the North Western Company and deduct the same from any moneys which may become due thereafter under this agreement to the North Western Company and the Lake Manitoba Company after being reimbursed such cost or expense shall pay to the North Western Company such sum by way of contribution to repairs



repairs or proportion of interest on cost as the case may be as shall be proper under this agreement.

24. The rules and regulations of the Lake Manitoba Company shall provide that it shall at all times be the duty of its officers and employees to give prompt notice to the North Western Company of any defect which may at any time come to their notice but in no case shall the Lake Manitoba Company be liable in damages to the North Western Company or to any person using such property for any failure of the said officers or employees to give such notice or for the consequences of any such failure.

25. Should any tax be imposed upon the earnings of the joint section each Company shall pay its proper proportion of such tax according to its proportion of such earnings.

26. Each of the Companies shall provide and maintain at its own expense all trains and crews for its own business including fuel and supplies for its locomotives and cars and shall bear all expenses of removals of wrecks occurring to its own trains.

27. Each of the Companies hereby agrees to indemnify and hold harmless the other by reason of killing of stock personal injuries resulting in death railroad fires and all other actions growing out of or due to its own negligence or the negligence of its own employees agents or servants or by reason of recoveries had against or payments made by it for or on account of such negligence by the other Company or its servants but it is understood that the liability of either Company under this clause is not to extend beyond or comprehend more than the acts or negligence of its own employees.

28. All agents and servants of the North Western Company whose salaries or wages are included in the expenses to which the Lake Manitoba Company is to contribute hereunder shall be deemed to be common agents or servants of both Companies while they are engaged in the common employment provided however that the Lake Manitoba Company may object to any person continuing in the common employ and in the event of its so doing and of the North Western Company neglecting to remove the employee so objected to within a reasonable time such employee shall thereafter so long as he continues in such employment be considered the sole servant of the North Western Company as to the consequences of his acts or omissions but the Lake Manitoba Company shall continue to contribute to his wages.

29. In case one of the companies shall cause damage to the other company such other company shall sustain and pay its own loss unless it can be proved that such damage was caused by the negligence of the company causing the damage or of its servants or agents while not engaged in the common employment in which case the company at fault shall bear all loss.

30. The Lake Manitoba Company shall not establish a station or siding for the transaction of business at any point on

its line within six miles of its point of junction with the line of the North Western Company at Gladstone.

31. The Lake Manitoba Company shall have the right to retain all earnings from the transportation on its own trains of passengers freight and other traffic originating at any point on its own line not less than six miles distant from the point of junction at Gladstone or on any other line beyond such six miles and so transported over the joint section through and beyond Portage la Prairie.

32. The Lake Manitoba Company shall have the right to retain all earnings from the transportation on its own trains of passengers freight and other traffic originating at any point beyond Portage la Prairie and so transported over the joint section through and beyond a point on its own line not less than six miles distant from the point of junction at Gladstone.

33. The Lake Manitoba Company shall have the right to retain all earnings from the transportation on its own trains of passengers freight and other traffic from or to any of the stations on the joint section destined for or originating at any point on the line of its own railway not less distant from the point of junction at Gladstone than six miles.

34. With respect to earnings by the Lake Manitoba Company from the transportation on its own trains of passenger traffic originating at any station on the joint section or at any point on its own line less than six miles distant from the point of junction at Gladstone and destined for any station off the joint section through and beyond Portage la Prairie or originating at any point off the joint section and passing through Portage la Prairie destined for any point on the joint section or for any point on its own line less than six miles distant from the point of junction at Gladstone the Lake Manitoba Company shall account for and pay over to the North-western Company eighty per cent of such portion of the said earnings on such passenger traffic as shall be applicable to the joint section such eighty per cent to be calculated and ascertained on the basis of the then existing rates for similar business of the North Western Company.

35. With respect to earnings by the Lake Manitoba Company from the transportation on its own trains of freight and other traffic except passengers originating at any station on the joint section or at any point on its own line less than six miles distant from the point of junction at Gladstone and destined for any station off the joint section through and beyond Portage la Prairie or originating at any point off the joint section and passing through Portage la Prairie destined for any station on the joint section or for any point on its own line less than six miles distant from the point of junction at Gladstone whether such freight and other traffic be billed locally to Portage la Prairie and afterwards re-billed in the same form or otherwise on the balance of a through rate the Lake Manitoba Company shall account for and pay over to the North Western Company twenty per cent of such portion of the said earnings

earnings on such freight and other traffic as shall be applicable to the joint section such twenty per cent to be calculated and ascertained on the basis of the then existing rates for similar business of the North Western Company.

36. The Lake Manitoba Company shall have the right to retain all earnings from the transportation on its own trains of passenger traffic originating at Portage la Prairie and destined for Gladstone or any point on its own line less than six miles distant from the point of junction at Gladstone or originating at Gladstone or any point on its own line less than six miles distant from said point of junction and destined for Portage la Prairie.

37. With respect to earnings by the Lake Manitoba Company from the transportation on its own trains of passenger traffic from Gladstone or Portage la Prairie or any point on the line of the Lake Manitoba Company less than six miles distant from the point of junction at Gladstone to any intermediate station on the joint section or from any intermediate station on the joint section to Gladstone or Portage la Prairie or any point on the line of the Lake Manitoba Company less than six miles distant from the point of junction at Gladstone or between the intermediate stations on the joint section the Lake Manitoba Company shall account for and pay over to the North Western Company at its then existing rates eighty per cent of such portion thereof as shall be applicable to the joint section calculated and ascertained on the basis of the then existing rates for similar business of the North Western Company. It is understood that nothing in this agreement contained shall be so construed as to render it obligatory on the Lake Manitoba Company to do such business.

38. The Lake Manitoba Company shall have the right to retain all its earnings from the transportation on its own trains of freight and other traffic except passengers originating at Portage la Prairie the final destination of which is Gladstone or a point on its own line less than six miles distant from the point of junction at Gladstone or originating at Gladstone or a point on its own line less than six miles distant from said point of junction the final destination of which is Portage la Prairie.

39. The earnings by the Lake Manitoba Company from the transportation on its own trains of freight and other traffic except passengers from Gladstone or any point on its own line less than six miles distant from the point of junction at Gladstone or from Portage la Prairie to intermediate stations on the joint section or between intermediate stations on the joint section shall be accounted for and paid over without deduction to the North Western Company at its then existing rates for similar business. It is understood that nothing in this agreement shall be construed so as to render it obligatory on the Lake Manitoba Company to do such business.

40. It shall be the duty of the various officers, agents and employees of the North Western Company who under clause 28 hereof are to be deemed common employees of the two

companies to facilitate and do the business and service of each of the two companies with respect to the joint section and terminals branch lines and spur tracks without discrimination in favour of either company and to account to the Lake Manitoba Company in respect of its portion of such business as if such officers agents and employees were in the employment of that company.

41. For the use of foreign cars on the joint section returns and payments shall be made by whichever of the said two companies handles the same and the company so handling shall be responsible for the same and for such cars.

42. The North Western Company hereby agrees upon request from time to time so to do to supply to the Lake Manitoba Company fuel and small stores required at any of the stations on the joint section or at the terminals for the requirements of the Lake Manitoba Company's trains and business at the actual cost thereof to the North Western Company with ten per cent added.

43. All switching at the terminals shall be done under the direction of the North Western Company by the engines and the employees of the North Western Company.

44. All repairs required to be done by or for the Lake Manitoba Company at Portage la Prairie or elsewhere upon the joint section shall so far as the North Western Company's facilities will admit be done by the North Western Company at cost with fifteen per cent added for superintendence and similar charges.

45. The workshops and other buildings on the terminals and the machinery tools and materials used for repairing work shall be under the control of the North Western Company.

46. If the Lake Manitoba Company makes default for the period of three months in any payment to be made hereunder in respect of rental the North Western Company may at its option at any time thereafter while such default still continues terminate such term of fifty years or any extended term and all the provisions of this agreement at the expiration of three months from the service by the North Western Company after the expiration of such months default of a notice in writing of its intention so to do upon the president general manager or other chief executive officer of the Lake Manitoba Company and upon the trustees of any mortgage registered in the Winnipeg Registry Office or deposited with the Secretary of State of Canada at Ottawa securing bonds debentures or other securities issued by the Lake Manitoba Company whereupon but not otherwise under this clause if the default still continues this agreement shall terminate without other act of the North Western Company at the expiration of such notice and without any forfeiture of the amounts due the North Western Company under this agreement.

47. The said term of fifty years shall commence and the rentals and payments to be made hereunder shall accrue from the first day of October one thousand eight hundred and

ninety-seven or from such earlier date as the Lake Manitoba Company may fix by ten days' written notice thereof given to the North Western Company.

48. If any other company or companies desire to obtain running powers or any other rights in respect of the joint section or of the other property embraced in this agreement during the said term or extended term the same shall be granted at the instance of either of the two companies parties hereto but only upon terms to be first agreed upon by the said two companies or in case such two companies differ with regard to such terms to be settled by arbitration under the provisions of clause 49 of this agreement provided however that no award shall in any case increase the liabilities or obligations of either of the said two companies or detract from any rights powers or privileges under this agreement.

49. In the event of any dispute or difference between the companies in respect of any matter in this agreement mentioned a settlement whereof is not otherwise herein provided for the same shall be determined by the award of one arbitrator agreed upon by the companies and if the companies cannot agree upon such arbitrator each one shall appoint one arbitrator and a third shall be appointed by the two so appointed but if the two fail to appoint a third within ten days after the last of the two has been appointed then on application to the chief justice or to any other judge of the court of Queen's Bench or other court of superior jurisdiction of the Province of Manitoba by either of the companies such chief justice or other judge may appoint the third arbitrator and the award of the sole arbitrator or of a majority of the three arbitrators as the case may be shall be final and binding upon the companies as to the said dispute or difference. Provided further that in the event of either company failing to appoint an arbitrator within ten days after the other company shall have appointed an arbitrator the last mentioned company may apply to the said chief justice or other judge as aforesaid to make such appointment and any arbitrator so appointed shall have the same powers and the arbitration shall otherwise proceed in the same manner as if said last mentioned arbitrator had been appointed by the company so failing to appoint as aforesaid. Should any arbitrator die resign or refuse or become unable to act his place shall be filled in the same way as is provided for the original appointment.

50. Any notice to be given by either of the companies to the other shall be deemed sufficiently given if delivered to the general manager or chief executive officer of such other company or if posted to him in a registered envelope addressed to him at his chief office and any notice to be given by the North Western Company to the trustees of any mortgage referred to in clause 46 of this agreement shall be deemed sufficiently given if delivered to one of such trustees personally or if posted to all such trustees in registered envelopes addressed to them respectively at their last known places of address.

51. The provisions of this agreement shall extend to and be binding upon the successors and assigns and executors and administrators of the respective parties hereto but no trustee party hereto shall be deemed to have assumed any personal responsibility by reason of his having been made a party to this agreement and having executed the same.

52. An application shall be made on behalf of all parties to this agreement to the Parliament of Canada for an Act to ratify and confirm this agreement and the parties hereto hereby covenant that they will assist and promote in every way in their power such application and the obtaining of the passage of the said Act.

IN WITNESS WHEREOF this agreement has been duly sealed and executed by the parties hereto.

Signed sealed and delivered  
in the presence of

THE MANITOBA & NORTH WEST-  
ERN RAILWAY CO'Y OF CANADA.

G. W. ARMOUR,  
as to execution by the M.  
& N. W. Ry. Co., and by  
Andrew Allan.

ANDREW ALLAN, [L.S.]  
*President.*  
E. W. RILEY,  
*Secretary.*

as to signatures of Col.  
F. D. Grey and Sir J. R.  
Heron-Maxwell.  
HENRY J. HEATH.  
57½ Old Broad St., E. C.  
Clerk to  
Norton Rose Norton & Co.

F. D. GREY. [L.S.]  
J. R. HERON-MAXWELL [L.S.]  
So far as authorized and with-  
out personal liability.

as to signatures of George  
Hague and William M.  
Ramsay.  
F. HAGUE.

G. HAGUE. [L.S.]  
W. M. RAMSAY. [L.S.]  
*The Debenture Stockholders  
Trustees.*

Witness as to signature of  
A. M. Nanton, Receiver  
First Division.  
C. M. TAYLOR.

H. MONTAGU ALLAN. [L.S.]  
*Receiver.*  
A. M. NANTON, [L.S.]  
*Receiver First Division.*

Witness as to signature of  
H. Montagu Allan, Re-  
ceiver Attorney, Trustee  
and H. Montagu Allan.  
JOSEPH PARKER.

ANDREW ALLAN. [L.S.]  
H. MONTAGU ALLAN. [L.S.]  
BRYCE J. ALLAN. [L.S.]  
per pro  
H. MONTAGU ALLAN. [L.S.]

Witness as to signature of	H. MONTAGU ALLAN.	[L.S.]
Andrew A. Allan.	ANDREW A. ALLAN,	[L.S.]
F. J. McCLURE.	<i>Trustees,</i>	
	<i>Estate late Arthur E. Allan.</i>	

[L.S.] FOR THE LAKE MANITOBA RAILWAY AND CANAL CO'Y.

FREDERIC NICHOLLS,  
*President.*

CHAS. E. L. PORTEOUS,  
*Secretary.*

Witness—  
Z. A. LASH.

The within agreement is authorized approved and sanctioned and Messieurs George Hague and William Miller Ramsay the debenture stockholders trustees referred to therein are hereby authorized and directed to execute the said agreement for the purpose of consenting to and confirming the same as such trustees.

[L.S.] FOR THE CLYDESDALE BANK LIMITED.  
WALTER DUNCAN,  
*Director.*  
JAS. REID STEWART,  
*Director.*  
JOHN HARVIE,  
*Secretary.*

Executed by the Clydesdale Bank  
Limited in presence of ALEX.  
SWANSON Clerk to the Clydes-  
dale Bank Limited, Glasgow.

At a meeting of the holders of the first mortgage bonds of the Manitoba and North Western Railway Company of Canada secured on the first division of 180 miles of the Company's railway held at the Cannon Street Hotel in the city of London on the 15th July 1896 at which holders of bonds to the extent of £479,000 were present either in person or by proxy which meeting had been duly called pursuant to the terms of the mortgage securing such first mortgage bonds the following resolution was passed:—

“Resolved that after having heard the explanation of the agreement signed in Canada between the Manitoba and North-western Railway Company of Canada of the first part Francis Douglas Grey and Sir John Robert Heron Maxwell of the second part George Hague and William Miller Ramsay of the third part H. Montagu Allan of the fourth part Augustus Meredith Nanton of the fifth part Andrew Allan H. Montagu Allan and Bryce J. Allan as individuals and H. Montagu Allan and Andrew A. Allan trustees of the estate of Arthur E. Allan of the sixth part  
66 and

and the Lake Manitoba Railway and Canal Company of the seventh part and after hearing the recommendations of the committee appointed at a meeting of bondholders held at the Cannon Street Hotel on the 14th day of June 1893 it is resolved that the said agreement be approved and that the trustees be requested and authorized to sign the same on behalf of the bondholders.

“Resolved that the trustees be authorized to make an application to the court by originating summons to confirm the above resolution and authorize their signature to the said agreement as above mentioned.

“F. D. GREY,  
“*Chairman of the meeting.*”

### SCHEDULE B.

THIS INDENTURE, made the first day of August, in the year of our Lord, one thousand eight hundred and ninety-six, between The Lake Manitoba Railway and Canal Company, a body corporate and politic, duly incorporated, and subject to the legislative authority of the Parliament of Canada, hereinafter called “the Company,” of the first part: The Honourable Thomas Greenway, of the city of Winnipeg, Railway Commissioner of the Province of Manitoba, and the Honourable Robert Watson, of the same place, Minister of Public Works of the said Province of Manitoba, and their successors in the trust, hereinafter called “the Trustees,” of the second part; and Her Majesty the Queen, hereinafter called “the Government,” and herein represented and acting by the railway commissioner of the Province of Manitoba, of the third part:

Whereas, by Acts of the Parliament of Canada, being chapter 41 of the statutes of 1892 and chapter 52 of the statutes of 1895, the Company is empowered, among other things, to lay out, construct and operate the line of railway hereinafter mentioned, with respect to which the bonds hereinafter mentioned are issued;

And whereas, the Company proposes forthwith to proceed with the construction of such railway, and it is necessary to issue its bonds for the purpose of raising money for prosecuting its undertaking;

And whereas, by an Act of the legislature of Manitoba intituled “An Act to amend an Act respecting Aid to Railways,” and being chapter 10 of the statutes of Manitoba for the year 1896, it was made lawful for the government, on such terms and conditions as might be agreed upon with the Company, to aid and assist the construction of a line of railway by the Company from a point in or near the town of Portage la Prairie or in or near the town of Gladstone or from some point on the line of the Manitoba and North Western Railway



Company which may be authorized by the charter of the Company, running in a northerly or north-westerly direction west of Lake Manitoba to a point west of Lake Dauphin, or passing west of Lake Dauphin to a point at or near Lake Winnipegosis, in the Province of Manitoba, by guaranteeing the principal and interest of first mortgage bonds of the Company to the amount of eight thousand dollars per mile of such railway, bearing interest at the rate of four per centum per annum, for a term of thirty years from the date of the issue of the said bonds, and by exempting the Company, its property and franchises, from taxation during the period of such guarantee; such bonds and the interest thereon to be a first charge upon the line of railway, and the franchises of the Company, and the rolling stock, tolls and revenues of the said line of railway (other than any aid to which the Company may be or become entitled from the government of Canada) in pursuance of the Act of incorporation of the Company and the general Railway Act of Canada;

And whereas, by the said Act it is further provided that the guarantee upon the bonds of the Company authorized by the said Act, in order to be valid and binding, shall be endorsed upon each guaranteed bond in the following form, namely: "The principal sum secured by the within bond and interest thereon, payable semi-annually, for thirty years, at the rate of four per centum per annum, is hereby guaranteed by the government of Manitoba;" and that such guarantee shall be signed by the provincial treasurer, and that the government shall thereafter be liable to pay the principal and interest of the said bonds, according to the tenor thereof;

And whereas, in pursuance of the said Act, an agreement dated May 7th, 1896, and a supplementary agreement thereto were entered into between the government and the Company, whereby the Company agreed to construct, or cause to be constructed and completed, a line of railway from a point to be selected by the Company in or near the town of Gladstone on the line of the Manitoba and North Western Railway, thence in a northerly or north-westerly direction running west of Lake Manitoba to a point to be selected by the Company west of Lake Dauphin or passing west of Lake Dauphin to or near Lake Winnipegosis; the said line, if begun at or near Gladstone, to be not more than one hundred and twenty-five miles in length; and whereby the government agreed to guarantee the payment of the principal and interest of the first mortgage bonds of the Company to the extent of eight thousand dollars per mile for said one hundred and twenty-five miles of the line of railway so contracted to be constructed;

And whereas, the said agreement of May 7th, 1896, provided that in the event of the failure of the Manitoba and North Western Railway Company of Canada, to make a certain contract with the Company for the exercise of running powers by the Company over that portion of the said the

Manitoba and North Western Railway Company's line of railway between a point at or near Gladstone and a point at or near Portage la Prairie satisfactory to the government; the Company might begin its line of railway at the town of Portage la Prairie and extend the same northerly or north-westerly to the neighbourhood of Gladstone, and thence northerly or north-westerly upon the route above set out;

And whereas, the said Manitoba and North Western Railway Company of Canada have entered into the necessary contract with the Company satisfactory to the government for the exercise of said running powers, which contract bears date the first day of August, A. D. 1896, and is made between the said the Manitoba and North Western Railway Company of Canada, of the first part; Francis Douglas Grey and Sir John Robert Heron Maxwell, therein called the bondholders' trustees, of the second part; George Hague and William Miller Ramsay, therein called the debentures stockholders' trustees, of the third part; H. Montagu Allan, receiver of the undertaking, and assets of the said the Manitoba and North Western Railway Company of Canada, of the fourth part; Augustus Meredith Nanton, receiver of the revenues, et cætera, of the first division of the last named company's railway and telegraph, of the fifth part; Andrew Allan, H. Montagu Allan and Bryce J. Allan as individuals, and H. Montagu Allan and Andrew A. Allan, trustees of the estate of Arthur E. Allan, thereafter called the execution creditors of the sixth part; and the Company of the seventh part; and which contract is hereinafter referred to as "The Running Powers Agreement."

And whereas, by the said agreement with the government, it is declared that the mortgage to be given to secure the bonds so to be guaranteed by the government, shall not apply to any other portion of the Company's railway except that aided by the government under the provisions of the said agreement, and that the receipts or earnings applicable to the part so aided, shall not under any circumstances be chargeable as against the bondholders, the trustees for the bondholders, or the government, with any working expenses, operating expenses, repairs or cost of maintenance incurred or to be incurred, or arising in respect of any other portion of the railway except that which is aided, and which is comprised in the mortgage securing the said bonds:

And whereas, by the said agreement it is provided that the mortgage securing the said bonds shall be in such form as shall be satisfactory to the government:

And whereas, pursuant to and under the authority of the Acts of the Parliament of Canada, being chapter 8 of the statutes of 1895 and chapter 81 of the statutes of 1891, the government of the Dominion of Canada, for the purpose of aiding the Company in the construction of its said line of railway, entered into a contract with the Company, dated the fifth day of February, 1896, and agreed upon the terms and

conditions in the said contract mentioned, to pay the Company certain sums of money per year for the period of twenty years from the date of the completion of the said railway, which contract is hereinafter referred to as "The Dominion Government Transport Contract :"

And whereas, in pursuance of and under the authority of the Parliament of Canada, the Company is entitled from the government of Canada, by way of aid for its undertaking, to a certain grant of land at the rate of six thousand four hundred acres per mile for its said line of railway subject to a lien as regards one-third thereof, in favour of the government of Canada, as provided for in "The Dominion Government Transport Contract :"

And whereas, the Company was empowered by the Acts relating to the same, to improve and connect the water communication for the purposes of traffic and navigation between the Lakes Manitoba and Winnipegosis and the North Saskatchewan River by the construction and maintenance of canals:

And whereas, by the Act of incorporation of the Company it is provided that 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 the canals between Lakes Manitoba and Winnipegosis, constructed as part of the undertaking, 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 five hundred thousand dollars for the canal, if so excluded from such charge, may be issued in aid of the construction of such canal, and such bonds shall be designated as series "B":

And whereas, it is not the present intention of the Company to proceed with the construction of the said canal, or to issue bonds in respect thereof:

And whereas, the said Company has been duly organized and the amount of stock subscribed, and all other acts done to enable the directors, under the provisions of the Acts relating to the said Company, to issue the bonds when authorized by the shareholders:

And whereas, a contract for the construction of the Company's said line of one hundred and twenty-five miles in length has been duly made and entered into, and the same is now in course of construction thereunder:

And whereas, at a special general meeting of the shareholders of the Company, duly called for the purpose, and held on the seventh day of April, 1896, the following preamble and resolution were unanimously adopted, all the shareholders voting therefor:

"Whereas it is expedient for the Company to issue the bonds of the Company in pursuance of the powers contained

in the statutes relating to the Company, and to secure the same :

“Therefore, be it resolved, that the directors of this Company are hereby empowered to issue the bonds of the Company under the provisions of the statutes relating to the Company in that behalf, to an amount not exceeding twenty thousand dollars (or its equivalent in sterling money of Great Britain) per mile of its railway or branches constructed, or under contract to be constructed, exclusive of the canal between Lakes Manitoba and Winnipegosis; such bonds shall be for such amount within the limits aforesaid as to the directors shall seem best, and may be secured upon the whole or part of the Company’s property, and a portion of such bonds may be first mortgage bonds, and a portion second mortgage bonds, and may be secured by a mortgage or mortgages upon the whole or such part of the property as the directors may determine, and as shall be described in such mortgages; and the time and place or places for the payment of the principal and interest of such bonds, and the denomination thereof, and the form of the mortgage or mortgages, and the names of the trustees in, and the terms and conditions of, such mortgage or mortgages, and the property to be comprised therein, and all other terms and conditions, details and particulars relating to the bonds and the mortgage deed or deeds securing the same, shall be in the discretion of the directors; and the directors of the Company are hereby given all powers to borrow money which the Company has under the Railway Act and other Acts affecting the Company in respect of the Company’s railway, and to take all steps which, to them, may seem expedient for that purpose.”

And whereas, at a meeting of the directors of the Company, duly held, the following preamble and resolution were adopted :

“Whereas the shareholders of the Company have, at a special general meeting, held on the seventh day of April, 1896, empowered the directors of this Company to issue the bonds of the Company under the provisions of the Acts relating to the Company in that behalf, and have conferred upon the directors full power in relation to the amount of such bonds, and how they are to be secured, and as to the time and place of payment of the principal and interest, and the denomination of the bonds, and the form of the mortgage or mortgages securing the same, and the terms and conditions thereof, and generally all powers to borrow money which the Company has under the Acts affecting the Company.

“And whereas in part performance of the powers and directions of such resolution the directors have determined to issue bonds to the extent of eight thousand dollars per mile of that portion of the Company’s railway one hundred and twenty-five miles in length, extending from the point of junction with the Manitoba and North Western Railway near the town of Gladstone, Manitoba, thence in a northerly or north-westerly direction

west of Lake Manitoba to a point one hundred and twenty-five miles from the said point of junction, measured along the said line of railway, to be selected by the Company, west of Lake Dauphin, or passing west of Lake Dauphin to or near Lake Winnipegosis;

“ Now therefore be it resolved: “ 1st. That the directors of the Company do now issue its first mortgage bonds to the total amount of one million dollars, or its equivalent in sterling money of Great Britain, being at the rate of eight thousand dollars per mile for each mile of the said one hundred and twenty-five miles of the Company’s railway within the points above mentioned.

“ 2nd. That these bonds shall be secured by a mortgage to trustees, and shall in pursuance of the Act of incorporation of the Company and the general Railway Act of Canada be a first and preferential claim and charge upon the said line of one hundred and twenty-five miles of railway, and upon the franchises of the Company, and the rolling stock, tolls and revenues of the said line other than any aid to which the Company may be or become entitled from the government of Canada, and which aid includes among any other aid which may have been or may be granted to the Company the moneys payable under the Dominion government transport contract made with the Company and dated the fifth day of February, A.D. 1896, and the grants of land to which the Company is or may become entitled from the said government in aid of the construction of its railway, all which are to be expressly excepted and reserved from the operation of the said mortgage, but the said mortgage shall include the agreement made by the Company with the Manitoba and North Western Railway Company of Canada and dated the first day of August, 1896, respecting certain running powers and other rights with respect to that portion of the Manitoba and North Western Railway thirty-six miles in length, extending from the said point of junction to Portage la Prairie, and respecting the terminals in Portage la Prairie.

“ 3rd. That the said mortgage and bonds shall be executed under the seal of the Company, signed by the president or other presiding officer, and countersigned by the secretary, and the coupons thereof shall be signed by the secretary.

“ 4th. That the said mortgage and bonds shall be dated the first day of August, one thousand eight hundred and ninety-six, and the principal money thereby secured shall be payable on the first day of August, one thousand nine hundred and twenty-six; interest to be payable at the rate of four per cent per annum, half-yearly, on the first days of February and August in each year during the currency of the said bonds, and such interest shall be represented by coupons attached to the said bonds, the first coupon for six months’ interest being payable on the first day of February, one thousand eight hundred and ninety-seven.

“5th. That the place of payment of both principal and interest shall be at the office of the Bank of Scotland in London, England.

“6th. That the denomination of the bonds shall be one hundred pounds each.

“7th. That the form of bond now presented be adopted, and that the form of mortgage securing the same now presented be adopted, and that the bonds when executed shall be delivered to the government of Manitoba for the purpose of having its guarantee for the payment of the principal and interest endorsed thereon, and for the purposes of the agreement dated May 7th, 1896, and supplementary agreement between the Company and that government relating to such guarantee.”

And whereas, the form of bond presented at the said meeting of directors was and is as follows :

## DOMINION OF CANADA.

### PROVINCE OF MANITOBA.

£100 STERLING.

£100 STERLING.

### THE LAKE MANITOBA RAILWAY AND CANAL COMPANY. FOUR PER CENT FIRST MORTGAGE STERLING BOND.

GUARANTEED BY THE PROVINCE OF MANITOBA.

SERIES A.

NO.

The Lake Manitoba Railway and Canal Company, for value received, hereby promises to pay to the bearer hereof, or, if registered, to the registered holder, one hundred pounds in sterling money of Great Britain on the first day of August, 1926, at the office of the Bank of Scotland in London, England, with interest thereon at the rate of four per centum per annum, payable half-yearly at the said place, in like manner, on the first days of February and August in each year on the presentation and surrender of the interest coupons hereto annexed as they severally become due.

This bond is one of a series of like tenor and date, amounting in all to two hundred and five thousand four hundred pounds (£205,400) the payment of principal of all said bonds and interest thereon is secured by a deed of mortgage bearing even date herewith, duly executed by the Company to the Honourable Thomas Greenway the Railway Commissioner of the Province of Manitoba and the Honourable Robert Watson the Minister of Public Works of the said Province of Manitoba, and their successors in the trust as trustees, which conveys to the said trustees by way of mortgage the line of railway of the said Company and the other premises and properties as in the said mortgage described, but not including payments to be received from the government of Canada under any transportation contract made in pursuance of chapter 8

of the statutes of Canada of 1895, or any subsidies, gifts or bonuses, whether in land, money or otherwise now granted or hereafter to be granted to the said Company ;

And payment of the principal of the said bonds and interest thereon is guaranteed by the Province of Manitoba, as thereon endorsed.

This bond may be registered in the books of the Company at its head office or at the office of the Bank of Scotland, London, after which no transfer, except upon the books of the Company, at the place of registry, will be valid, but it is not to be deemed registered until the name of the holder is registered on the back of the bond as well as in the said books. A transfer in favour of bearer may subsequently be registered, after which this bond will be transferable by delivery alone until again registered in the name of the holder.

This bond shall not become obligatory until it shall be certified by the trustees for the time being under the said mortgage.

In witness whereof the Lake Manitoba Railway and Canal Company has caused its seal to be hereunto affixed and these presents to be signed by its president and countersigned by its secretary this first day of August, one thousand eight hundred and ninety-six.

	<i>President.</i>
Countersigned	
Certified by	<i>Secretary.</i>
<i>Trustees.</i>	

INTEREST COUPON.

TWO POUNDS STERLING.	COUPON NO.
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The Lake Manitoba Railway and Canal Company will pay the bearer two pounds sterling on the \_\_\_\_\_ day of \_\_\_\_\_, at the office of the Bank of Scotland in London, England, being half-yearly interest on bond number \_\_\_\_\_

SERIES A.	<i>Secretary.</i>
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GUARANTEE.

Under the provisions of 59 Victoria, chapter 10, statutes of Manitoba, 1896, the principal sum secured by the within bond and interest thereon payable semi-annually for thirty years at the rate of four per centum per annum is hereby guaranteed by the government of Manitoba.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 1896.

*Provincial Treasurer.*

And whereas, the Company has caused the said bonds to the extent of two hundred and five thousand four hundred pounds sterling, being the equivalent of one million dollars, to be duly executed : And whereas, the form of mortgage presented at the said meeting of directors, was and is the same as these presents : And whereas, these presents are satisfactory to the government :

Now this indenture witnesseth, that for and in consideration of the premises, and for the purpose of securing the payment of the said bonds and the interest thereon, as stated in the respective interest coupons thereto attached, the Company doth hereby grant and convey unto the trustees, their heirs and assigns, as joint tenants and not as tenants in common, that portion of the said railway of the Company aided under the provisions of the said recited statute of Manitoba, being 59 Victoria, chapter 10, and which may be described as that portion of the railway one hundred and twenty-five miles in length to be constructed and completed from the point of junction with the Manitoba and North-western Railway near the Town of Gladstone, and thence in a northerly or north-westerly direction west of Lake Manitoba to a point one hundred and twenty-five miles from the said point of junction, measured along said line of railway to be selected by the Company west of Lake Dauphin, or passing west of Lake Dauphin, to or near Lake Winnipegosis, which said portion is hereinafter called "the said railway," as the same is now located and constructed or is in course of construction, together with all the Company's property comprising telegraph and telephone lines erected along the said railway, or used in connection therewith, and with all rights of way and station grounds, station houses, engine houses, freight sheds, machine shops, and all other structures now held and acquired, which hereafter may be held or acquired by the Company, its successors or assigns for use in the construction, maintenance, operation and running of the said railway and telegraph and telephone lines, and also all locomotives, tenders, passenger, baggage, freight and other cars and all other rolling stock, steam shovels and equipment whatsoever, and all machinery, tools and implements, and all supplies and materials now held or hereafter acquired by the Company, its successors or assigns for constructing, maintaining, operating and repairing the said railway and telegraph and telephone lines, or any of the equipment or appurtenances thereof, and all tolls, incomes, rents, issues, profits and sources of money arising or to arise from the said railway and other property, except as hereinafter provided, and also all other privileges, powers, immunities and all other corporate and other franchises in respect of the said railway now owned, held or enjoyed by the Company or hereafter to be held, owned or conferred upon it its successors and assigns, excepting, however, any aid to which the Company may be or become entitled from the government of Canada, and which aid includes among any other aid which may have been or may be granted



granted to the Company, the moneys payable under "The Dominion Government Transport Contract," above in part recited, and the grants of land also in part above recited, excepting also any other or additional line of railway to the said portion, one hundred and twenty-five miles in length above described, all which are hereby expressly excepted and reserved from the operation of these presents.

And for the consideration aforesaid, and for the purpose of securing payment of the said bonds and interest, the Company doth hereby assign, transfer and set over unto the trustees as joint tenants and not as tenants in common all rights, powers, privileges and advantages under and by virtue of "The Running Powers Agreement," above mentioned :

To have and to hold the above described property, premises, things, rights, privileges and franchises acquired and to be acquired, and hereby expressed to be conveyed and intended so to be unto the trustees, their heirs and assigns, according to the nature and quality thereof, as joint tenants and not as tenants in common, and to their successors in the said trust :

In trust, nevertheless, to and for the uses and for the purposes and conditions hereinafter set forth :

#### ARTICLE I.

Until default shall be made in the payment of the principal or interest of the said bonds hereby secured, or of some one or more of them, or in respect of something herein required to be done, or some condition or covenant to be performed by it, the Company and its assigns shall be suffered and permitted to possess, manage and enjoy the said railway, and all other property expressed to be conveyed hereby, together with the equipment and appurtenances thereof, and the franchises appertaining thereto, and the said "The Running Powers Agreement," and to take and use the rents, incomes, profits, tolls and issues thereof, in the same manner and with the same effect as if this deed had not been made, but subject or to be subject nevertheless to the lien of these presents.

#### ARTICLE II.

In case default shall be made in the payment of any interest to accrue on any of the aforesaid bonds to be issued by the Company, when such interest shall become payable according to the tenor of such bond or the terms of any coupons thereto annexed, and such default shall continue for a period of six months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the said Company, and such default shall continue for a period of six months after written notice thereof to the Company, then and from thenceforth, and in either of such cases, except as hereinafter mentioned, it shall be lawful for

the trustees, personally or by their or his attorneys or agents, to enter into and upon all and singular the railway and property hereby conveyed or intended so to be acquired or constructed, and to be acquired or constructed, or any part thereof, and thenceforth to have, hold, possess and use the said railway and property, and each and every part and parcel thereof, then subject to the lien of these presents, and the rights, powers, privileges and advantages under the said "The Running Powers Agreement" with full power for the period of three months thereafter, and afterwards until the sale and subsequent delivery of the said railway shall have been made as herein provided, to operate and conduct the business of the said railway, including all telegraph and telephone lines, by their superintendents, managers and servants or attorneys or agents, and to make, from time to time, all repairs and replacements, and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, rents, issues and profits of the same, and of every part thereof; or to lease to some other company the said railway and telegraph and telephone lines, with full power to such other company to operate and conduct the business of the railway and telegraph and telephone lines, and after deducting the expenses of operating the said railway and telegraph and telephone lines and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due under said "The Running Powers Agreement," or for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof, as well as just compensation for their own services and for the services of such attorneys and counsel and all other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this indenture created, the trustees shall apply the moneys arising from such collections and receipts, as aforesaid, to the payment of interest on the said bonds, but excluding all interest coupons which may have been paid by the government of Manitoba under its guarantee, in the order in which such interest shall have become and shall become due, ratably, to the persons entitled to such interest, and if, after paying in full the interest which shall have accrued on the said bonds, a surplus of the moneys arising, as aforesaid, shall remain, and the principal of the said bonds shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the trustees, for the protection of the property, or to provide for the instalment of interest next thereafter to fall due, the same shall be applied in payment of the interest coupons which may have been paid by the government of Manitoba, and any surplus which shall remain after such payment shall be paid over to the Company or its assigns; but in case the principal of said bonds shall have become due, or shall have been declared by the

trustees to be due, under the provisions of Article IV. of this indenture, the surplus arising, as aforesaid, shall be reserved, to be applied to the payment of said bonds, upon the sale of the said railway and premises as hereinafter provided.

#### ARTICLE III.

In case default shall be made in the payment of interest on the said bonds or any of them, as aforesaid, and shall continue as aforesaid, for the period of six months thereafter; or in case default shall be made in the payment of the principal of the said bonds, or any of them, or any part thereof, when the same shall respectively become due and payable, and shall continue for a period of six months thereafter, it shall be lawful for the trustees, after such entry as aforesaid, or after other entry, or without entry, personally or by their attorneys or agents to sell and dispose of the said railway property, and all and singular the property, rights and franchises hereinbefore particularly described and expressed to be conveyed, and which shall be then subject to the lien of these presents, including the rights, powers, privileges and advantages under the said "The Running Powers Agreement," at public auction in the city of Winnipeg, in the Province of Manitoba, and at such time as the trustees shall appoint, having first given notice of the time and place of such sale, by advertisement, published not less than three times a week for three successive months, in one or more daily newspapers published in the cities of Winnipeg, London (England), Toronto and Montreal. And, after such notice, it shall be lawful for the trustees to make such sale, with or under any special conditions as to upset price, reserved bid, or otherwise, or as to receiving the price or consideration of such sale in whole or in part in bonds or interest coupons secured hereunder, which may be prescribed or authorized by the bondholders in the manner hereinafter provided; also with power to rescind or vary any contract of sale that may have been entered into thereat, and re-sell with or under any of the powers herein. And the trustees may stop, suspend or adjourn such sale from time to time, in their discretion, and if so adjourning, and after one month's notice thereof, published not less than three times a week for one month in the said daily newspaper or newspapers, make such sale with or under any of the powers herein, at the time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway property, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the Company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from or under the said Company or its assigns. And, after deducting from the proceeds of such sale just allowances for all expenses thereof,

including attorneys and counsel fees, and all other expenses, advances or liabilities, which may have been made or incurred by the trustees in operating or maintaining the said railway and property, or in managing the business thereof, and all payments by them made for taxes or assessments, and for charges and liens prior to the lien of these presents on the same or any part thereof, as well as reasonable compensation for their own services, and any other expenses or charges referred to in Article II., it shall be lawful for the trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said bonds which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of the said bonds or of any coupons issued therewith, but equally and ratably and to all such bond and coupon holders, including, however, any bonds and interest coupons paid by the government of Manitoba; and if, after the payment and satisfaction of said bonds, principal and interest, a surplus of the said proceeds shall remain, the same shall be applied in payment of the bonds and coupons which may have been paid by the government of Manitoba, and if any surplus thereafter to pay such surplus company or its assigns. And it is hereby declared and agreed that the receipt of the trustee shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money; and that after payment of such purchase money, and having such receipt, such purchaser or purchasers shall not be obliged to inquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or non-application of such purchase money, or of any part thereof, nor shall he or they at any time be obliged to inquire at any time into the necessity, expediency or authority of or for any such sale.

#### ARTICLE IV.

In case default shall be made in the payment of any half-yearly instalment of interest on any of the said bonds, when such interest shall become payable according to the tenor of such bond or of any coupon thereto annexed, and such instalment of interest shall remain unpaid and in arrear for a period of six months after the same shall have become payable as aforesaid and been demanded, and such default shall continue for six months thereafter, then and from thenceforth the principal sum of each of the bonds, aforesaid shall, upon a declaration of the trustees to that effect, made upon the request hereinafter provided for, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but such declaration shall not be made by the trustees unless a majority in interest of the holders of all the bonds aforesaid

which shall then be outstanding, and upon which default in the payment of interest shall have been made and shall be continuing, shall have requested the trustees so to do, by an instrument in writing under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, have instructed the trustees to declare such principal sum due; and such majority of the bondholders as aforesaid shall have the power to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe; provided always, that no act or omission either of the trustees or of the bondholders in the premises shall extend to, or be taken in any manner whatsoever to affect, any subsequent default, or the rights resulting therefrom.

#### ARTICLE V.

It shall be the duty of the trustees, but subject always to the provisos in Article III. contained, to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity, or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the Company or its assigns, in the manner, and subject to the qualifications herein expressed, upon the requisition of bondholders as herein prescribed, as follows:

1. In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said bonds to be issued as herein provided, and such default shall continue as aforesaid for a period of six months, then and in every such case, upon a requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or, if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they, being advised by counsel learned in the law, shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof; provided nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided,

vided, to direct the trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and expressly agreed that no holder of bonds or coupons, secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this indenture, or the execution of the trusts thereof, except upon and after the refusal or neglect of the trustees hereunder to proceed to act in the premises, upon requisition and indemnification as aforesaid; but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults, on which it is founded, in like manner as is hereinbefore provided for a direction to the trustees to waive default. And it is hereby further declared and provided that no action, taken by the trustees or by the bondholders under this clause, shall prejudice or in any manner affect the powers or rights of the trustees, or of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

2. If the Company shall make default or breach in the performance or observance of any other condition, obligation or requirement by the said bonds or by this present deed imposed upon them, then and in such case the trustees shall, upon a requisition in manner aforesaid, of not less than one-fifth in interest of the bondholders, for the time being, and upon adequate and proper indemnification of the trustees against the costs, expense and liabilities to be by them incurred, proceed to enforce the rights of the bondholders under these presents in the manner by the first clause of this article provided, subject to a power in such majority at any time to direct in manner aforesaid, the trustees to waive such default or breach, upon reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the trustees or by the bondholders, under this clause, shall prejudice or in any manner affect the powers or rights of the trustees or of the bondholders, in the event of any subsequent default or breach of condition or covenant herein.

#### ARTICLE VI.

The trustees shall at all times during the continuance of the trust hereby created, have power and authority, to be exercised in their own discretion and not otherwise, to convey or release from the lien and operation of these presents, to any party who may be designated in writing by the Company to receive the same, any portion of the lands and premises which are conveyed hereby, or which are at any time acquired or held by the said Company or its assigns for use in connection with the said railway and telegraph and telephone lines or extension thereof, or the construction, maintenance or operation thereof, but which in the judgment of the trustees it shall

be unnecessary longer to retain for use in connection therewith. And the trustees shall also have power and authority to allow the Company or its assigns from time to time to dispose of, in its discretion, any or any part of the locomotives, tenders, passenger, baggage, freight and other cars and other rolling stock, steam shovels, and equipment, machinery, tools and implements required or held for the use of the said railway and telegraph and telephone lines or the extension thereof as shall become unfit or unnecessary for such use.

#### ARTICLE VII.

In the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the Company all the holders of the bonds hereby secured shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof.

#### ARTICLE VIII.

All bonds hereby secured shall be payable to bearer, and negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided; and the Company shall keep at its head office or at its transfer office in the counting house of the Bank of Scotland, in the city of London, England, a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at either of the said places a written statement of the said particulars and verifying his title to such bond by production thereof; and every registration of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon, no transfer shall be made or shall be valid except in writing, in a suitable transfer book to be kept by the Company at the said place for such transfers, signed by the party registered as the owner thereof for the time being, or his legal representatives, or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer book, so as to show the number of the bond transferred, and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

The Company shall from time to time and at all times hereafter well and truly defend and keep harmless and fully indemnify the government against all loss, costs, charges, damages and expenses which the government may at any time or times hereafter bear, sustain or be put to for, by reason or on account of the Company failing to pay the said coupons and bonds or any of them.

In the event of the government under the terms of its guarantee paying the interest coupons upon such bonds, or any of them, or paying the said bonds themselves or any of them, the government shall be subrogated to all the rights of the holders of such coupons and bonds so paid by the government, and the government shall in such event be deemed to be purchasers of such coupons and bonds so paid, and shall have all the rights and remedies which are provided in this instrument for the protection of original holders of such bonds, and the trustees shall in such event be deemed to be trustees for the government in respect of the coupons and bonds so paid by the government, and may be called upon by the government to exercise and shall then exercise all the powers and remedies herein provided in the event of any default in payment on the part of the Company so as to fully secure payment and recoupment to the government of any and of all coupons and bonds paid by it under the terms of the said guarantee. And the trustees shall in such event and upon being requested so to do have the right to apply to a court of competent jurisdiction for and to secure the appointment of a receiver of the undertaking, assets and revenues of the Company.

Provided, however, that no steps shall be taken by the said trustees or by the government to enforce the payment by the Company to the government of any instalment of interest paid by the government before the expiration of four years from the completion of the said railway unless and until the certificate of the chief justice of the Court of Queen's Bench of Manitoba has been given that during the financial year in which such certificate is given there have been net earnings of the Company over and above the working expenses of the railway, and that such net earnings or some part thereof have not been applied in payment of interest upon the said bonds guaranteed by the government. And in the construction of this mortgage the term "working expenses" shall in no case be held to include the salary of any officer or employee whose time is not wholly employed bona fide in the operation or management of the said railway except that as to officers and employees whose services are necessary or desirable but whose whole time is not fully taken up in the service of the railway company under the head of "working expenses" there shall be included a reasonable remuneration for the time actually expended and services actually rendered by such officer or employee to the Company in connection with the operation or maintenance of the railway, and that under the term "working expenses"



there shall not be included any expenses, payments or outgoings not reasonably necessary for the efficient management, maintenance, operation and repair of the said railway, but that any rental paid by the Company to the Manitoba and North-Western Railway Company of Canada and any expenses for maintenance, repair and operating of the said railway necessarily paid by the Company in respect of the Company's traffic over the Manitoba and North-Western Railway Company shall be held to be a portion of the working expenses of the Company, and that all receipts and earnings of the Company in respect of traffic over the Manitoba and North-Western Railway shall be held to be earnings of the Company.

Provided further, however, that the said trustees shall not take any steps for the sale of the said railway or for the foreclosure of this mortgage or other steps which would have the effect of returning to the bondholders the principal or part of the principal of their bonds before the maturity thereof at the instance of the government or its assigns or any person acting on their behalf or in their interest, until the principal money of the said bonds is to become due in accordance with the terms of such bonds, or has been declared by the trustees to be due under the provisions of Article IV. of this indenture, it being agreed and intended that the principal money of the said bonds shall not be called in at the instance of the government until the principal money of the said bonds becomes due according to the terms thereof or has been declared by the trustees to be due under the provisions of Article IV. of this indenture, and that no proceedings by way of sale, foreclosure or otherwise which would have the effect of returning to the bondholders the principal or part of the principal of their bonds before the maturity thereof shall be taken at the instance of or on behalf of or in the interests of the government, and that any interest and coupons not paid by the government under the terms of the said guarantees shall be paid in priority to the claim of the government for any interest paid under the terms of the guarantee.

The said chief justice shall have full power to decide what are proper working expenses, and in so deciding may take evidence or consult with experts and use his own judgment in coming to a decision and the decision of the chief justice thereon shall in any and all cases be final and binding without appeal. Three months' notice of any application for the granting of a certificate by the chief justice as aforesaid shall be given to the Company by leaving the same at its head office or by publishing the same in a daily newspaper of the city of Winnipeg.

#### ARTICLE IX.

The trustees, or any trustee hereunder, may take such legal advice and employ such assistance as may be necessary in their judgment to the proper discharge of their duties, and shall be

entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation the Company hereby promises and agrees to pay; but in case the Company should make default in such payment, the same shall be retained by the trustees out of any trust moneys coming into their hands.

#### ARTICLE X.

The trustees shall not, nor shall any trustee hereunder, be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trusts, and not the one for the other or others of them, or the acts or defaults of the other or others.

#### ARTICLE XI.

The trustees shall be the parties who occupy the offices of Railway Commissioner and Minister of Public Works in the province of Manitoba, and their successors in such offices from time to time, and, in the event of those offices becoming vacant, then the government shall have power to appoint such person or persons as to the government may seem meet to be trustees under the terms of this mortgage, and on such appointment each person so appointed shall, and on a successor in such office succeeding thereto, he shall be vested with the same powers, rights and interests, and charged with the same duties and responsibilities as if he had been named among the parties of the second part to this instrument in place of the trustee whom he succeeds, without any further assurance, conveyance, act or deed; but in the event of any conveyance or other instrument being thought necessary or suitable, for the purpose of assuring the new trustee so appointed a full general estate in the premises, then the Company shall forthwith execute the same.

#### ARTICLE XII.

Meetings of the bondholders under this deed of trust may be called in such mode as may be fixed by regulations prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy; and the quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum, and make such regulations or by-laws, such powers may be exercised by the trustees. And the trustees shall have the right, at or

before any meeting of the bondholders, to require that any act or resolution of the bondholders affecting the duties of the trustees, shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever, and as often as any contingency shall arise, in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the trustees, and such trustees shall be and are hereby authorized and required to call a meeting of the holders of bonds secured hereby, to be held at any city in Canada, and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the Company, and may be defrayed, if necessary, from the trust fund) to be published three times in each week for six weeks, in one or more daily newspapers of good circulation among the business community in the cities of Winnipeg, London (England), Toronto and Montreal, and in default of such meeting being called by the trustees within thirty days after notification to them in writing by any bondholder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the Company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person, or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. But, until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds for the time being, shall be required to constitute a quorum at any such meeting.

#### ARTICLE XIII.

Each of the trustees hereby accepts the trusts hereby created and agrees to discharge the same unless and until he be legally discharged therefrom either by resignation or removal as hereinbefore provided or otherwise.

#### ARTICLE XIV.

If the Company, or its assigns, shall pay the principal of each and every of the bonds secured by this instrument when the same shall become payable, and all interest coupons thereon as they shall from time to time mature, according to the tenor of such bonds and coupons respectively, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents to be by them or either of them

done or observed, then and in that case all the estate, right, title and interest of the trustees by these presents created shall cease, determine and become void; otherwise the same shall remain in full force and virtue. And upon any such determination of such interest, the trustees shall execute such reconveyance and re-assignment of the premises as may be necessary or expedient.

## ARTICLE XV.

And the Company, for itself and its assigns, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that the bonds hereby secured or intended so to be, shall be issued only at such times and in such amounts as hereinbefore limited; that the said Company will, in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from said railway, branches and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year, on said bonds, when the same shall become due, until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed, or intended or contemplated so to be, which may not be covered by the exemption from taxation under the said recited Act, so as to keep the mortgaged premises free and clear from any encumbrance by reason thereof; and that it will, from time to time, and at all times hereafter, and as often as thereunto requested by the trustees under this indenture, execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law, for the better assuring unto the trustees, upon the trusts herein expressed, the railway aforesaid, acquired and to be acquired, constructed and to be constructed, together with their equipment, appurtenances and franchises, and all and singular the lands, property and things hereinbefore mentioned or described, acquired and to be acquired, and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed, and for perfectly and fully assigning and assuring to the trustees the running powers agreement and all the Company's rights, benefits, powers and privileges under and by virtue of the running powers agreement, to the trustees, or their successors in the trust created by these presents, as by the trustees, or by their counsel learned in the law, shall be reasonably advised, devised or acquired, so that the trustees or their successors in the trust and their assigns may become fully possessed of and entitled to the same.

The Company for itself and its assigns hereby covenants and agrees to and with the trustees and their successors in the trust created by these presents and with the government as follows:

(a) At all stations upon the said railway there shall always be permitted the loading of grain into cars from farmers' vehicles or flat warehouses, subject to reasonable regulations made by the Company, and at all reasonable times during the period of the guarantee hereinbefore referred to, proper facilities therefor shall be afforded.

(b) No lease, agreement, contract or transaction shall be at any time entered into the effect of which will be to interfere with or prevent the fulfilment of the various covenants herein entered into, on the part of the Company.

(c) No lease of the said railway, no contract for running powers or wheelage over the said railway, no traffic contract or contract for the operation of the said railway, made or entered into during the currency of the said bonds without the consent of the government shall be valid as against the government after default made by the Company in payment of interest on any of the bonds so guaranteed by the government.

(d) During the currency of the said bonds, the said line of railway shall be preserved in a proper and efficient state of repair and equipment, and it shall be efficiently and regularly operated.

(e) Proper and correct books of account shall be kept by the Company which shall show all the transactions of the Company, and particularly shall clearly exhibit a statement of the working expenses of the said railway and the earnings thereof, and all earnings properly applicable to the railway hereby contracted to be built, whether the same is further extended or connected with another railway or other railways or not, and the Company shall deliver to the government within one month after the 31st day of December in each year after the date hereof a statement of such working expenses and earnings in such detail as shall be required by the government.

(f) All reasonable facilities shall be furnished to any other railway company for the receiving and forwarding and delivering of traffic upon and from the line of railway belonging to or worked by such companies respectively, and for the return of carriages and cars and no undue or unreasonable preference or advantage shall be made or given to or in favour of any particular person or company or any particular description of traffic in any respect whatsoever, nor shall any particular person or company or any particular description of traffic be subjected to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and all due and reasonable facilities for receiving and forwarding over the said railway of the traffic arriving by such other railway or railways shall be forwarded without any unreasonable delay and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction is afforded to the public desirous of using such railway as a continuous line of com-

munication and so that all reasonable accommodation by means of the railways of the several companies is at all times afforded to the public in that behalf, and any agreement made between the said Company or its assigns and any other company or its assigns and any other company contrary to the provisions of this instrument or anything therein contained shall be null and void.

(g) The construction of a line of railway between Portage la Prairie and Gladstone shall not be proceeded with by the Company without the consent of the government being first had and obtained, or unless the said bonds and all coupons are first paid by the Company.

(h) If requested so to do by the government, the Company will make an application to the Parliament of Canada for an Act to ratify and confirm and make binding upon the Company and its assigns everything herein contained, and the parties hereto covenant that they will assist and promote in every way in their power such application and the obtaining of the passage of the said Act.

(i) The government shall be entitled to take proceedings by way of injunction to prevent the infringement of any of the terms or provisions of this instrument, and in the event of the Company failing to fully and completely perform all such terms and provisions, the government shall be entitled to enforce such performance.

In witness whereof the Company has caused its corporate seal to be hereunto affixed and these presents to be signed by its president and secretary; and the trustees, to evidence their acceptance of the said trust, have likewise signed and sealed these presents; and the government have also caused these presents to be executed under the hand and seal of the Railway Commissioner of the Province of Manitoba.

Signed, sealed and delivered by the Company in the presence of EDWARD G. GOODWIN.	}	THE LAKE MANITOBA RAILWAY AND CANAL COMPANY.	
		BY	[L.S.]
		FREDERIC NICHOLLS,	<i>President.</i>
		CHAS. E. L. PORTEOUS,	<i>Secretary.</i>
By the trustees In the presence of W. E. PERDUE.	}	THOMAS GREENWAY,	[L.S.] <i>Trustee.</i>
		ROBT. WATSON,	[L.S.] <i>Trustee.</i>
By the government In the presence of W. E. PERDUE.	}	THOMAS GREENWAY,	[L.S.] <i>Railway Commissioner of the Province of Manitoba.</i>





## 60-61 VICTORIA.

### CHAP. 50.

#### An Act respecting the Langenburg and Southern Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Langenburg and Southern Railway Company has, by its petition, prayed that the time for the commencement and completion of its undertaking be extended, and for leave to extend its line of railway easterly towards Lake Dauphin to connect with the railway of the Lake Manitoba Railway and Canal Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** The Langenburg and Southern Railway Company, hereinafter called "the Company," may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from Langenburg, or from any point northerly thereof on the line of the Manitoba and North-western Railway, easterly towards Lake Dauphin, to connect with the line of the Lake Manitoba Railway and Canal Company.

Line of railway described.

**2.** The railway of the Company and the extension hereby authorized shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time extended for construction of railway.  
1895, c. 53.

**3.** The Company may enter into an agreement or agreements with the Lake Manitoba Railway and Canal Company of the same kind as the Company is authorized, by section nine of chapter fifty-three of the statutes of 1895, to enter into with the Manitoba and North-western Railway Company of Canada, and such agreements shall be subject to the provisions in the said section contained.

Agreement with Lake Manitoba Railway and Canal Co.  
1895, c. 53, s. 9.



Power of  
Parliament  
as to future  
legislation.

4. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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most Excellent Majesty.



## 60-61 VICTORIA.

### CHAP. 51.

#### An Act respecting the Lindsay, Haliburton and Mattawa Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Lindsay, Haliburton and Mattawa Railway Company has, by its petition, prayed for the passing of an Act to extend the time limited for the commencement and completion of its railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** The time limited for the commencement of the railway of the Lindsay, Haliburton and Mattawa Railway Company, and for the expenditure of fifteen per cent on the amount of its capital stock, as required by section eighty-nine of *The Railway Act*, is hereby extended for a period of two years from the twenty-second day of July, one thousand eight hundred and ninety-seven; and if such expenditure is not so made, and if the railway is not finished and put in operation within five years from the said date, then the powers conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time extended for construction of railway.

1888, c. 29.

**2.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Lindsay, Haliburton and Mattawa Railway Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the said Company without the enactment of this section.

Power of Parliament as to future legislation.





# 60 - 61 VICTORIA.

## CHAP. 52.

### An Act to incorporate the Manitoba and Pacific Railway Company.

[Assented to 29th June, 1897.]

**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.** James Patterson of Winnipeg, Manitoba; Angus Joseph Macdonell of Kingston, Ontario; Archibald J. Bannerman of Winnipeg, Manitoba; Alexander D. McRae of Alexandria, Ontario; Neil Keith of Winnipeg, Manitoba; Charles Whitehead of Brandon, Manitoba; Charles W. N. Kennedy, of Winnipeg, Manitoba; 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 Pacific Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Head office.

**3.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from the town of Portage la Prairie; thence in a south-westerly direction to a point in or near Belmont on the line of the Northern Pacific and Manitoba Railway Company; thence in a westerly direction to a point in the town of Lethbridge in Alberta.

Line of railway described.

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

Provisional directors.

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

Capital stock and calls thereon.

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

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

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

Amount of **8.** The Company may issue bonds, debentures or other bonds, etc., securities to the extent of fifteen thousand dollars per mile of limited. 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.

Use of vessels. **9.** The Company may, for the purpose of transport, and to facilitate the said undertaking and traffic connected therewith, purchase, build, charter, sell or dispose of, control and keep in repair, steam and other vessels to ply upon any navigable waters on or along the route of said railway.

Bridge over **10.** If the Company builds and completes a bridge for rail- Assiniboine purposes across the Assiniboine River between Portage River. la Prairie and Belmont aforesaid, the Company may also, as part of the said bridge, in its discretion, at any time construct, alter or arrange the said bridge for the use of foot passengers and carriages, or either, as it may think best: Provided, that if Tolls. the Company so constructs, alters or arranges the said bridge, then the tolls to be charged for the passages of foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may be amended and modified from time to time by the Governor in Council, but the Company may at any time reduce the same, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

Agreements **11.** The Company may enter into an agreement with the with other Northern Pacific and Manitoba Railway Company, the companies. Alberta Railway and Coal Company, or the Calgary and Edmonton 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 franchises, 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 approved by two-thirds of the votes at a special general

Approval of shareholders, and Governor in Council.

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 sanction of the Governor in Council.

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

Notice of application for sanction.

**12.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.

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## 60-61 VICTORIA.

### CHAP. 53.

#### An Act respecting the Manitoba and South-eastern Railway Company.

[Assented to 29th June, 1897.]

**WHEREAS** a petition has been presented by the Manitoba and South-eastern Railway Company praying for the passing of an Act to amend, as hereinafter 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:—

Preamble.

1. The section substituted by section one of chapter fifty-five of the statutes of 1895, for section one of chapter fifty-three of the statutes of 1893, is hereby repealed, and the following substituted therefor:—

1895, c. 55, s. 1; 1893, c. 53, s. 1.

“1. Notwithstanding anything contained in the Acts relating to the Company, or in *The Railway Act*, the Company shall have until the first day of November, one thousand eight hundred and ninety-eight, to complete that portion of their line of railway between the town of St. Boniface and the parish of Ste. Anne, and the Company shall construct not less than twenty miles additional each year after the said date until the whole line of railway is completed; and upon the failure to construct the several lengths of line within the times above mentioned, then the power to continue the construction of the said railway shall forthwith cease and determine, but the right of the Company to the portion constructed and to the rights and privileges arising therefrom shall not thereby be affected.”

Time limited for construction of railway.

2. The Company may enter into an agreement with the Winnipeg, Duluth and Northern Railway Company or the Ontario and Rainy River Railway Company for conveying or leasing to such company the railway of the Manitoba and South-eastern Railway Company in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery, and other

Agreement with another company.



Approval of the shareholders and of the Governor in Council.

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 approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Notice of application for sanction.

2. Such sanction 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 runs and in which a newspaper is published.

Power of Parliament as to future legislation.

3. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Manitoba and South-eastern Railway Company from the time such Act goes into effect.

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# 60-61 VICTORIA.

## CHAP. 54.

### An Act respecting the Medicine Hat Railway and Coal Company.

[Assented to 29th June, 1897.]

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

**1.** If the railway of the Medicine Hat Railway and Coal Company is not commenced within two years, and if fifteen per cent on the amount of the capital stock is not expended thereon within such two years, or if the railway is not completed within five years, from the passing of this Act, then the powers conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time extended for construction of railway.

**2.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Medicine Hat Railway and Coal Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the said Company without the enactment of this section. Power of Parliament as to future legislation.





## 60 - 61 VICTORIA.

### CHAP. 55.

#### An Act to incorporate the Minden and Muskoka Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS 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.** Robert James McLaughlin, of Lindsay, Charles D. Incorporation.  
Curry, William Fielding, John H. Delamere, William Hartle,  
Ephraim C. Young and Michael Brown, of Minden, John  
Austin, of Kinmount, George W. Stevens, of Stanhope, and  
Reuben J. LeRoy, of Coboconk, together with such persons as  
become shareholders in the company hereby incorporated are  
hereby constituted a body corporate under the name of "The Corporate  
Minden and Muskoka Railway Company," hereinafter called name.  
"the Company."

**2.** The head office of the Company shall be in the village of Head office.  
Minden in the provisional county of Haliburton.

**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 way described.  
a point at or near Irondale Junction on the Lindsay and Hal-  
iburton line of the Grand Trunk Railway in the township of  
Snowdon in the provisional county of Haliburton, Ontario, to  
some point at or near the village of Minden, thence northerly  
and westerly through the townships of Anson and Longford  
and through the southerly parts of the district of Muskoka to  
some point on the Georgian Bay in said district, or in the  
townships of Matchedash or Tay in the county of Simcoe, with  
a branch from some point at or near Minden to Mountain  
Lake, a distance of three miles, also touching with the main  
line or a branch, the village of Gravenhurst, and also naviga-  
tion at the north end of Lake Couchiching or on the Severn  
River.

Provisional directors.

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

Capital stock and calls thereon.

**5.** The capital stock of the Company shall be 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 meeting.

**6.** The annual meeting of the shareholders shall be held on the first Tuesday of September 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 seven persons to be directors of the Company, one or more of whom may be paid directors.

Bonding powers.

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

Use of steam or electric power.

**9.** The Company may operate the said railway by either steam or electricity, and acquire and utilize water power, and dispose of surplus power either directly or by converting the same into electricity.

Agreements with other companies.

**10.** The Company may enter into an agreement with the Grand Trunk Railway Company of Canada, or the Irondale, Bancroft and Ottawa 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 franchises, 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 approved by two-thirds of the votes of a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and provided that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

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

**11.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect.

Power of  
Parliament as  
to future  
legislation.

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## 60 - 61 VICTORIA.

### CHAP. 56.

#### An Act to incorporate the Montreal and Southern Counties Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS 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, declares and enacts as follows :—

**1.** The Honourable Trefflé Berthiaume, Henry Hogan, François Joseph Bisaillon, Trefflé Bastien, Charles Berger and Maurice Perrault, all of the city of Montreal, S. T. Willet, of Chambly Canton ; Alexander Macdonald, Raoul Aubé and J. Emery Molleur, of the town of St. Johns, Quebec ; Albert J. Corriveau, of the town of Iberville ; and Charles Huguet, of the city of Paris, France, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of “ The Montreal and Southern Counties Railway Company,” hereinafter called “ the Company.” Incorporation.  
Corporate name.

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

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

**4.** The Company may lay out, construct and operate, by electricity or any other mechanical power except steam, a railway of the gauge of four feet eight and one-half inches from a point in or near the northern limit of the county of Chambly, in the province of Quebec, thence through the counties of Chambly, Verchères, Rouville, St. Hyacinthe, Laprairie, St. Johns, Iberville, Missisquoi, Brome, Shefford, Stanstead and Sherbrooke to a point in or near the city of Sherbrooke. Line of railway described.



Provisional directors.

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

Capital stock and calls thereon.

**6.** The capital stock of the Company shall be 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.

Annual meeting.

**7.** The annual meeting of the shareholders shall be held on the last Thursday of the month of September in each year.

Election of directors.

**8.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five and not more than twelve persons to be directors of the Company, one or more of whom may be paid directors.

Amount of bonds, etc., limited.

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

Agreements with another company.

**10.** The Company may enter into an agreement with the Montreal Bridge Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Montreal Park and Island Railway Company, the Montreal Island Belt Line Railway Company, the Chambly Hydraulic Power Company, the Montreal and Province Line Railway Company, the Phillipsburg Junction Railway Company, the United Counties Railway Company, the South Shore Railway Company, the Central Vermont Railroad Company, the Missisquoi and Black River Valley Railway Company, or the Eastern Richelieu Valley 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 franchises, surveys, plans, works, plant, material, machinery and 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 approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.

Approval by shareholders and Governor in Council.

Notice of application for sanction.

**2.** Such sanction 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.

**11.** *The Railway Act* and any Act amending it shall extend and apply to the Company and its undertaking. 1888, c. 29.

**12.** If the construction of the railway is not commenced and fifteen per cent on the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not finished and put in operation in five years after the passing of this Act, 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 for construction, limited.

**13.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.

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## 60 - 61 VICTORIA.

### CHAP. 57.

An Act respecting the Ontario Pacific Railway Company, and to change the name of the Company to the Ottawa and New York Railway Company.

[Assented to 21st May, 1897.]

**W**HEREAS the Ontario Pacific Railway Company has, by its petition, prayed that the Acts relating to the said Company be amended, and that an Act be passed to change the name of the said Company to "The Ottawa and New York Railway Company," and giving it power to cancel the trust deed of the said Company and appoint a new trustee or trustees in the place and stead of the trustees who have resigned, and to extend the period for the completion of the unconstructed line of railways and bridges of the said Company, 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:—

Preamble.

1882, c. 78;  
1883, c. 66;  
1884, c. 57;  
1885, c. 19;  
1887, c. 58;  
1890, c. 57.

**1.** The name of the Ontario Pacific Railway Company, hereinafter called "the Company," is hereby changed to "The Ottawa and New York 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 or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed and enforced as if this Act had not been passed.

Name changed.

**2.** The Company may cancel the trust deed by way of mortgage dated the twenty-ninth day of September, one thousand eight hundred and eighty-three, and deposited in the Department of the Secretary of State of Canada on the thirteenth day of October, one thousand eight hundred and eighty-three, made between the Ontario Pacific Railway Company and Andrew Frederick Gault and Charles Holland, trustees.

Company may cancel trust deed.

**3.** Section four of chapter fifty-seven, of the statutes of 1890, intituled *An Act respecting the Ontario Pacific Railway Company*, repealed.

1890, c. 57,  
s. 4 and 1892,  
c. 52, s. 1.

1882, c. 78.

Time extend-  
ed.

*pany* and section one of chapter fifty-two of the statutes of 1892, intituled *An Act respecting the Ontario Pacific Railway Company*, are hereby repealed, and in lieu thereof the times within which the construction of the railway authorized by chapter seventy-eight of the statutes of 1882, intituled *An Act to incorporate the Ontario Pacific Railway Company*, and amending Acts, may be commenced and completed, are hereby fixed at two and four years respectively from the first day of July next, and the times within which the bridge over the St. Lawrence River at or near the town of Cornwall, authorized by the said Act and amending Acts, may be commenced and completed, are hereby fixed at two and four years respectively from the first day of July next; and if the undertaking of the Company is not commenced and completed within the times mentioned, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

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## 60-61 VICTORIA.

### CHAP. 58.

An Act respecting the Ottawa and Gatineau Railway Company.

[Assented to 29th June, 1897.]

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

**1.** Section thirty-two of chapter eighty-seven of the statutes of 1894 is hereby repealed, and the following substituted in lieu thereof: 1894, c. 87, s. 32 repealed.

“**32.** The main line of the railway of the Company and the extensions and branches authorized by this Act to be constructed shall be completed on or before the thirty-first day of December, one thousand eight hundred and ninety-nine, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said main line, extensions or branches as then remains uncompleted.” Time extended for completion of railway.

**2.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Ottawa and Gatineau Railway Company without the enactment of this section. Power of Parliament as to future legislation.





## 60 - 61 VICTORIA.

### CHAP. 59.

#### An Act respecting the Quebec, Montmorency and Charlevoix Railway Company.

[Assented to 29th June, 1897.]

**WHEREAS** the Quebec, Montmorency and Charlevoix Railway Company has, by its petition, prayed for the passing of an Act for the purposes hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section five of chapter fifty-nine of the statutes of 1895 is hereby repealed, and the following substituted therefor:—

**“2.** The capital stock of the Company shall be three million dollars, divided into shares of one hundred dollars each.”

**2.** The proviso beginning on line seven of subsection one of section twenty-one of the said Act, the whole of subsection two of the said section, and the whole of section twenty-two of the said Act, are hereby repealed and the following substituted therefor respectively:—

“Provided that in the event of the Company acquiring the property of the Montmorency Electric Power Company, as provided for in subsection three of section fifteen of this Act, the Company may make and issue bonds, debentures or other securities to an amount not exceeding four million dollars, made up of the following, that is to say: an issue at the said mileage rate for at least seventy-five miles of the portions of its railway described in section twenty-three of this Act then constructed or under contract to be constructed, and the balance of the said issue of four million dollars to be in respect of the purchase of the property of the said Power Company and of the development and improvement thereof and of the other property of the Company.”

**“2.** The directors of the Company, or trustees of the mortgage deed, if any, securing such bonds, debentures or other securities as the case may be, shall, before any of such bonds



or the proceeds thereof are applied to any other purpose, first apply such portion of the proceeds of the first issue of bonds made under this Act as may be necessary in payment or redemption of any interim or other bonds heretofore issued by the Company, and next in payment of all other recognized indebtedness of the Company."

Section 23  
amended.

Alternative  
division of  
line into  
sections.

Montmorency  
division.

Citadel  
division.

Saguenay  
division.

Montmo-  
rency-Citadel  
division.

Saguenay  
division.

Power of  
Parliament  
as to future  
legislation.

**3.** Section twenty-three of the said Act is hereby amended by adding the following subsection thereto:—

"2. Provided that in the event of the Company acquiring the property of the Montmorency Electric Power Company, as provided for in subsection three of section fifteen of this Act, the sections into which the Company may divide its undertaking shall, instead of those mentioned in subsection one hereof, be as follows, that is to say, either—

"*First*—(a.) The lines from the terminal station in the lower town in the city of Quebec extending to Cap Tourmente, including all the branches and extensions thereof, shall be designated and known as section number one, or the 'Montmorency Division.'

"(b.) The lines within the city of Quebec subject to its franchise, and those west of the St. Charles River operated by electricity, and the works, buildings, plant and machinery acquired from the Montmorency Electric Power Company shall be designated as section number two, or the 'Citadel Division.'

"(c.) The lines extending from Cap Tourmente in a north-easterly direction, shall be designated as section number three, or the 'Saguenay Division.'

"*Or Second*—(a.) The lines from the terminal station in the lower town in the city of Quebec extending to Cap Tourmente, including all the branches and extensions thereof; the lines within the city of Quebec subject to its franchise, and those west of the St. Charles River operated by electricity, and the works, buildings, plant and machinery acquired from the Montmorency Electric Power Company, shall be designated and known as section number one, or the 'Montmorency-Citadel Division.'

"(b.) The lines extending from Cap Tourmente in a north-easterly direction shall be designated as section number two, or the 'Saguenay Division.'"

**4.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Quebec, Montmorency and Charlevoix Railway Company from the time such Act

goes into effect ; but this section shall not be construed to imply that such Act would not apply to the said Company without the enactment of this section.

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## 60 - 61 VICTORIA.

### CHAP. 60.

An Act to amend the Acts relating to the Red Deer Valley Railway and Coal Company.

[Assented to 29th June, 1897.]

**WHEREAS** the Red Deer Valley Railway and Coal Company, hereinafter called "the Company," have by their petition prayed for the passing of an Act to amend the Acts relating to the Company in the manner hereinafter mentioned and to extend the time for the commencement and completion of the railway 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.  
1889, c. 52;  
1891, c. 76.  
1894, c. 90.

**1.** Chapter ninety of the statutes of 1894 is hereby repealed. 1894, c. 90 repealed.

**2.** The time for the commencement of the construction of the railway and for the expenditure thereon of fifteen per cent of the capital stock, is hereby extended for two years from the first day of July, one thousand eight hundred and ninety-seven; and the time for the finishing and putting in operation of the railway is hereby extended for four years from the said date; and if the construction of the railway is not commenced and fifteen per cent of the capital stock is not expended thereon by the first day of July, one thousand eight hundred and ninety-nine, or if the railway is not finished and put in operation by the first day of July, one thousand nine hundred and one, then the powers granted by *The Railway Act* and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for commencement and completion extended.

**3.** Section three of chapter fifty-two of the statutes of 1889, the Act incorporating the Company, is hereby amended as follows:—

1889, c. 52, s. 3 amended.

By adding after the words "at or near Cheadle Station on the Canadian Pacific Railway" in lines fifteen and sixteen thereof,

Alternative route for portion of line.

thereof, the following words : “ or from a point of junction with the Calgary and Edmonton Railway about two miles north of the Bow River crossing of that railway.”

Power of  
Parliament  
as to future  
legislation.

4. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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## 60 - 61 VICTORIA.

### CHAP. 61.

An Act respecting the Richelieu and Lake Memphremagog Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Richelieu and Lake Memphremagog Railway Company was incorporated by an Act of the Legislature of the province of Quebec, being chapter seventy of the statutes of 1892; and whereas the said Company has, by its petition, prayed that its railway be declared to be a work for the general advantage of Canada, and the said Company a body corporate within the jurisdiction of the Parliament of Canada, and that certain additional powers as hereinafter set forth be conferred upon the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.  
Que., 1892,  
c. 70.

**1.** The undertaking of the Richelieu and Lake Memphremagog Railway Company, a company incorporated by chapter seventy of the statutes of 1892 of Quebec, and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Declaratory.

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

Incorporation.

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

Head office.

Line of  
railway  
described.

**4.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on or near the River Richelieu, in the counties of Ibergville or Missisquoi, thence to a point on the international boundary line in the parishes of St. Armand East or St. Armand West, in the said county of Missisquoi, with power to build a branch line from any point on the main line to the international boundary line, either in the said parishes of St. Armand East or St. Armand West or in the county of Brome, and may also form a connection at the international boundary line with the railway of the Boston and Maine Railway Company or the Central Vermont Railway Company, corporations organized under the laws of the state of Vermont, and generally with the railway system of the United States.

Junction with  
other lines.

Capital stock  
and calls  
thereon.

**5.** 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 by the directors from time to time as they deem expedient, but no one call shall exceed twenty per cent of the shares subscribed by any shareholder, nor shall more than fifty per cent of the amount subscribed be called up in any one year, and the capital stock of the Company, as authorized by the statute of Quebec aforesaid, shall be deemed to be the same as the capital stock mentioned in this Act, and no right or claim to any share thereof shall be prejudiced by anything contained in this Act.

Annual  
meeting.

**6.** The annual meeting of the shareholders shall be held on the last Tuesday of September in each year, and the said annual meeting and any special meetings of the Company may be called by a notice sent to the address of each shareholder, as shown in the stock register of the Company, by registered letter deposited in the post office at least fifteen days before the meeting.

Election of  
directors.

**7.** At the annual meeting the subscribers for 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.

Amount of  
bonds, etc.,  
limited.

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

Bonding  
powers.

**9.** The Company may issue bonds, debentures or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branch or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company, and such

bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect to which the same are thus respectively issued, and upon the rents and revenues thereof, and upon all the property of the Company appertaining or belonging to such section, branch or extension.

1888, c. 29.

**10.** The Company may enter into an agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canada Atlantic Railway Company, the United Counties Railway Company or the Drummond County Railway Company for conveying or leasing to such company the railway of the Richelieu and Lake Memphremagog Railway Company in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, material, machinery and other property to it belonging, or for an amalgamation with such company, and may also enter into any agreement for the purpose of forming any connection authorized by section four of this Act, the whole upon such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that each such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and provided that each such agreement has also received the sanction of the Governor in Council.

Agreement with another company.

Approval of shareholders and Governor in Council.

2. Such sanction 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 county through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for sanction.

**11.** The Company may, for any purpose connected with its undertaking, acquire, equip, work and own, or may hire or charter or freight any ship, barge or vessel, and may use the same in any manner, and may contract for and undertake the transport by water of passengers and goods and other things, and may for such purposes acquire by agreement, take on lease or hire, or contract for the use of warehouses, wharfs, quays and docks.

Company may use vessels.

Acquire warehouses and docks.

**12.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon

Power of Parliament as to future legislation.



railway companies, shall apply to the Richelieu and Lake Memphremagog Railway Company, from the time such Act goes into effect.

Time for  
construction  
limited.

**13.** If the construction of the railway hereby authorized is not commenced and fifteen per cent on the amount of the capital stock of the Company is not expended thereon within two years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act, 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.

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## 60 - 61 VICTORIA.

### CHAP. 62.

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

[Assented to 29th June, 1897.]

**W**HEREAS the St. Lawrence and Adirondack Railway Company, was, by chapter thirty-seven of the statutes of 1896, authorized to issue, under the provisions of *The Railway Act*, bonds to the extent of thirty thousand dollars per mile of its railway constructed or under contract to be constructed; and whereas the said Company has, by its petition, represented that it has constructed forty-three miles of its railway, and has issued bonds to the extent of eight hundred thousand dollars (being part of the whole authorized issue with respect to the said forty-three miles) as first mortgage bonds, secured by an indenture of first mortgage dated the first day of July, one thousand eight hundred and ninety-six, to the Continental Trust Company of New York, under the provisions of *The Railway Act*, and that it has also issued bonds to the extent of four hundred thousand dollars as second mortgage bonds, dated the first day of July, one thousand eight hundred and ninety-six, secured by an indenture of second mortgage to the Continental Trust Company of New York, dated the first day of July, one thousand eight hundred and ninety-six, a duplicate original of each of which indentures has been deposited in the office of the Secretary of State of Canada, and that doubts have been expressed as to the right of the said Company to issue the said four hundred thousand dollars as second mortgage bonds under its said bonding power and to secure them by the said indenture of second mortgage; and whereas the said Company has, by its petition, prayed to have it declared that it had authority to issue the said four hundred thousand dollars as second mortgage bonds under its said bonding power and to secure them by the said indenture of second mortgage; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.  
1896, c. 37.

Issue of bonds  
confirmed.

1896, c. 37.

1. It is hereby declared that the St. Lawrence and Adirondack Railway Company had, under and by virtue of chapter thirty-seven of the statutes of 1896, and of *The Railway Act*, the right and authority to issue, as second mortgage bonds and as a part of its issue of thirty thousand dollars a mile, the said bonds to the extent of four hundred thousand dollars and to secure them by the indenture of second mortgage mentioned in the preamble.

Power of  
Parliament as  
to future  
legislation.

2. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the St. Lawrence and Adirondack Railway Company from the time such Act goes into effect.

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## 60-61 VICTORIA.

### CHAP. 63.

An Act respecting the Temiscouata Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Temiscouata Railway Company has, by its Preamble. petition, prayed for the passing of an Act for the purposes 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.** Subsection two of section two of chapter sixty-five of statutes of 1895, is hereby repealed. 1895, c. 65, s. 2, amended.

**2.** The extension authorized by subsection one of section two of the said Act, shall be commenced within two years, and completed within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void as respects so much of the extension as then remains uncompleted. Time extended for construction of extension.

**3.** The Temiscouata Railway Company, hereinafter called "the Company," may lay out, construct and operate an extension of its line of railway from a point on the line authorized to be constructed by chapter sixty-five of the statutes of 1895, to a point of connection with the railway of the Central Railway Company at or near the Newcastle coal fields (so called) at Newcastle in the county of Queen's, in the province of New Brunswick. Extension of line of railway described.

**4.** The provisions of the original charter of the Company and of the Act confirming it, as to the issue of bonds and otherwise, with respect to its main line, shall apply also to the extension hereby authorized. Charter and confirming Act to apply to extension.

**5.** The Company may purchase, lease, or acquire running powers over the railway of the Central Railway Company, provided that the terms of the purchase, lease or agreement for obtaining running powers have been first approved by two-thirds Control of Central Railway Company's railway. Proviso.

Sanction of  
Governor in  
Council.

Notice of ap-  
plication for  
sanction.

1888, c. 29.

Power of  
Parliament  
as to future  
legislation.

thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,— at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,— and that such agreement has also received the sanction of the Governor in Council.

2. Such sanction 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.

6. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Temiscouata Railway Company from the time such Act goes into effect.

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## 60 - 61 VICTORIA.

### CHAP. 64.

#### An Act respecting the Trail Creek and Columbia Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Trail Creek and Columbia Railway Company has, by its petition, prayed that certain additional powers be conferred on it as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** The Trail Creek and Columbia Railway Company, hereinafter called "the Company," may, in addition to the railway described in chapter sixty-seven of the statutes of 1895, construct a railway from the terminus near Trail Creek Mines, described in the said Act, or from any point on the Columbia River between the international boundary and its junction with the Kootenay River, thence westerly to a point on Kettle River north of the international boundary.

Line of railway described.  
1895, c. 67.

**2.** The Company may issue bonds not exceeding thirty thousand dollars per mile of its railway; but such issue shall be limited to and shall only apply to the extension westerly above described, and such extension shall be throughout of a gauge of four feet eight and one-half inches.

Amount of bonds limited.

**3.** The various sections of the Company's Act of incorporation shall apply to the railway and extension above described, in so far as they are applicable thereto.

1895, c. 67 to apply.

**4.** If the construction of the railway and extension described in section one of this Act is not commenced within two years after the passing of this Act, and fifteen per cent on the amount of the capital stock of the Company is not expended thereon within the said two years, or if the said railway is not finished and put in operation within five years from the passing of this Act, then the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway and extension as then remains uncompleted.

Time limited for construction of railway.

Power of  
Parliament  
as to future  
legislation.

5. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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# 60-61 VICTORIA.

## CHAP. 65.

An Act respecting the Trans-Canadian Railway Company, and to change the name of the Company to the Trans-Canada Railway Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Trans-Canadian Railway Company incorporated by chapter sixty-eight of the statutes of 1895, has by its petition, prayed that the Act incorporating the said Company may be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
1895, c. 68.

**1.** The name of the Trans-Canadian Railway Company, hereinafter called "the Company," is hereby changed from "The Trans-Canadian Railway Company" to "The Trans-Canada 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, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed and enforced as if this Act had not been passed.

Name  
changed.

Existing  
rights and  
liabilities not  
affected.

**2.** The Company may, in addition to the powers contained in its Act of incorporation, construct a branch from a point near where the proposed main line of the Company will cross the St. Maurice River in the province of Quebec, thence southerly to the village of Montcalm in the parish of St. Liguori, and thence in a direct line to the city of Montreal; but the construction of such branch shall not be commenced until after two hundred miles of its main line beginning at the city of Quebec have been constructed and put into operation.

Power to con-  
struct branch  
line.

**3.** Notwithstanding anything contained in *The Railway Act*, the construction of the said railway shall be commenced and fifteen per cent on the amount of the capital stock of the Company

Time extend-  
ed for con-  
struction and  
completion of  
railway.



Company expended thereon within four years and completed within ten years from the passing of this Act, otherwise the powers granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Power of  
Parliament  
as to future  
legislation.

4. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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## 60-61 VICTORIA.

### CHAP. 66.

#### An Act to incorporate the Columbia River Bridge Company.

[Assented to 29th June, 1897.]

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

Preamble.

**1.** F. August Heinze, of Trail, in the province of British Columbia, Chester Glass, of Spokane, in the state of Washington, F. E. Ward, F. P. Gutelius and Carlos Warfield, all of Trail, aforesaid, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Columbia River Bridge Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** *The Railway Act*, in so far as applicable, shall apply to the Company and its undertakings.

1888, c. 29.

**3.** The Company may construct, maintain and use a bridge with the necessary approaches thereto, across the Columbia River, in the province of British Columbia, at a point at or near the town of Robson, in the said province, for railway purposes and for the passage of pedestrians and vehicles, cars or carriages propelled or drawn by electrical, horse or other power, and may lay tracks on the said bridge and approaches for the passage of railway and other cars, and may charge toll for the passage of cars, vehicles and pedestrians over the said bridge.

Power to construct a bridge.

**4.** The rate of tolls to be charged for the passage of foot passengers, cars, carriages and other vehicles, shall, before being imposed, first be submitted to, and approved of, and

Tolls.

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

Plans to be approved by Governor in Council.

**5.** The Company shall not commence the construction of the said bridge until it has first submitted to the Governor in Council plans of such bridge, and of all 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 such plans be altered, or any deviation therefrom be allowed, except by permission of the Governor in Council, and upon such conditions as he shall impose.

Union with other companies,

**6.** The Company may, with the approval of two-thirds of the votes of the shareholders at a special general meeting duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present, or represented by proxy, and after obtaining the sanction of the Governor in Council in the manner provided in section two hundred and thirty-nine of *The Railway Act* :—

To build bridge,

(a.) unite with any other company incorporated under the laws of Canada or the province of British Columbia, or with any body corporate in building 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;

To sell or lease bridge.

(b.) enter into an agreement with any such company for the selling or leasing of said bridge and its approaches to such company in whole or in part, or any rights or powers acquired by it, and also the franchises, surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with such company.

Equal rights of passage to all railways.

**7.** As soon as the said bridge is completed and ready for traffic, all railways in Canada now constructed or hereafter to be constructed shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in traffic rates of transportation shall be made in favour of or against any such railway whose business or cars pass over the said bridge.

Disputes to be determined by Railway Committee.

**8.** In case of any disagreement as to the rights of any railway whose trains cross or business passes over the said bridge, or as to traffic rates to be charged in respect thereof, the same shall

shall be determined by the Railway Committee of the Privy Council as provided in *The Railway Act*.

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

**11.** The head office of the Company shall be at the town of Trail in the province of British Columbia. Head office.

**12.** The annual meeting of the shareholders shall be held on the second Tuesday of the month of September in each year at the head office of the Company, or at such other place in Canada as the shareholders by by-law appoint. Annual 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. Election of directors.

**14.** The Company may issue bonds, debentures, or other securities of an amount not exceeding five hundred thousand dollars in aid of the constructions herein mentioned, 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 the said bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company 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 bonds.

**15.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.





# 60 - 61 VICTORIA.

## CHAP. 67.

### An Act respecting the Montreal Bridge Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Montreal Bridge Company has, by its Preamble.  
petition, prayed for the passing of an Act to extend the time limited for the completion of its bridge, 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.** The Montreal Bridge Company, hereinafter called “the Company,” shall complete its bridge within five years from the Time extend-  
passing of this Act, otherwise the powers granted for such ed for comple-  
construction shall cease and determine as respects so much of tion of bridge.  
the said bridge as then remains uncompleted. 1890, c. 93,  
s. 14.

**2.** The Company may, in addition to the bonds authorized Issue of bonds  
to be issued under the provisions of section eleven of its Act upon railway.  
of incorporation, issue bonds, debentures, or other securities to 1890, c. 93,  
the extent of twenty-five thousand dollars per mile on all lines s. 11,  
of railway constructed or purchased for the purpose of connecting its bridge with any existing or future lines of railway, and upon which no other bonds, debentures or other securities are outstanding; and may divide its undertaking into sections, and issue the bonds, and other securities authorized to be issued, separately with respect to each of the said sections, or as to certain sections combined; and such 1888, c. 29.  
bonds or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section with respect to which they are issued, and upon the rents and revenues thereof, and upon all the property of the Company belonging to such section.

**3.** The Company may also issue bonds, debentures, or other Issue of bonds  
securities upon the security of the stations, warehouses, upon railway  
elevators, sidings and any property connected with the terminal property in  
facilities provided by it in the city of Montreal, to an amount Montreal.

How bonds  
secured.

not exceeding the actual cost of each such property; and such bonds may be secured by a mortgage which shall contain a description of the property upon which the said bonds are issued, and such bonds shall form a first charge upon, and be limited to the particular property with respect to which they are issued.

Power of  
Parliament  
as to future  
legislation.

4. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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## 60-61 VICTORIA.

### CHAP. 68.

#### An Act respecting the Niagara Grand Island Bridge Company.

[Assented to 21st May, 1897.]

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

**1.** The times limited by the Acts respecting the Niagara Grand Island Bridge Company for the commencement and completion of its undertaking are hereby extended as follows: The works authorized by chapter seventy-seven of the statutes of 1874, incorporating the said Company, shall be commenced within three years and completed within five years from the passing of this Act, otherwise the powers granted by the said Act shall cease and be null and void.

Time extended for construction.

1874, c. 77;  
1877, c. 64;  
1880, c. 60;  
1882, c. 86;  
1886, c. 88;  
1889, c. 86;  
1891, c. 105;  
1894, c. 99.

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# 60-61 VICTORIA.

## CHAP. 69.

### An Act respecting the Quebec Bridge Company.

[Assented to 29th June, 1897.]

**WHEREAS** a petition has been presented praying for the passing of an Act to amend, as hereinafter set forth, the Acts respecting the Quebec Bridge 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.** Such of the powers conferred upon the Quebec Bridge Company by chapter ninety-eight of the Statutes of 1887, as have been forfeited by the failure of the Company to perform the conditions imposed by section two of chapter one hundred and seven of the statutes of 1891, are hereby again conferred upon the Company, and everything heretofore done in virtue of the said Acts, or either of them, is hereby ratified and confirmed.

Preamble.

1887, c. 98, revived.

1891, c. 107.

**2.** If any shareholder who subscribed before the first day of July, one thousand eight hundred and ninety-six, for the stock held by him, makes application in writing to the directors within one year from the passing of this Act, they shall cancel such shareholder's subscription and repay him the amount paid on such stock by him; provided, however, that such cancellation shall not take away or impair, in any manner whatsoever, the rights of any creditor of the Company against such shareholder.

Directors may cancel stock.

Proviso.

**3.** Section eight of the said Act of incorporation is hereby repealed, and the following substituted therefor:—

1887, c. 98, s. 8 repealed.

**"8.** On the first Tuesday in September in each year thereafter, at the principal office of the Company, there shall be held a general meeting of the shareholders of the Company, at which said meeting the said shareholders may elect directors for the then ensuing year in the manner and qualified as hereinafter provided; and public notice of such meeting and election shall be inserted for two weeks in the English and

Annual meeting.

Election of directors.

Notice of meeting.

French languages in one or more newspapers published in the city of Quebec, and in the *Canada Gazette*; the number of directors shall not be less than nine nor more than eleven.

Qualification  
of directors.

“2. No person shall be a director unless he is the holder and owner of at least fifty shares of the stock of the Company, or of any other larger number of shares fixed by a by-law to be made by the directors, and has paid all calls due thereon.

Number of  
directors.

“3. Until a by-law is made by the directors fixing the number of directors, the number shall be eleven, a majority of whom shall constitute a quorum.”

Quorum.

Additional  
director.

4. Subject to the provision contained in subsection three of the last preceding section, every government or municipal corporation in Canada which financially assists the Company to the amount of two hundred and fifty thousand dollars, may appoint a director, who shall remain in office during the pleasure of the government or municipal corporation by whom he was appointed.

1887, c. 98,  
s. 14 amended.

5. Section fourteen of the said Act of incorporation is hereby amended by adding the following paragraph thereto:—

Arrangements  
with other  
companies for  
use of bridge.

“2. The Company may enter into arrangements with any telegraph or telephone company for the laying of the wires of such company on the said bridge and the railways connecting therewith, and may also enter into arrangements with any electric tramway company for the passage of its cars on the said bridge and the railways connecting therewith.”

1891, c. 107.  
s. 2, repealed.

6. The section enacted by section two of chapter one hundred and seven of the statutes of 1891 in lieu of section twenty-five of the said Act of incorporation is hereby repealed, and in lieu thereof it is hereby enacted that the bridge and the railways connecting therewith shall be commenced within two years, and completed within five years from the passing of this Act, otherwise the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said bridge and railways as then remain uncompleted; but the Company shall not commence the construction of its railways or bridge until at least two hundred thousand dollars of its capital stock have been subscribed and fifty thousand dollars have been paid thereon in cash into the funds of the Company.

Time limited  
for construction  
of bridge  
and railways.

Amount to be  
subscribed  
before construction  
is begun.



# 60-61 VICTORIA.

## CHAP. 70.

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

[Assented to 21st May, 1897.]

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

Preamble.  
1872, c. 87;  
1873, c. 92;  
1882, c. 70;  
1891, c. 102;  
1894, c. 100.

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

Time extended for construction of works.

**2.** William K. Vanderbilt shall be a provisional director of the Company in the place and stead of Sidney Dillon, deceased.

Provisional director replaced.

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## 60-61 VICTORIA.

### CHAP. 71.

#### An Act respecting the Canadian General Electric Company (Limited.)

[Assented to 21st May, 1897.]

**WHEREAS** the Canadian General Electric Company Preamble.  
(Limited) has, by its petition, represented that it was incorporated by letters patent, issued under *The Companies Act*, dated the fifteenth day of July, one thousand eight hundred and ninety-two, for the purpose of manufacturing electric machinery and appliances, with an authorized capital stock of one million dollars,—that by supplementary letters patent, issued under *The Companies Act*, dated the fourteenth day of October, one thousand eight hundred and ninety-two, the said authorized capital stock was increased to two million dollars,—that shares in the said capital stock to the amount of one million five hundred thousand dollars were subscribed, paid up and issued, and that the shareholders of the said Company have authorized it to apply to Parliament for the passing of an Act to reduce and rearrange the capital stock as hereinafter set forth, and providing for the issue of preference shares; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The total authorized capital stock of the Canadian General Electric Company (Limited), hereinafter called “the Company,” shall be one million two hundred thousand dollars, divided into shares of one hundred dollars each, of which nine hundred thousand dollars shall be common stock and three hundred thousand dollars preference stock. Capital stock.

**2.** The issue of three hundred thousand dollars of preference stock, as set out in the by-law in the schedule hereto, is hereby ratified and confirmed, and declared to be valid and binding. Issue of preference stock confirmed.

**3.** The Company shall exchange one hundred and fifty thousand dollars of preference stock, portion of the three hundred thousand dollars preference stock aforesaid, for six hundred Exchange of preference for common stock.

dred thousand dollars of the common stock, portion of the stock heretofore held by the General Electric Company, a corporation of the state of New York, one of the United States, and a shareholder in the Company, and surrendered by it prior to the passing of this Act, and the Company may accept the said six hundred thousand dollars of common stock so exchanged and surrendered, and the said six hundred thousand dollars of common stock shall, from and after such exchange and surrender, be deemed to have ceased to be or form part of the paid-up capital stock of the Company and shall be cancelled accordingly.

Rights of  
creditors.

4. Nothing herein contained shall in any way affect or impair the rights of the creditors of the Company.

By-law con-  
firmed.

5. The by-law set out in the schedule hereto, providing for the issue of preference shares, and all proceedings had thereunder, is hereby ratified and confirmed and declared to be valid and binding upon the Company.

#### SCHEDULE.

“ Moved by A. Nairn, seconded by W. Davidson,

That the following by-law passed by the directors on the fifth day of October, 1896, be approved of and confirmed.

The following by-law prepared by the Company's solicitor, to provide for the issue of preference shares was read ; and it was

Moved by W. D. Matthews, seconded by H. P. Dwight,

That the following by-law be and is hereby made, passed and enacted :—

##### BY-LAW TO PROVIDE FOR THE ISSUE OF PREFERENCE SHARES

Three thousand preference shares to be respectively numbered from one to three thousand in the capital stock of the Company, to be called preference shares, each of the par value of \$100.00 shall be issued and allotted as the directors of the Company shall from time to time provide and fifteen hundred of the said shares may be subscribed for on the stock book of the Company, and 10 per centum of the amount of each of the said fifteen hundred preference shares shall be payable at the time of subscription therefor and the balance of each of the said 1,500 preference shares shall be payable in 9 equal monthly instalments of 10 per cent on each preference share so subscribed each payable as follows, that is to say :—

The first instalment on the 1st day of December, 1896.

“ second	“	“	“ January, 1897.
“ third	“	“	“ February, 1897.
“ fourth	“	“	“ March, 1897.
“ fifth	“	“	“ April, 1897.
“ sixth	“	“	“ May, 1897.

The seventh instalment on the 1st day of June, 1897.

“ eighth “ “ “ July, 1897.

“ ninth “ “ “ August, 1897.

with the privilege to the subscribers for the said fifteen hundred shares to pay up the whole amount thereof, or any of the instalments thereof at any time in advance of the same being payable.

All of the said 3,000 preference shares shall be entitled to receive a fixed cumulative preferential dividend at the rate of six per cent per annum, payable half yearly in preference and priority as a dividend over all other shares in the capital stock of the Company, and shall be entitled to resort to the surplus assets in the winding up of the Company available for distribution among the shareholders for securing, and to provide for repayment of the amount of the said preference shares and dividends at the rate aforesaid in priority over all other shares in the capital stock of the Company: But the holders thereof shall not be entitled in respect of the said preference shares to any further participation in the profits or surplus assets of the Company. The holders of the said preference shares shall be entitled to vote at all meetings of the shareholders, whether special or general, upon the said shares in the same manner as the holders of ordinary stock are entitled to vote thereon.

Provided always that the said preference shares shall be subject to redemption by the Company at any time after the expiration of five years from the date of issue thereof on payment of the amount thereof and of the cumulative preferential dividend aforesaid, together with a premium of 5 per cent upon the par value of said preference shares; and the Company shall be, and is hereby authorized at the expiration of the said five years or at any time that they think fit and for the interests of the Company, to redeem, buy up, and cancel said preference shares or any part thereof, and in case only a part thereof shall be redeemed, the shares thus so retired shall be chosen by lot.”

A true extract from minutes of shareholders' meeting, held on twenty-eighth October, one thousand eight hundred and ninety-six.

FREDERICK NICHOLLS,

*Secretary.* [Seal.]

I hereby certify that the foregoing by-law is a true copy of the by-law of which it purports to be a copy, and that the same was approved and adopted at a general meeting of shareholders of the said Company on the 28th day of October, A.D. 1896.

FREDERICK NICHOLLS,

*Secretary.* [Seal.]







## 60-61 VICTORIA.

### CHAP. 72.

#### An Act to incorporate the Continental Heat and Light Company.

[Assented to 29th June, 1897.]

**W**HEREAS 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.** William M. Doull, Robert D. McGibbon, William Hanson and Edwin Hanson, all of the city of Montreal in the province of Quebec, and Frank L. Slocum of the city of Pittsburg, in the state of Pennsylvania, one of the United States, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Continental Heat and Light Company," hereinafter called "the Company."

Incorporation.  
Corporate name.

**2.** The head office of the Company shall be at the city of Montreal, or at such other place in Canada as the directors of the Company from time to time, by by-law, determine; but the Company may establish other offices and places of business in other provinces of Canada and elsewhere.

Head office.

**3.** The persons named in the first section of this Act shall be the provisional directors of the Company, four of whom shall form a quorum, and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only.

Provisional directors.

**2.** The provisional directors resident out of Canada may vote and act as such provisional directors by proxy or power of attorney, and the holders of such proxies need not be provisional directors of the Company.

Non resident directors may vote by proxy.

- Capital stock.** **4.** The capital stock of the Company shall be one million dollars divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary.
- First general meeting.** **5.** When and so soon as five hundred thousand dollars of the capital stock of the Company have been subscribed and twenty per cent of that amount has been paid into some chartered bank in Canada, the first general meeting of the Company shall be held in the city of Montreal, at such time as the provisional directors, or any four of them, determine; and notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of such time and place, postage prepaid and registered, to the address of each shareholder of the Company.
- Election of directors.** **6.** At the first general meeting of the Company and at each annual meeting, the subscribers for capital stock present or represented by proxy, who have paid all calls due on their shares, shall choose to be directors of the Company not less than three nor more than nine persons, each of whom shall hold at least ten shares of the capital stock of the Company.
- Duration of office.** 2. The directors elected at the said meeting shall hold office only until the first annual meeting of the Company.
- Change in number of directors.** 3. The number of directors may be changed from time to time, by vote of the shareholders at any general meeting of the Company.
- Powers of Company.** **7.** The Company may—
- Gas.** (a.) manufacture, supply, sell and dispose of gas and electricity for the purpose of light, heat or motive power, and any other purpose for which the same may be used; and may deal with, manufacture and render saleable and sell or otherwise dispose of coke, coal-tar, pitch, asphaltum, ammoniacal liquor, and other residual products arising or to be obtained from the materials used in the manufacture of gas;
- Electricity.** (b.) acquire, manufacture, construct, lay, erect, maintain and operate all works for holding, receiving and purifying gas, and all other buildings and works, structures, apparatus, meters, pipes, wires, appliances, fittings, supplies and machinery necessary or advisable in connection with the said business, and may deal with or dispose of the same, in any manner that the directors deem advisable;
- Tar, etc.** (c.) acquire by purchase, license or otherwise, and use, license or otherwise dispose of any invention, or letters patent, or any right to use, or employ any inventions in connection with the production, manufacture or supply of heating, motive and illuminating gas or electricity, or any of the residual products thereof;
- Gas works.** (d.) acquire and operate the works, stock, property, franchises, assets and business of any person, company, city, town, municipality or village, and whether incorporated or not,
- Patent rights, etc.**
- Acquire property.**

authorized to carry on any business comprised in the objects of this Act, or enter into any arrangement for such purpose or in connection therewith, and for assuming the liabilities of such person, company, city, town, municipality or village in respect thereof, and acquire, hold or dispose of the whole or any part of the shares, debentures, and securities of such person, company, city, town, municipality or village, with which the Company has entered into an arrangement or contract ;

(e.) construct furnaces, coke ovens, tramways, wharfs, docks, offices and all necessary buildings, and purchase, hire, build and repair steam and other vessels for the purposes of the Company ;

Construct works.

Control vessels.

(f.) grant licenses to any person, company, or municipal corporation to use any patent, license or right held and owned by the Company, and may receive payment therefor, either in cash, or in bonds or debentures or in fully paid-up shares of the capital stock of any other such company or corporation, and the Company may to such extent become a shareholder in any such company.

Grant licenses.

8. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other electrical contrivances thereon and may also, with such consent, enter upon any highway or public place for the purpose of laying and maintaining pipes for the conveyance of gas;—and may supply gas and electricity to any municipal corporation, or to any unincorporated town or village, and, as often as the Company thinks proper, may enter upon, use, break up and open any highway or public place, subject, however, to the following provisions:—

Power to enter upon highway, etc.

Erect poles, Stretch wire,

Lay pipes,

Supply gas and electricity,

Break up highway.

(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building ;

Travel not to be obstructed.

(b.) The Company shall not permit any wire to be suspended less than twenty-two feet above the level of the street or highway, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;

Height of wires.

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

Kind of poles.

(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;

Cutting poles or wires in case of fire.

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

Injury to trees.

Supervision of municipality.

(f.) The opening up of streets for the erection of poles, or for carrying wires or pipes under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company;

Surface of streets to be restored.

Future legislation as to carrying wires under ground.

(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;

Workmen to wear badges.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified;

Private rights.

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

Temporary removal of wires and poles.

(j.) If, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;

Notice to Company.

Liability for damage.

(k.) The Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works.

Borrowing powers.

9. The directors may, whenever authorized by a by-law for that purpose approved by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money, not exceeding in amount seventy-five per cent of the paid-up capital stock of the Company, as the shareholders deem necessary, and may issue bonds or debentures therefor in sums of not less than one hundred dollars each, at such rate of interest

Issue of bonds, etc.

interest and payable at such times and places, and secured in such manner by mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be prescribed in such by-law or decided upon by the directors under the authority thereof. The Company may make such provision respecting the redemption of such securities as may be deemed proper.

**10.** The directors may make and issue as paid-up and un-assessable stock shares of the capital stock of the Company in payment of and for all or any of the businesses, franchises, undertakings, properties, rights, powers, privileges, letters patent, contracts, real estate, stock and assets and other property of any person, company or municipal corporation which it may lawfully acquire in virtue of this Act, and may allot and hand over such shares to any such person, company or corporation or to its shareholders; and may also issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind, or services rendered to the Company, and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon and the Company may pay for any such property or services rendered to the Company wholly or partly in paid-up shares or wholly or partly in debentures as to the directors may seem proper.

Directors may issue paid-up shares.

**11.** All shares in the Company shall be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless it has been otherwise agreed upon or determined by a contract duly made in writing and filed with the Secretary of State at the time of or before the issue of such shares.

Payment of shares.

**12.** After the whole of the capital stock hereby authorized has been issued, and fifty per cent thereon paid up, the capital stock of the Company may be increased from time to time to an amount not exceeding five million dollars, by a resolution of the shareholders passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy, at a special general meeting of the shareholders duly called for considering the same, and such increased capital stock may be issued, and shall be dealt with in the same manner as the original capital of the Company.

Increase of capital.

**13.** The directors may, from time to time, with the consent of a majority of the shareholders, present or represented by proxy at a meeting called for such purpose, issue debenture

Debenture stock.

stock, which shall be treated and considered as a part of the regular debenture debt authorized by section nine of this Act, in such amounts and manner, on such terms and bearing such rate of interest as the directors from time to time think proper, but subject to the limitations in this Act provided, so that the amount borrowed on the security of debenture bonds or debenture stock, shall not in the whole exceed seventy-five per cent of the paid-up capital stock of the Company.

How debenture stock to rank.

**14.** The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the Company, and the holders thereof shall not be liable or answerable for any debts or liabilities of the Company.

Entry of debenture stock in register.

**15.** The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept for that purpose at the head office, wherein shall be entered the names and addresses of the several persons from time to time entitled to the debenture stock, with the respective amounts of the stock to which such persons are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company, without the payment of any fee therefor.

Transfer of stock.

**16.** All transfers of the debenture stock of the Company shall be registered at the head office of the Company, but the Company may have transfer books of such debenture stock in Great Britain and Ireland or elsewhere in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office of the Company.

Stock certificates.

**17.** The Company shall, if required, deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him and the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares of the capital stock of the Company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Powers of attorney by directors.

**2.** The directors may, with respect to the issue of certificates of debenture stock, delegate the powers of the Company to agents and attorneys or to any corporation organized for the purpose of transacting such business.

Rights of debenture stockholders.

**18.** The holders of debenture stock shall not be entitled as such to be present or to vote at any meeting of the Company, nor shall such stock confer any qualification, but it shall, in all respects not otherwise provided for by or under this Act, be considered as entitling the holders to the rights and powers of

mortgagees of the undertaking, except the right to require repayment of the principal money paid up with respect to the debenture stock.

**19.** The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient. Exchange of bonds and stock.

**20.** The mortgage bonds, debentures and debenture stock of the Company may be issued either in Canadian currency or in sterling, or in both, at the option of the Company. Currency in which bonds, etc., may be issued.

**21.** The Company may receive from any government or from any person, city, town, municipality or village, and whether incorporated or not, and having power to make or grant the same in aid of the construction, equipment and maintenance of the said works, grants of lands, exemption from taxation, loans, gifts of money, guarantees and other securities for money, and may hold and dispose of the same for the purposes of the Company. Power to receive aid.

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







## 60-61 VICTORIA.

### CHAP. 73.

#### An Act respecting the Welland Power and Supply Canal Company, Limited.

[Assented to 21st May, 1897.]

**W**HEREAS the Welland Power and Supply Canal Com-  
pany, Limited, has by its petition represented that it has  
caused surveys of the route of its works to be made, and plans  
therefor to be prepared, and that such plans have been  
duly deposited with the Minister of Railways and Canals  
for approval by the Governor in Council, and the said Com-  
pany has petitioned that the time for commencing and com-  
pleting its works 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 Com-  
mons of Canada, enacts as follows:—

**1.** The times limited by section twelve of chapter one  
hundred and two of the statutes of 1894, for the commence-  
ment and completion of the works of the Welland Power and  
Supply Canal Company, Limited, are hereby extended for two  
years and three years respectively from the passing of this Act;  
and if the said works are not so commenced and completed,  
then the powers granted by the said Act and this Act shall  
cease and be null and void as respects so much of the said  
works as then remains uncompleted.

Preamble.

Time extended  
for construc-  
tion of works.

1894, c. 102.

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most Excellent Majesty.





## 60 - 61 VICTORIA.

### CHAP. 74.

#### An Act respecting the Ottawa Gas Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Ottawa Gas Company has, by its petition, Preamble. prayed for the passing of an Act to amend as herein-after mentioned the Acts respecting the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The capital stock of the Ottawa Gas Company, hereinafter called “the Company,” which now consists of shares of twenty dollars each, par value, shall, after the passing of this Act, consist of one-fifth of the same number of shares of one hundred dollars each, par value, and any further amount divided into shares of one hundred dollars each, par value, by which the said capital stock may be increased as hereinafter provided, in order to make payment for the fractional parts of shares of one hundred dollars each, par value, to which, as the result of the conversion of shares under this Act any holder of the present shares of twenty dollars each, par value, shall be entitled. New division of capital stock.

**2.** For every five shares of a par value of twenty dollars each of the capital stock of the Company now issued and held by any shareholder, or by two or more shareholders jointly, he or they shall, upon the passing of this Act, be entitled to one share of the said stock of the par value of one hundred dollars. Exchange of old for new shares.

**3.** Any shareholder who holds less than five shares of the capital stock of the Company of twenty dollars each, may surrender them to the Company, or may, if he can obtain them, purchase a sufficient number of such shares to make up five shares of twenty dollars each, so as to entitle him to one of the shares of one hundred dollars each; and any shareholder who holds such a number of the said shares of twenty  HOLDERS OF LESS THAN FIVE SHARES MAY SURRENDER THEM TO COMPANY.

Issue of new shares to equal the amount of the old shares.

dollars each as is not divisible into new shares of one hundred dollars each without a remainder, may surrender the said remainder or surplus shares of twenty dollars each to the Company: and thereupon the Company shall issue conjointly to the persons who have so surrendered shares under this section such number of the shares of one hundred dollars each, par value, as shall be equal to the amount of such surrendered shares, par value, in order that such persons may hold or dispose of the said shares of one hundred dollars each for their joint benefit proportionately to their ownership in the said surrendered shares.

New shares may be issued and sold to purchase old shares remaining unconverted.

4. If on the first day of November next there remain unconverted under the foregoing sections of this Act, any number of shares of twenty dollars each, not less than five, the directors may issue shares of one hundred dollars each in the proportion of one for every five of such unconverted twenty-dollar shares, and cause such new shares to be sold in such manner as the directors think will best produce the largest return therefor, and thereafter they shall distribute the proceeds of the shares so sold among the shareholders of such unconverted shares in the proportions in which they are entitled thereto as holders of the said shares of twenty dollars each, and thereupon, without any transfer or other formality being required, all the rights of such holders of shares of twenty dollars each, par value, shall belong to and be vested in the Company.

Holders of fractional parts of new shares may increase to whole shares.

2. If on the second day of November next there remain unconverted under the foregoing sections of this Act, what is equal to only a fractional part or parts of a share of one hundred dollars, par value, the holder or holders thereof shall have a right at any time within one month after the said second day of November next to pay to the Company such sum or balance as will, with the then value of such unconverted share or shares, make up the then value of a full new share of the capital stock of the Company of one hundred dollars, par value, and a new share of the capital stock of the Company of the par value of one hundred dollars shall thereupon be issued by the directors to each such shareholder, and if such amount is not paid by any such shareholder to the Company within the delay aforesaid, the amount representing the then value of such unconverted share or shares held by such shareholder shall be placed at the credit of such shareholder in the books of the Company, and shall be subject to his order; and thereupon, in either case, without any transfer or other formality being required, all the rights of such shareholder in such unconverted share or shares shall belong to and be vested in the Company.

Value of fractional share to be fixed by directors.

8. The value of such share or fractional part of a share of one hundred dollars shall, for the purposes of this section, be fixed by the directors.

5. The register of shareholders of the Company shall be amended in accordance with the foregoing provisions of this Act, and, except for the purposes of the said provisions, the existing shares of the said stock of the Company are hereby extinguished.

Register of shareholders to be amended.

Existing shares extinguished.

6. The Company may, from time to time, add to the amount of its capital stock, as the same stands when the conversion of shares provided for under the preceding sections of this Act has been completed, any amount or amounts divided into shares of one hundred dollars each, par value, until its whole stock shall be five hundred thousand dollars, but no greater amount: Provided that such increase of the capital stock shall be agreed upon by the same majority of votes and in the same manner as is now provided for by section two of chapter seventy-one of the statutes of 1876.

Increase of capital stock under certain circumstances.

Proviso.

7. Any new stock issued under the preceding section of this Act shall be allotted to the then shareholders *pro rata* at par, or at such rate of premium as shall be fixed by the directors: Provided always that any of such increased stock, which shall not be taken up and subscribed for by any shareholder within one month from the time when notice of the allotment thereof shall have been mailed prepaid in the post office at the city of Ottawa to his address, may be opened for subscription to the public in such manner and on such terms as the directors may determine.

New stock issued to be at par.

Proviso.

8. Sections two and three of chapter seventy-one of the statutes of 1876 are hereby repealed.

1876, c. 71, ss. 2, 3, repealed.

9. Notwithstanding anything contained in any of the Acts respecting the Company, or in any Act the provisions whereof apply to the Company or in the by-laws of the Company, the tenure of office of the directors of the Company shall be as follows, that is to say:—The present directors shall hold office until their successors are appointed; one of the present directors shall retire at the next annual meeting of the Company, and one at each annual meeting thereafter, until all have so retired; the director who shall first so retire shall be the one who has been longest in office as such, and, as between those who have been for the same period in office, the director to retire shall be the one agreed upon or decided upon by lot amongst themselves. After all the present directors shall have retired as above provided for, the then directors shall retire one in each year in the same manner as above provided for in regard to the present directors.

Directors' tenure of office.

2. At each annual meeting there shall be elected from amongst the shareholders qualified therefor, one or more directors to fill any then existing vacancies in the board of directors, and any retiring director shall be eligible for re-election as a director if otherwise qualified.

Election of directors to fill vacancies.

Vacancies  
may be filled  
by board.

3. Any vacancy in the board of directors occurring during the year following any annual meeting shall be filled by election by the remaining directors, and every director so elected shall hold office for the same period and retire in the same manner as if he had been elected at an annual meeting.

This Act to be  
approved by  
shareholders  
before it takes  
effect.

10. The provisions of this Act shall have no force or effect until they have been approved of by the votes of not less than two-thirds in value of the shareholders present or represented by proxy at a general meeting of the Company duly called.

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most Excellent Majesty.



# 60-61 VICTORIA.

## CHAP. 75.

An Act respecting La Banque du Peuple.

[Assented to 29th June, 1897.]

**W**HEREAS La Banque du Peuple, incorporated by an Act Preamble.  
of the Parliament of the late province of Canada, being 1843, c. 66.  
chapter sixty-six of the statutes of 1843, has, by its petition,  
represented that at a meeting of its depositors and creditors it  
obtained an extension of two years from the first day of May,  
one thousand eight hundred and ninety-seven, to pay the debts  
due by the said bank to the said depositors and creditors; and  
that the directors of the said bank have been authorized by  
the said depositors and creditors to pay in instalments of ten  
per cent the amount of their claims as soon during the said two  
years as the said directors shall realize upon the securities of  
the said bank, as set out in the resolution in schedule A to this  
Act; and whereas the said bank has, by its petition, prayed  
that an Act be passed to confirm the said resolution, 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 resolution contained in schedule A to this Act Resolution confirmed.  
is hereby ratified and confirmed, and the extension of time and  
the manner of such extension granted to the corporation of La  
Banque du Peuple hereinafter called "the Bank," to pay its Time extend-  
ed for pay-  
ment of  
creditors.  
1890, c. 31.  
R.S.C., c. 129.  
creditors and depositors, are hereby declared valid and binding  
from the first day of May, eighteen hundred and ninety-seven,  
notwithstanding anything to the contrary contained in the  
Bank's Act of incorporation, or the Acts amending it, or in  
*The Bank Act* or *The Winding Up Act*.

**2.** The directors and the representatives of the depositors, Who to be  
liquidators.  
creditors and shareholders of the Bank shall, for the purposes  
of this Act, be considered the liquidators of the Bank. They  
shall in addition to the powers conferred upon them by the  
resolutions in schedules A and B to this Act, have the same  
powers and duties as liquidators appointed by virtue of *The  
Winding Up Act*, but their services shall be gratuitous.

**2.** In the event of any vacancy occurring among the repre- Vacancies.  
sentatives of the depositors or creditors of the Bank by death,  
resignation or otherwise, such vacancy shall be filled by the  
depositors



depositors and creditors at a meeting to be called within thirty days after such vacancy occurs.

Rights saved.

**3.** Nothing in this Act or in the said resolutions shall be construed to discharge the Bank or its directors from their obligations, nor to affect the respective rights and obligations of the parties, but, during the period of the additional extension granted to the Bank to reimburse its creditors and depositors, the recourse of the latter against the directors personally shall be suspended.

Act to apply  
to pending  
suits.

**4.** This Act shall apply to suits pending and judgments recovered, except as to costs.

#### SCHEDULE A.

Extract from the minute book of the board of directors of La Banque du Peuple.

MONTREAL, Monday, March 8th, 1897.

On motion of John P. Kelly, seconded by John Crawford, the following resolution was adopted unanimously: "Whereas an extension of two years was granted the board of directors of La Banque du Peuple, in order to pay the creditors of the said bank the total amount of their claims; and whereas the board of directors has already been able, within the extension agreed on, to realize and pay fifty per cent of the said claims in the ordinary way of business; and whereas, nevertheless, the board of directors has for several months past, by reason of the general depression in business, been face to face with insurmountable difficulties in the way of realizing within the period of extension agreed on the two other payments still due as is explained in the circular hereunto annexed [*not printed*]; and whereas this meeting of those interested in La Banque du Peuple is confident that a revival of business will soon take place; and whereas those interested have no reason for insisting on a liquidation which would be likely to depreciate, with profit to no one, securities which can be realized upon in full within a reasonable time; and whereas the present administration of the bank possesses the confidence of those interested: Resolved, first, that the parties interested grant to the existing directors of La Banque du Peuple a further extension of two years, commencing from the first day of May, 1897, to pay the two instalments still due on their claims. Secondly, that the directors are authorized to pay the said two instalments, namely fifty per cent, being the balance of the claims still due, in payments of ten per cent in proportion as the securities are realized on. Thirdly, that the parties interested are confident that this realization will be made within the extension of two years asked for, to end on the first of May, 1899. Fourthly, that a general meeting of creditors of the Bank be called

every six months from the first of May next, until the first of May, 1899, for the purpose of keeping those interested informed of the progress of the voluntary liquidation." And the meeting was then declared closed, after a vote of thanks to the Honourable A. Boyer, and Mr. John Crawford, representing the depositors.

A true copy,

OVIDE DUFRESNE, Jr.,  
*Manager.*

J. GRENIER,  
*President.*

#### SCHEDULE B.

EXTRACT from the minute book of the board of directors of *La Banque du Peuple*, Montreal, 10th January, 1896. The meeting of shareholders adjourned from the third instant to consider the report of the committee on valuation of the assets of the bank met again this day (10th January, 1896) at 10 a.m. James Grenier, Esq., President of the bank in the chair. After a long discussion, it was resolved on motion of Mr. MacMaster, seconded by the Reverend Father Adam and Mr. Lavery, "That this meeting now name a shareholder of at least one year's standing; that the creditors of *La Banque du Peuple* be requested to name in the same manner one from their number, which two persons shall be a committee to represent the shareholders and the creditors of the bank for the following purposes: Firstly, the committee acting jointly with the directors shall choose a competent person outside the service of the bank, who has a knowledge of banking business, and the directors shall appoint him cashier of the said bank. Secondly, they shall consult from time to time with the directors, as often as it may be necessary, upon the best method of realizing upon the assets of the bank until all debts are paid. Thirdly, and they shall in the meantime obtain from the directors the greatest amount of security possible, in order to guarantee as much as possible the payment in entirety of all the debts of the bank, everything, however, being without prejudice to any existing rights against those responsible for the administration of the bank." The meeting then chose its representatives, and it was moved and resolved: "That Mr. John Crawford be named to represent the shareholders, and the Hon. Arthur Boyer and the Hon. L. P. Pelletier to represent the depositors, and they are now named to advise with the board of directors in the administration of the affairs of the bank."

J. GRENIER, *President.*

ARTHUR GAGNON, *Secretary.*

A true copy.

OVIDE DUFRESNE, Jr.,  
*Manager.*





## 60 - 61 VICTORIA.

### CHAP. 76.

#### An Act respecting the Canadian Fire Insurance Company.

[Assented to 29th June, 1897.]

**W**HEREAS the Canadian Fire Insurance Company was incorporated by an Act of the Legislature of the province of Manitoba, being chapter fifty-three of the statutes of 1887, which Act was amended by chapter forty-nine of the statutes of 1895, and the said Company has, by its petition, prayed that an Act be passed declaring it to be a body corporate within the jurisdiction of the Parliament of Canada, and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** The Canadian Fire Insurance Company, hereinafter called "the Company," as now organized and constituted under the statutes mentioned in the preamble, is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Insurance Act* shall,—upon the Company obtaining a license under *The Insurance Act*,—apply to the Company and its business, instead of the said Acts of Manitoba and the Acts of Manitoba respecting insurance: Provided, that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the above-mentioned Acts of Manitoba up to and at the time of the passing of this Act, to all of which rights and privileges the Company shall continue to be entitled, and to all of which liabilities the Company shall continue to be subject, except that the Company or its agents shall not be liable to any penalty by reason of having carried on business in the North-west Territories.

**2.** The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba, but branch offices, sub-boards or agencies may be established and maintained elsewhere,

elsewhere, in such manner as the directors from time to time direct.

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

**Increase of capital.** **2.** The directors may, after the whole capital stock has been subscribed for, and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding one million dollars; but the stock shall not be increased until a resolution of the directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

**Capital stock to be same as under Manitoba statute.** **3.** The capital stock of the Company as authorized by the before-mentioned statutes of Manitoba, shall be deemed to be the same as the capital stock mentioned in subsection one of this section, and no right or claim as to any share thereof shall be prejudiced by anything contained in this Act.

**Directors.** **4.** The present board of directors of the Company, namely, James Henry Ashdown, Frederick William Stobart, George Reading Crowe, Elisha Frederick Hutchings, Robert Joseph Campbell, James A. Richard, and Robert Thomas Riley, shall continue to be the directors of the Company until replaced.

**Number of directors.** **5.** The affairs of the Company shall be managed by a board of seven directors, of whom four shall form a quorum.

**Qualification of directors.** **2.** No person shall be a director unless he holds in his own name and for his own use, at least fifteen shares of the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

**Annual meeting.** **6.** A general meeting of the Company shall be held at the head office once in each year after the organization of the Company and commencement of business; and at such meeting a statement of the affairs of the Company shall be submitted; special general meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

**Special meetings.**

**Notice of meeting.** **2.** Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders, mailed at least twenty days before the day for which the meeting is called and addressed to the addresses of the shareholders respectively given in the books of the Company.

**Insurance against fire or lightning.** **7.** The Company may make and effect contracts of insurance with any person against loss or damage by fire or lightning in or to any house, dwelling, store, or other building whatsoever, and to any goods, chattels, bridges, railway plant

or personal estate whatsoever, for such time and for such premiums or considerations and under such modifications and restrictions and upon such conditions as are agreed upon between the Company and the insured.

2. The Company may also cause itself to be insured against any risk it may have undertaken in the course of its business. Re-insurance.

8. Before obtaining the license required by *The Insurance Act* at least sixty-two thousand five hundred dollars of capital stock shall be paid into the funds of the Company, to be appropriated only for the purposes of the Company under this Act, and thereafter in each succeeding year for three years, a further sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock of the Company. Amount of stock to be paid in before business commenced.

9. The Company may invest its funds in the debentures, bonds, or other securities of Canada or of any province thereof, in the securities of any municipal corporation of Canada, or on the security of the debentures of any incorporated building society, loan or investment company in Canada, or on the security of real estate or mortgage security thereon, or on the security of leasehold for a term of years or other estate or interest in real property or mortgage security thereon in any province of Canada, 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 securities as aforesaid, such loans to be on such terms and conditions and in such manner and at such times and for such sums and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest and return, as the 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; provided further, that the Company may take any additional securities of any nature to further secure the repayment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company is hereby authorized to invest or lend any of its funds. Further annual payment.  
Investment of funds.

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

11. The Company may hold such real estate as is mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered: Provided always, that all real estate so mortgaged or conveyed in security as aforesaid Real estate.  
Proviso.

said 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.

R.S.C., c. 124. **12.** This Act and the Company and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act* and any Act amending it.

R.S.C., c. 118. **13.** Notwithstanding anything contained therein in any other Act, *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Company, and shall be incorporated with and form part of this Act, in so far as it is not inconsistent with any of the provisions hereinbefore contained.

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most Excellent Majesty.



## 60 - 61 VICTORIA.

### CHAP. 77.

#### An Act to incorporate the Methodist Trust Fire Insurance Company.

[Assented to 21st May, 1897.]

**W**HEREAS the persons hereinafter named have, by their Preamble. petition, prayed to be incorporated with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Honourable James Cox Aikins, Richard Brown, Edward Gurney, Warring Kennedy, John T. Moore, William Briggs, Albert Carmen and Alexander Sutherland, all of the city of Toronto, the Honourable William E. Sanford, of the city of Hamilton, James Cooper Antliff and William Isaac Shaw, both of the city of Montreal, William Kettlewell, of the town of Galt, Byron Moffatt Britton, of the city of Kingston, and Edmund Duckett O'Flynn, of the village of Madoc, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Methodist Trust Fire Insurance Company," hereinafter called "the Company." Incorporation. Corporate name.

**2.** The Company may make and effect contracts of insurance with any minister of the Methodist Church and with any person representing any of the estate belonging to or held in trust for or to the use of the Methodist Church, or belonging to, or held in trust for or to the use of any corporation under the government or control of, or recognized as an institution of the Methodist Church, and representing any of the property under the jurisdiction of the Parliament of Canada, held in trust for or to the use of any congregation, circuit, station, or mission of the Methodist Church, against loss or damage by fire or lightning on any churches, chapels, meeting-houses, parsonages, dwellings, barns, stables or other houses or buildings whatsoever held as aforesaid or owned by any minister of Powers and business.



the Methodist Church, and on any goods, chattels or personal effects or estate whatsoever held as aforesaid or owned by any minister of the Methodist Church, for such time and for such premium or consideration and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the Company and the assured, and may cause itself to be re-insured against any loss or risk which it incurs in the course of its business, and generally may do and perform all other necessary matters and things connected with and proper to promote such objects.

**Capital stock.** **3.** The capital stock of the Company shall be five hundred thousand dollars divided into shares of twenty dollars each; and the Company may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, from time to time increase the capital stock to an amount not exceeding in the whole one million dollars, by a resolution adopted by a majority in number and amount of the shareholders at a meeting specially called for that purpose.

Increase of capital stock.

Provisional directors.

**4.** The persons named in the first section of this Act are hereby constituted provisional directors of the Company, and of such provisional directors seven shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions for stock for the undertaking, make calls on stock subscribed and receive payments thereon and shall deposit in a chartered bank of Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and withdraw the same for the purposes only of the Company, and may do generally whatever is necessary to organize the Company.

First meeting of Company.

**5.** So soon as two hundred and fifty thousand dollars of the capital stock of the Company has been subscribed and sixty-two thousand five hundred dollars paid in, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named, in the city of Toronto, in the province of Ontario, giving twenty-one days' notice thereof in one newspaper published in Toronto—a copy of which notice shall be addressed to each shareholder and mailed to the address given in the books of the Company at least fifteen days before the meeting, at which general meeting the shareholders present or represented by proxy and who have paid not less than twenty-five per cent of the amount of shares subscribed for by them, shall elect directors who shall be subjects of Her Majesty and shall be ministers or members of the Methodist Church, and shall further be stockholders at the time of their election and during their continuance in office to the amount of forty shares each, and have paid all calls due thereon and liabilities incurred by them to the Company; provided always that the Company shall not commence the business of insurance until two hundred and fifty thousand

Election and qualifications of directors.

Amount to be subscribed before busi-

dollars of the capital stock shall have been subscribed, and sixty-two thousand five hundred dollars paid in thereon, and that within one year after the Company shall have so commenced business at least fifteen thousand dollars of additional capital shall be called up and paid in and a further sum of fifteen thousand dollars within one year thereafter.

**6.** The affairs of the Company shall be managed by a board of nine directors, of whom not less than three shall be ministers of the Methodist Church. Five of such directors shall form a quorum.

Number of directors.

**7.** No instalment subsequent to the first instalment shall exceed ten per cent of the sum subscribed, and at least thirty days' notice of every call shall be given, and instalments shall not be payable more frequently than once in three months.

Calls on stock.

**8.** A general meeting of the shareholders of the Company shall be held once in each year after the organization of the Company and commencement of business, at such time and place as the directors by by-law determine, after notice has been published for at least twenty-one days prior thereto in one newspaper published in Toronto, and a copy of such notice has been mailed to each shareholder entitled to vote, to the address given in the books of the Company, at least fifteen days before such meeting; and at such meeting a full and unreserved statement of the affairs of the Company shall be submitted.

Annual meeting.

**9.** The head office of the Company shall be in the city of Toronto in the province of Ontario, or in such other city in Canada as is hereafter decided on by by-law, 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.

Head office.

Branch offices.

**10.** The Company may invest its funds in the debentures, bonds, or other securities of Canada or of any province thereof, in the securities of any municipal corporation of Canada, or on the security of the debentures of any incorporated building society, loan or investment company in Canada, or on the security of real estate or mortgage security thereon, or on the security of leasehold for a term of years or other estate or interest in real property or mortgage security thereon in any province in Canada, and may change and re-invest the same as occasion from time to time requires, and 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 securities as aforesaid, such loans to be on such terms and conditions and in such manner and at such times and for such sums and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest

Investment of funds.

terest 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; provided further, that the Company may take any additional securities of any nature to further secure the repayment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company is hereby authorized to invest or lend any of its funds.

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.

Profits, how appropriated.

**12.** The directors, after providing an ample reserve fund and after making full provisions for the business liabilities and expenses of the Company and for the dividend payable to the shareholders as hereinafter provided, shall pay the surplus profits, if any, to the Superannuation and Supernumerary Funds as defined in the Discipline of the Methodist Church in proportion to the premium income from the respective territories covered by such funds.

Powers as to real estate.

Proviso.

**13.** The Company may receive and hold all 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, his heirs or assigns.

Dividends.

**14.** No dividend of more than six per cent on the paid-up capital shall be declared or paid to the stockholders in any one year.

R.S.C., c. 124.

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

R.S.C., c. 118.

**16.** *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.



## 60 - 61 VICTORIA.

### CHAP. 78.

#### An Act to incorporate the National Life Assurance Company of Canada.

[Assented to 29th June, 1897.]

**W**HEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated for the purposes 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.** Henry S. Howland, Elias Rogers, George L. Milne, Robert A. Stevenson, Thomas C. Irving, William Stone, John Pugsley, and Richard H. Tomlinson, together with such persons as become members of and shareholders in the company hereby incorporated, are hereby constituted a body corporate, under the name of "The National Life Assurance Company of Canada," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The Company may effect contracts of life insurance with any person, and may grant, sell or purchase annuities, grant endowments, and generally carry on the business of life insurance in all its branches.

Business of life insurance.

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

Capital stock.

**4.** The persons whose names are set forth in the first section of this Act, together with such persons, not exceeding six, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

Provisional directors.

First meeting  
of Company.

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

Election of  
directors.

Qualification  
of directors.

**2.** No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Calls on stock.

**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 shall be given of any call: Provided that the Company shall not commence the business of insurance until sixty-five thousand dollars of capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act: Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.

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

Number of  
directors.

**7.** The affairs of the Company shall be managed by a board of not less than seven, nor more than twenty-five directors, of whom a majority shall be a quorum.

Annual  
meeting.

**8.** A general meeting of the Company shall be called once in each year after the organization of the Company and the commencement of business, at its head office; and at such meeting a statement of the affairs of the Company shall be submitted.

Head office.

**9.** Until otherwise determined by the directors, the head office of the Company shall be in the city of Toronto, and the directors may from time to time change the head office to some other place in Canada; and branches, sub-boards or agencies may be established, either within Canada or elsewhere, in such manner as the directors from time to time appoint.

Branch offices.

Investment  
of funds.

**10.** The Company may invest its funds in the debentures, bonds, stock or other securities of Canada, or of any province of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, incorporated or doing business in Canada, or on the security of the policies of such company, or on the security of

any of the said debentures, bonds, stock, securities or policies, or on the security of paid-up shares of any such building society, loan or investment company, and whether such debentures, bonds, stock, securities, policies or shares are assigned absolutely or conditionally, or by assignment in the nature of a charge or mortgage thereon to the Company, or to any officer of the Company or other person in trust for the Company, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for a term or terms of years, or in ground rents on real estate or other estate or interests in real property or mortgage security thereon in any province of Canada; and in or upon any bonds or debentures of any of the states of the United States, or of any municipalities in the United Kingdom, or in the United States, or in mortgages on real estate therein; but the amount so invested in the United Kingdom shall not at any time exceed the reserve upon all outstanding policies in force in the United Kingdom, and the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States; and such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act*; and may take, receive and hold all or any of such securities, in the name of the Company, or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the Company on the security of any of such classes of property above referred to. Proviso.

2. Any investment or loan above authorized to be made, may be on such terms and conditions, and in such manner, and at such time and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, as the directors from time to time determine, and either in satisfaction of, or as collateral security for, debts due to the Company, or judgments recovered against any person in its behalf, or in security for the payment thereof or of any part thereof. Terms of loans to be fixed by directors.

3. Provided further that the Company may take any additional security of any nature to further secure the repayment of any liability to the Company, or to further secure the sufficiency of any of the securities upon which the Company is hereby authorized to lend any of its funds. Additional securities.

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

**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 Powers as to real estate.

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.

Real estate required for Company's use.

**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 Ontario, where it shall not exceed ten thousand dollars.

Distribution of profits.

**14.** The directors may from time to time set apart such portion of the net profits as they deem safe and proper, for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources ; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof ; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared, and the directors shall not be obliged to allot such portion of profits to such holders of participating policies oftener than once in five years.

Participating policyholders right to vote.

**15.** The Company may agree to give to holders of participating policies the right to attend and vote in person at all general meetings of the Company ; and if the Company so determines, then all persons who are actual holders of policies from the Company, whether such persons are shareholders of the Company or not, and who are by the terms of their policies entitled to participate in profits, and are referred to in this Act as holders of participating policies, shall be members of the Company and be entitled to attend and vote in person at all general meetings of the Company ; and every holder of a participating policy of the Company for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy.

Policy held for benefit of another.

**2.** A husband or father holding a participating policy on his life for the benefit of his wife or children shall be deemed a member of the Company.

Paid-up policies in certain cases.

**16.** Whenever any holder of a policy other than a term or natural premium policy has paid three or more annual premiums thereon and fails to pay any further premium, or desires to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-

up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum to be ascertained upon principles to be adopted by by-laws applicable generally to all such cases as may occur, provided he demands such paid-up and commuted policy or such cash payment while the original policy is in force, or within six months after his failure to pay a premium thereon.

**17.** 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.

**18.** 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, and shall be incorporated with and form part of this Act, in so far as is not inconsistent with any of the provisions hereinbefore contained. R.S.C., c. 118.

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## 60 - 61 VICTORIA.

### CHAP. 79.

#### An Act respecting the North American Life Assurance Company.

[Assented to 29th June, 1897.]

**W**HEREAS the North American Life Assurance Company Preamble. has, by its petition, prayed that its Act of incorporation, and the Act amending it, 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:—

**1.** The North American Life Assurance Company, hereinafter called “the Company,” may effect contracts of life insurance throughout Canada and elsewhere with any person, grant, sell or purchase annuities, grant endowments, purchase contingent rights, reversions or remainders, enter into any transactions dependent on the contingency of life, and generally carry on the business of life insurance in all its branches. Powers of Company.

**2.** Section three of the Act incorporating the Company, being chapter seventy-three of the statutes of 1879, is hereby repealed and the following substituted therefor:— 1879, c. 73, s. 3 repealed.

**3.** The guarantee fund so subscribed shall be liable for the payment of losses, and may be used for the purposes of the Company in such manner and to such extent as the directors may by by-law determine; the said guarantee fund shall be redeemable by the Company out of the accumulated surpluses, at such time and upon such terms as shall be decided by a majority of the members present at a general meeting called for that purpose, or at an annual general meeting of the Company; and, until redemption, the directors may pay to the holders of shares thereof dividends on the amount paid up, at such rate as may be agreed upon by the directors, but not exceeding fifteen per cent per annum—the profits from the non-participating policies being first applied in or towards the Guarantee fund. Dividends. payment

Proviso.

payment of such dividends; and after such guarantee fund shall have been redeemed, the whole of the divisible profits of the Company shall belong exclusively to the policyholders in the participating branch, and shall be thenceforth divided among them in such proportion and at such times as the directors shall appoint: Provided that the redemption of the guarantee fund shall not be effected until the full deposit required by *The Insurance Act* shall have been made."

Section 15 replaced.

Investments.

**3.** Section fifteen of the said Act of incorporation is hereby repealed and the following substituted therefor:—

"**15.** It shall be lawful for the Company to invest its funds in or on the debentures, bonds or stocks or other securities of the Dominion of Canada or of any province of Canada or the securities of any municipal or school corporation in Canada, or the security of the stock, bonds or debentures of any incorporated building society, loan or investment company, water-works company, gas company, street railway company, electric light or power company, electric railway or street railway company, telegraph company, incorporated in Canada, or of bank stock, 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 in or on policies issued by the Company, or by other companies, or in the purchase of ground rents and in or upon the stock, bonds or debentures of the United States or of any state thereof, or of any municipality in the United Kingdom or in the United States or any state thereof, or in, or on mortgages on real estate therein, (but the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States, and the amount so invested in the United Kingdom shall not at any time exceed the reserve upon all outstanding policies in force in the United Kingdom, and such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act*), and to change and re-invest the same as occasion may from time to time require; and to take, receive, and hold all or any of 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 or loaned by the Company on the security of the said debentures, bonds, stocks, mortgages or other securities as aforesaid; such loans to be on such terms and conditions and in such manner and at such times and for such sums, and in such sums of repayment, whether of principal or interest, or principal and interest together and at such interest and return as the board of directors may from time to time determine and direct, and taken either absolutely or conditionally or as collateral security, or taken in satisfaction of debts due to the  
 182  
 Company,

Company, or judgments recovered against any person or corporation in its behalf, or in security for the payment of the same or of any part thereof: Provided that the Company may take any additional security of any nature to further secure the repayment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company is above authorized to lend any of its funds.”

Additional  
securities.

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## 60-61 VICTORIA.

### CHAP. 80.

#### An Act respecting the Ontario Accident Insurance Company.

[Assented to 29th June, 1897.]

**WHEREAS** the Ontario Accident Insurance Company has, Preamble.  
by its petition, prayed that its Act of incorporation be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section five of chapter eighty-three of the statutes of 1895 is hereby repealed, and the following substituted therefor:— 1895, c. 83, s. 5, repealed.

**“ 5.** The Company may make and effect contracts of insurance with any person against any accident or casualty, of whatsoever nature or from whatsoever cause arising, to individuals, whereby the insured may suffer loss or injury or be disabled, including sickness, not ending in death, or in case of death from any accident or casualty, not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon; and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties, of whatever nature or from whatever cause arising, whereby the insured suffers pecuniary loss or damage or incurs costs.” Scope of insurance contracts. Workmen and employees.

**2.** The Company shall not make and effect contracts of insurance with any person against sickness not ending in death until a further amount of not less than ten thousand dollars of capital stock has been paid in cash into the funds of the Company. Insurance against sickness not ending in death.





## 60-61 VICTORIA.

### CHAP. 81.

An Act to incorporate the Royal Victoria Life Insurance Company.

[Assented to 21st May, 1897.]

**W**HEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated for the purposes hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** Andrew Frederick Gault and James Crathern, of Montreal, Sir Joseph Adolphe Chapleau, of Quebec, the Honourable James O'Brien, Thomas G. Roddick, Robert Mackay, Jonathan Hodgson, the Honourable L. J. Forget, Samuel Finley, John Cassills and David Burke, all of Montreal, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Royal Victoria Life Insurance Company," hereinafter called "the Company."

Incorporation

Corporate name.

**2.** The Company may effect contracts of life insurance with any person, and may grant, sell or purchase annuities, grant endowments, and generally carry on the business of life insurance in all its branches and forms.

Business of life insurance.

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

Capital stock.

**4.** The persons whose names are set forth in the first section of this Act, together with such persons, not exceeding four, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and withdraw

Provisional directors and their powers.



the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

First meeting  
of Company.

**5.** So soon as three hundred and fifty thousand dollars of the capital stock of the Company have been subscribed and twenty 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 Montreal, in the province of Quebec,— at which general meeting the shareholders present or represented by proxy, who have paid not less than twenty per cent on the amount of shares subscribed for by them, shall elect a board of directors.

Election of  
directors.

Qualification  
of directors.

**2.** No person shall be a director unless he holds in his own name and for his own use at least fifty shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

Calls on stock.

**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 per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given: Provided that the Company shall not commence the business of insurance until seventy thousand dollars of capital stock have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.

Commence-  
ment of  
business.

Ten per cent  
to be paid in.

Number of  
directors.

**7.** The affairs of the Company shall be managed by a board of not less than eleven nor more than twenty-five directors, of whom a majority shall be a quorum.

Annual meet-  
ing.

**8.** A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business, at its head office; and at such meeting a statement of the affairs of the Company shall be submitted by the directors.

Head office.

**9.** The head office of the Company shall be in the city of Montreal, and the directors may from time to time establish branches or agencies either within Canada or elsewhere in such manner as the directors from time to time appoint.

Branch offices.

Investment  
of funds.

**10.** The Company may invest its funds in or on the debentures, bonds or stocks or other securities of the Dominion of Canada, or of any province of Canada, or the securities of any municipal or school corporation in Canada, or the security of the bonds or debentures of any incor-  
porated

porated building society, loan or investment company, water-works company, gas company, street railway company, electric light or power company, electric railway company, or telegraph company incorporated in Canada, or on the security of paid-up stock of any such company, or on the security of real estate or mortgage security thereon, or on the security of leaseholds for a term of years, or other estate, or interest in real property or mortgage security thereon in any province of Canada, or in or on its life or endowment policies, or policies issued by other companies, or in the purchase of ground rents, and to change and re-invest the same as occasion from time to time requires; and to take, receive and hold all or any of 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, or loaned by the Company on the security of the said debentures, bonds, stocks, mortgages or other securities, as aforesaid; such loans to be on such terms and conditions, and in such manner and at such times and for such sums, and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest and return, as the board of directors may from time to time determine and direct, and whether they are taken absolutely or conditionally or as collateral security, 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 of any part thereof.

**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. Foreign securities.

**12.** The Company may hold such real estate as is *bona 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. Powers as to real estate. Proviso.

**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 Quebec, where it shall not exceed ten thousand dollars. Real estate required for Company's use.

**14.** The directors may from time to time set apart such proportion of the net profits as they shall deem safe and proper, for distribution as dividends or bonuses to shareholders. Dividends.

ers and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from participating policies, and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart, which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend, shall never be less than one-fifth of the dividend declared.

Rights of certain policy-holders.

**15.** Whenever any holder of a policy, other than a term or natural premium policy, shall have paid three or more annual premiums thereon, and shall fail to pay any further premium, or shall desire to surrender the policy, the premiums paid shall not be forfeited but he shall be entitled to receive a paid-up commuted policy for such sum as the directors may determine, such sum to be ascertained upon principles to be adopted by by-laws, or the directors may pay a sum as a cash surrender value in lieu of such paid-up commuted policy, provided he shall demand such paid-up commuted policy while the original is in force or within six months after his failure to pay a premium thereon.

Holders of participating policies.

**16.** The Company may agree to give to holders of participating policies the right to attend and vote in person at all general meetings of the Company; and if the Company so determines then all persons who are actual holders of policies from the Company, whether such persons are shareholders of the Company or not, and who are by the terms of their policies entitled to participate in profits and are referred to in this Act as holders of participating policies, shall be members of the Company and be entitled to attend and vote in person at all general meetings of the Company, except at those called for the purpose of increasing the capital stock of the Company (and shall not be entitled to vote by way of confirmation or against the confirmation of any by-law for the increase, issue, allotment or sale of capital stock of the Company); and every holder of a participating policy of the Company for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy.

2. A husband or father holding a participating policy on his life for the benefit of his wife or children shall be deemed a member of the Company.

R.S.C., c. 124.

**17.** 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*.

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

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60-61 VICTORIA.

CHAP. 82.

An Act respecting the Sun Life Assurance Company of Canada.

[Assented to 29th June, 1897.]

WHEREAS the Sun Life Assurance Company of Canada has, by its petition, prayed that an Act be passed to extend its powers of investment, 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 Sun Life Assurance Company of Canada, hereinafter called "the Company," may, in addition to the powers heretofore conferred upon the Company, invest its funds in ground rents on real estate or mortgage security thereon, in any province of Canada, and in or upon any bonds or debentures of any state of the United States, or of any municipality in the United States, or in mortgage on real estate therein; but the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States; and such reserve shall be calculated upon the basis prescribed by The Insurance Act.

Preamble.  
1865, c. 43.  
1882, c. 100.  
Investments authorized.  
In Canada,  
In the United States.  
Proviso.  
R.S.C., c. 124.

2. The Company may hold, alienate, convey and mortgage real estate required in part or wholly for the use and accommodation of the Company in the province of Ontario to the annual value of twenty thousand dollars, in the province of Quebec to the annual value of forty thousand dollars, and in each of the other provinces of Canada to the annual value of ten thousand dollars.

Power to hold real estate,  
In Ontario,  
In Quebec,  
In other provinces.

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## 60-61 VICTORIA.

### CHAP. 83.

An Act relating to the Canada Investment and Agency Company (Limited).

[Assented to 29th June, 1897.]

**W**HEREAS the Canada Investment and Agency Company Preamble.  
(Limited), hereinafter called "the Company," has by its petition represented that doubts have arisen with regard to the meaning of section six of chapter ninety-nine of the statutes of 1874, as to the power of the Company to hold real estate acquired in satisfaction of any debt beyond a period of five years from the date of the acquisition thereof; and whereas it is expedient to pass an Act for the purpose of quieting such doubts and of further extending the power of the Company to hold real estate: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1874, c. 99, s. 6.

1. Notwithstanding anything contained in section six of chapter ninety-nine of the statutes of 1874, all real estate heretofore acquired and held by the Company, as well as all real estate now held by it, shall be deemed to have been and to be legally and validly held by the Company, without regard to the period of time such real estate may have been so held; but the Company shall sell any real estate, acquired by it in satisfaction of any debt and now held by it, within five years from the passing of this Act, and shall sell any such real estate hereafter acquired by it within five years from the date of the acquisition thereof, otherwise it shall revert to the previous owner or his heirs or assigns.

Title of Company to real estate validated.

As to real estate hereafter acquired.

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## 60 - 61 VICTORIA.

### CHAP. 84.

#### An Act to incorporate the Canadian Securities Company of Montreal.

[Assented to 29th June, 1897.]

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

**1.** The Honourable Alphonse Desjardins, Charles Meredith, Incorporation.  
the Honourable Alfred A. Thibaudeau, Charles F. Smith,  
James J. Guerin, Michael Guerin and J. A. C. Madore, together  
with such persons as become shareholders in the company  
hereby incorporated, are hereby constituted a body corporate  
under the name of "The Canadian Securities Company of Corporate  
Montreal," hereinafter called "the Company," and the first five name.  
persons above mentioned shall be the provisional directors of Provisional  
the Company, and shall hold office until the first annual directors.  
meeting of the Company.

**2.** The capital stock of the Company shall be five hundred Capital stock.  
thousand dollars, divided into shares of one hundred dollars  
each, which shall be fully subscribed and twenty per cent paid  
thereon in cash before the Company commences business.

**3.** The Company may issue debenture stock and debentures, Debenture  
and may borrow on the security of such debenture stock stock.  
and debentures such sums as it from time to time requires  
for the purposes of its business. The said debenture stock  
and debentures may be issued in such amounts and manner  
and on such terms, and bearing such rate of interest, and in  
such currency as the directors from time to time think proper  
and convenient. The total issue of such debenture stock and  
debentures shall not, at any time, exceed four times the  
amount of its paid-up and unimpaired capital, or the amount  
of its subscribed capital, at the option of the Company.

Entry of debenture stock in register.

**4.** The debenture stock aforesaid shall be entered by the Company in a register to be kept for that purpose at such place as the directors order, in which register shall be set forth the names and addresses of the several persons from time to time entitled to such debenture stock, with the respective amounts of the said stock to which they are respectively entitled, and the register shall be open to inspection by any holder of debenture stock, and such stock shall be transferable at the place where the register is kept in such maner and in such amounts as the directors may from time to time determine.

Transfer.

Rights of holders of debenture stock.

**5.** The Company shall on demand deliver to every holder of debenture stock as aforesaid a certificate stating the amount of debenture stock held by him, the rate of interest payable thereon, and the conditions to which the said stock is subject, but no rights or privileges shall be conferred upon holders of debenture stock with respect thereto other than are held or enjoyed by holders of debentures of the Company.

Exchange of debentures for stock.

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

Debenture stock, how to rank.

**7.** The debenture stock to be issued by the Company shall rank equally with the debentures issued or to be issued by the Company. The directors may, at any time when in their opinion it is in the interest of the Company, buy up and cancel the said debenture stock or any part thereof.

Cancellation.

Loans on real estate.

**8.** The Company may lend and advance money by way of loan, sale with power of redemption (*vente à réméré*), or otherwise, on the security of real estate in accordance with the by-laws it makes concerning such investments, and do all acts necessary for the advancing and repayment of such sums, including the purchase of such real estate when deemed advisable by the board of directors; but the Company may not lend on mines, quarries, manufactories and undivided shares in properties.

Investment of funds.

**9.** The Company may invest moneys in any stock or public securities of Canada, or of any province of Canada, or in any municipal debentures, or in the debentures or obligations of *fabrique*, church and school corporations, or in the debentures of companies having the security of a municipal or government tax, such as water-works companies, or in such securities as are accepted by the Government of Canada as deposits from insurance companies, or in the manner provided in the section next following.

Loans on certain securities.

**10.** The Company may also lend upon the securities mentioned in the next preceding section, or British or foreign public

public securities, or stock in some chartered bank in Canada, or stock in any incorporated building or loan society in Canada, or bonds or debentures, or stock in any incorporated institution or company, listed on any stock exchange in Canada, and other than mining stocks.

**11.** The Company may act as an agency association in the interest and on behalf of persons who entrust it with money, and may, either in the name of the Company or of such persons, borrow or lend or advance money to any person upon such securities as are authorized by this Act or are allowable by section eighty-eight of *The Companies Act*, upon such terms and upon such security as to the Company appear satisfactory, and may purchase and acquire any securities on which they are authorized to advance money, and may re-sell the same.

Act as agency association to loan money.

R.S.C., c. 119.

**12.** The conditions and terms of such loans and advances, of such purchases and re-sales, and of all such other transactions may be enforced by the Company for its benefit and for the benefit of the person or corporation for whom such money has been lent, or such purchases, re-sales and transactions have been made; and the Company shall have the same power with regard to such loans, advances, purchases, sales and other transactions as are conferred on it with regard to loans, advances, purchases, sales and transactions made from its own funds.

Company may enforce contracts, etc., of principals.

**13.** The Company shall transmit on or before the first day of March in each year to the Minister of Finance and Receiver General a statement in duplicate to the thirty-first day of December, inclusive, of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the Company and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of security and also the extent and value of lands held by it, and such other details as to the nature and extent of the business of the Company as the Minister of Finance and Receiver General requires, and in such form and with such details as he from time to time requires and prescribes; but the Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.

Annual statement.

What to contain.

**14.** The Company may increase its capital to five millions of dollars by successive issues of five hundred thousand dollars at a time, after each previous issue of five hundred thousand dollars has been fully subscribed and paid up in cash; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has been submitted to

Increase of capital.

and confirmed by two-thirds in value of the shareholders present or represented at a special general meeting of the shareholders duly called for that purpose.

Head office.                    **15.** The chief place of business of the Company shall be at  
Agencies.                    Montreal, but the Company may establish agencies in any  
part of Canada or of Great Britain and Ireland.

R.S.C., c. 118.                    **16.** Sections thirty-eight and thirty-nine of *The Companies  
Clauses Act* shall not apply to the Company.

R.S.C., c. 119.                    **17.** Sections ninety-nine and one hundred of *The Companies  
Act*, as amended by section ten of chapter twenty of the  
statutes of 1887, and sections one hundred and one and one  
hundred and two of the said Act, shall apply to the Company.

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## 60 - 61 VICTORIA.

### CHAP. 85.

#### An Act respecting the Dominion Building and Loan Association.

[Assented to 21st May, 1897.]

**W**HEREAS the Dominion Building and Loan Association Preamble.  
has, by its petition, represented that it was incorporated on or about the seventh day of May, one thousand eight hundred and ninety, under the authority of chapter one hundred and sixty-nine of the Revised Statutes of Ontario, R.S.O., c. 169.  
1887, intituled *An Act respecting Building Societies*, and of the Acts amending the same, and that by reason of the great extension of its business, the increase in the number of its shareholders, and the extended character of its financial transactions, it is necessary that it should seek from the Parliament of Canada an Act enabling it to carry on business anywhere in Canada, with all the powers of a loan company and building society; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Dominion Building and Loan Association, hereinafter called “the Association,” is hereby authorized, subject to the laws of the several provinces in that behalf, to carry on its business in any province of Canada. Business may be carried on anywhere in Canada.

**2.** The Association may borrow money on debentures or on debenture stock, and receive money deposits; provided that the aggregate amount of money deposits together with the amount of the debentures and debenture stock issued or to be issued and remaining unpaid, may be equal to but does not at any time exceed double the aggregate amount of the paid-up, unimpaired, fixed and permanent capital or shares of the Association not liable to be withdrawn therefrom, together with such further sum as may be equal to but does not exceed the amount remaining unpaid on the subscribed, fixed and permanent capital or shares upon which not less than twenty per cent has been paid, and in no case shall the total Borrowing powers.  
Limitation of amount of money deposits and of debentures.  
201 liabilities

liabilities of the Association to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital or shares in the Association, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the Association, provided that the amount held by the Association on deposit shall not at any time exceed the amount of the paid-up and unimpaired capital of the Association.

Debentures.

**3.** The board of directors may issue debentures of the Association for such sums not less than one hundred dollars each and in such currency as they deem advisable, and payable in Canada or elsewhere, not less than one year from the issue thereof, subject to the limitation hereinbefore provided, and such debentures may be in the form of the schedule to this Act or to the like effect. All debentures heretofore lawfully issued by the Association shall rank equally with the debentures hereafter to be issued by the Association, and shall form part of the general debenture debt of the Association.

Debenture stock.

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

Entry of debenture stock in register.

**5.** The debenture stock aforesaid shall be entered by the Association in a register to be kept for that purpose at such place as the directors order, in which register shall be set forth the names and addresses of the several persons from time to time entitled to such debenture stock, with the respective amounts of the said stock to which they are respectively entitled, and the register shall be open to inspection by any holder of debenture stock, and such stock shall be transferable at the place where the register is kept in such manner and in such amounts as the directors may from time to time determine.

Transfer.

Rights of holders of debenture stock.

**6.** The Association shall on demand deliver to every holder of debenture stock as aforesaid a certificate stating the amount of debenture stock held by him, the rate of interest payable thereon, and the conditions to which the said stock is subject, but no rights or privileges shall be conferred upon holders of debenture stock in respect thereof other than are held or enjoyed by holders of debentures of the Association.

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

8. The debenture stock to be issued by the Association shall rank equally with the debentures issued or to be issued by the Association. The directors may, at any time when in their opinion it is in the interest of the Association, buy up and cancel the said debenture stock or any part thereof. Debenture stock, how to rank. Cancellation.

9. The Association may, subject to the laws of any province in that behalf, for the purposes of its business acquire real estate and sell and dispose thereof; but the Association shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns. Powers as to real estate.

10. The Association may pass a by-law prohibiting absolutely the loaning to shareholders upon the security of their stock, or limiting the aggregate amount which may be so loaned, and the Association shall not repeal such by-law until the liabilities of the Association have been discharged. Loans to shareholders.

11. Nothing herein contained shall be construed as entitling the Association to be exempt from the effect of *The Loan Corporations Act* of Ontario or of any amendments or alterations which shall from time to time be made in the general Acts respecting building societies or loan companies carrying on business with their head office in Ontario. General Acts to apply.

SCHEDULE.

THE DOMINION BUILDING AND LOAN ASSOCIATION, TORONTO, ONTARIO.

Amount	Debenture
\$.....	No.....

Under the authority of an Act of the Parliament of Canada, Victoria, chapter , The Dominion Building and Loan Association hereby promises to pay to the order of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord, one thousand \_\_\_\_\_ hundred and \_\_\_\_\_, at \_\_\_\_\_ the sum of \_\_\_\_\_ dollars with interest in the meantime at the rate of \_\_\_\_\_ per cent per annum from the date hereof, to be paid half-yearly during the currency of this debenture on presentation of the proper coupon as hereunto annexed.







# 60-61 VICTORIA.

## CHAP. 86.

An Act respecting the Dominion Safe Deposit Warehousing and Loan Company (Limited), and to change the name of the Company to the Dominion Safe Deposit and Trusts Company (Limited).

[Assented to 29th June, 1897.]

**W**HEREAS the Dominion Safe Deposit Warehousing and Loan Company (Limited), incorporated by chapter one hundred of the statutes of 1890, has, by its petition, prayed that its name be changed, and that it be empowered to carry on business as a trust company, in lieu of the business heretofore carried on under its 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:—

**1.** The name of the Dominion Safe Deposit Warehousing and Loan Company (Limited), hereinafter called "the Company," is hereby changed from "The Dominion Safe Deposit Warehousing and Loan Company (Limited)," to "The Dominion Safe Deposit and Trusts Company (Limited)," 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 or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed and enforced as if this Act had not been passed.

**2.** Section three of the Act incorporating the Company is hereby repealed.

**3.** The Company may—

(a.) take, receive and hold all estates and property real and personal which are granted, committed, transferred or conveyed to it upon any trust whatsoever not contrary to law, at any time by any association, society or person, or by any order, judgment or decree of any court;

- Administration.** (b.) administer, fulfil and discharge the duties of such trusts for such remuneration as is agreed upon ;
- Management of estates, etc.** (c.) act generally as agent or attorney for the transaction of business, the management of estates, receiving or collecting any principal, interest, rents, coupons, mortgages, debts, dividends, debentures, bills, notes and securities or evidences of debt or demand of any nature, and in the sale or purchase of any real or personal property, and generally in all matters in the nature of a trust or general agency ;
- Issuing stock, etc.,** (d.) act as agent for the purpose of issuing, countersigning, registering or otherwise ascertaining and certifying to the genuineness of certificates of stock, bonds, debentures or other obligations or securities for money of any government, municipal or other corporate body or society duly authorized to issue and make the same, and receive and manage any sinking fund therefor on such terms as are agreed upon, and hold such stock, bonds, debentures or other securities for money as agent or trustee, and act generally as fiscal or other agent for such government, society or corporate body ;
- Investment of moneys.** (e.) invest any moneys forming part of its own capital or reserve or accumulated profit thereon in the manner provided in section five of this Act, and in the bonds or debentures of any corporation, building society or loan company, or on the security of real estate in Canada, or of any interest in such real estate as the directors deem expedient ;
- Guarantee of investments.** (f.) guarantee any investments made by the Company as agent or otherwise ; provided that nothing herein shall be held either to restrict or extend the powers of the Company as trustee or agent under the terms of any trust or agency conferred upon it ;
- Moneys in trust.** (g.) receive moneys in trust and otherwise for the purposes herein specified, and invest and accumulate the same at such rates of interest as may be obtained therefor ;
- Execution of trusts.** (h.) accept and execute all such trusts of every description entrusted to the Company by any government, corporation, association, society or person, or committed or transferred to it by any order, judgment or decree of any court ; accept and execute the offices of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic, and perform the duties of such offices or trusts as fully and completely as any person so appointed could do ; and in all cases where application is made to any court, judge or prothonotary for an appointment to any such office or trust, and such court, judge or prothonotary appoints the Company, then the Company may hold such office or trust, and the court may substitute, if necessary, for any obligations required from a private person appointed to such offices, such usual obligations as are applicable to corporations, and may fix the remuneration of the Company ; the Company may take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise

wise any real or personal estate upon any lawful trusts, and perform and execute such trusts according to the terms and for the purposes declared, established or agreed upon respecting such estate; accept from and execute trusts for married women with respect to their separate property real or personal and act as agents for them in the management of such separate property;

(i.) be the custodian, on such terms as are agreed upon, of any jewellery, plate or other valuable property, and of deeds, wills, debentures and other evidences of title or indebtedness; Custody of jewellery, etc.

(j.) act as investing and managing agent of estates and properties, and for and on behalf of executors, administrators and trustees and of any other persons or corporations; Management of estates.

(k.) receive and collect such remuneration for its services as is agreed upon or as previously fixed from time to time by its by-laws, and all usual and customary charges, costs and expenses. Remuneration.

4. The powers and authority hereby conferred upon and granted to the Company shall not have any force or effect in any province in any respect in which they conflict with the laws of such province. Powers to be subject to provincial laws.

5. The Company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trusts require— Investment of trust moneys,

(a.) in first mortgages, privileges and hypothecs of improved freehold property of ample value in Canada; and the Company may accept personal property or covenants by way of collateral security thereto; or In mortgages,

(b.) in the stock, funds or government securities of Canada or any province of Canada, or of the United States, or guaranteed thereby respectively, or in the bonds or debentures of any municipal corporation in any province of Canada other than municipal corporations having a population of less than two thousand inhabitants or an annual rate of assessment exceeding two cents on the dollar, or in the bonds and debentures of any school district in any such province, or in the public stock, funds or government securities of the United Kingdom, or any of the colonies or dependencies thereof; or In public securities,

(c.) in such securities as are specified by the terms of any trust, or by the order, judgment or decree of a court, judge or prothonotary. In securities specified by court.

2. Nothing in this section shall prevent the Company from holding securities of any other kind that form or are part of any trust estate which comes into its hands; and it may hold such securities subject to the trusts and legal obligations attaching thereto, but in case of the realization of any portion thereof the proceeds shall be invested as herein directed unless the will, deed, order or instrument creating the trust has provided otherwise. Holding of securities.

Trust moneys to be kept distinct.

**6.** The moneys and securities of each trust shall always be kept distinct from those of the Company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other, in the registers and other books of account to be kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets of the Company; and the Company shall, in the receipt of rents, and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith: Provided always, that in the management of money and property held by the Company as trustee, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment, at the time of the making of such appointment, otherwise directs, invest in the manner provided by section five of this Act such money and property in a general trust fund of the Company; provided, however, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed three thousand dollars.

Proviso: investment in general trust fund.

Amount limited.

Trust moneys not liable for debts of the Company.

**7.** Moneys, properties and securities received or held by the Company upon trust, or as agent of any person or body corporate, shall not be liable for the debts or obligations of the Company.

Account of administration.

**8.** In case of the appointment of the Company to any trust or office by any court in Canada, or judge or prothonotary thereof, such court, judge or prothonotary may, from time to time, require the Company to render an account of its administration of the particular trust or office to which it has been so appointed; and may from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security afforded to those by or for whom its engagements are held; and such person shall report thereon to such court, judge or prothonotary, and the expenses of such investigation shall be borne as ordered by such court, judge or prothonotary.

Real estate mortgaged to the Company.

**9.** The Company may hold such real estate as is *bona 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.

Power to hold real estate limited.

**10.** The Company may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accommodation of the Company; but the annual value

thereof in any province of Canada shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars.

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most Excellent Majesty.





## 60-61 VICTORIA.

### CHAP. 87.

#### An Act to incorporate La Mutuelle Générale Canadienne.

[Assented to 29th June, 1897.]

**W**HEREAS the persons hereinafter named have, by their petition, prayed to be incorporated as a company for the purpose of carrying on the business of accident insurance in all its branches, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** The Honourable J. G. Laviolette, the Honourable J. Girouard, Thomas Millette, Alexandre Millette, the Honourable Trefflé Berthiaume, Arthur Fiset, Horace David, Jules Delattre and Lionel Dansereau, all of the city of Montreal, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "La Mutuelle Générale Canadienne" hereinafter called "the Company."

Incorporation.  
Corporate name.

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

Head office.

**3.** The Company may make and effect contracts of insurance with any person against all accidents or casualties of whatsoever nature or from whatsoever cause arising to individuals or property whereby the insured may suffer loss or injury or be disabled, or in case of death from any accident or casualty secure to the representative of the person assured the payment of a certain sum of money, upon such terms and conditions as are agreed upon; and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties of whatever nature or from whatever cause arising whereby the insured suffers pecuniary loss or damage or incurs costs and expenses.

Powers of Company.



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

Increase of capital stock. **2.** The directors may, after the whole capital stock has been subscribed for and fifty per cent paid thereon in cash, increase the amount of the capital stock at any time or from time to time to an amount not exceeding five hundred thousand dollars; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented at a special general meeting of the shareholders duly called for that purpose.

Calls on stock. **5.** The shares of the capital stock subscribed for shall be paid by such instalments, and at such times and places as the directors appoint, but no call shall exceed ten per cent, and at least thirty days' notice of each call shall be given: Provided that the Company shall not commence the business of insurance until at least twenty-five thousand dollars of capital stock have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by him.

Amount to be subscribed before business commenced.

**2.** A further call of five per cent on the subscribed capital stock of the Company shall be made and paid up within twelve months from the time it commences business.

Provisional directors.

**6.** The persons mentioned by name in the first section of this Act, are hereby constituted provisional directors of the Company, and of such provisional directors a majority shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Company, and withdraw the same for the purposes only of the Company, and may do generally whatever is necessary to organize the Company.

First meeting of Company.

**7.** When one hundred thousand dollars of the capital stock has been subscribed, and fifteen per cent of that amount paid into some chartered bank in Canada, the provisional directors may call a general meeting of the shareholders in some place named by them, in the city of Montreal, in the province of Quebec, giving at least ten days' notice thereof in the *Canada Gazette*, and also in some daily paper published in the said city. At such meeting the shareholders present 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

Election of directors.

not less than nine nor more than twenty-four directors, of whom a majority shall form a quorum.

2. No person shall be a director unless he is a shareholder owning ten shares of stock absolutely in his own right, and not in arrear in respect of any call thereon, or any obligation contracted by him with the Company. Qualification.

8. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted; and special general or extraordinary meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders specifying in the notice the object of such meeting. Meeting of shareholders.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders, mailed at least twenty days before the day for which the meeting is called, and addressed to the address of the shareholders respectively given in the books of the Company. Notice.

9. Three directors shall retire in rotation each year, and the three who first retire shall be chosen by the directors by lot, and so on in rotation, but any director retiring shall be eligible for re-election. Directors to retire in rotation.

10. If the money arising from the sale of any shares confiscated for non-payment of calls is more than sufficient to satisfy all arrears and interest, and costs of the sale, the surplus shall be payable, on demand, to the owner of such shares, and there shall not be more shares sold than are necessary to satisfy such arrears, interest and costs. Surplus arising from shares confiscated and sold.

2. If the payment of such arrears, and interest and costs is effected before a share so confiscated has been sold, such share shall revert to the owner thereof, as if all such arrears, interest and costs had been duly paid before confiscation. Redemption of shares confiscated but not sold.

11. The Company may acquire and hold such real estate as it requires for the purposes of its business not exceeding the annual value of five thousand dollars, and may acquire and hold such real estate as is *bona 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. Power to hold real estate.

12. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada or of any province of Investment of funds.

of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, or on the security of any of the said debentures, bonds, stocks or securities, or on the security of paid-up shares of any building society, loan or investment company, and whether such debentures, bonds, stocks, securities or shares are assigned absolutely or conditionally or by assignment in the nature of a charge or mortgage thereon to the Company or to any officer of the Company or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds or other securities of the United Kingdom or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of ground rents on real estate or other estate or interests in real property or mortgage security thereon in Canada, and may take, receive and hold all or any of such securities in the name of the Company, or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to.

Conditions of loans.

2. Any investment or loan above authorized to be made, may be on such terms and conditions, and in such manner, and at such time and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, as the directors from time to time determine, and either in satisfaction of, or as collateral security for, debts due to the Company, or judgments recovered against any person in its behalf, or in security for the payment thereof or of any part thereof.

Additional security.

3. Provided further that the Company may take any additional security of any nature to further secure the repayment of any liability to the Company, or to further secure the sufficiency of any of the securities upon which the Company is above authorized to lend any of its funds.

R.S.C., c. 124.

**13.** 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* and any Act amending it.

R.S.C., c. 118.

**14.** Notwithstanding anything contained therein or in any other Act, *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Company, and shall be incorporated with and form part of this Act, in so far as is not inconsistent with any of the provisions hereinbefore contained.



## 60-61 VICTORIA.

### CHAP. 88.

#### An Act respecting the American Bank Note Company (Foreign.)

[Assented to 29th June, 1897.]

**WHEREAS** the American Bank Note Company has, by its Preamble.  
petition, represented that it is incorporated under the  
general laws of the state of New York, one of the United  
States, and that it is desirous of establishing offices and works  
at the city of Ottawa, Ontario, for the purposes hereinafter  
mentioned; and to have the powers hereinafter mentioned, and  
has prayed for the passing of an Act for the purposes aforesaid,  
and it is expedient to grant the prayer of the said petition:  
Therefore Her Majesty, by and with the advice and consent of  
the Senate and House of Commons of Canada, enacts as fol-  
lows:—

**1.** The American Bank Note Company, hereinafter called Incorporation.  
“the Company,” is hereby invested with, and shall be entitled  
to all the powers, privileges and rights, as a corporation,  
necessary for the purpose of carrying on, in the city of Ottawa,  
Ontario, and elsewhere in Canada, a general engraving, print-  
ing and lithographic business in all its departments, and of  
manufacturing such machinery as is required for its own use, Power to hold  
real estate.  
and also of acquiring and holding such real and personal pro-  
perty as is from time to time required for the convenient and Proviso.  
proper carrying on of its business: Provided that when any  
such property is no longer required for the said purposes,  
the Company shall forthwith sell and dispose thereof.

**2.** The service of any process or notice upon the chief officer Service of  
process on  
Company.  
or manager of the Company in Canada, at any office where it  
carries on business in Canada, or upon the person then in  
charge of such office, shall be good service and shall bind the  
Company.

Company's  
books to be  
evidence.

**3.** All books of the Company kept by the officer specially charged with that duty shall be *prima facie* evidence of all facts purporting to be therein stated, in any suit or proceeding against the Company or against any shareholder.

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## 60-61 VICTORIA.

### CHAP. 89.

#### An Act to incorporate the British Yukon Mining, Trading and Transportation Company.

[Assented to 29th June, 1897.]

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

**1.** His Highness Francis, Duke of Teck, G. C. B., Henry Incorporation.  
Coppinger Beeton, Adolph Drucker, Charles Herbert  
Wilkinson, George William Mitchell, Richard Biddulph  
Martin, Captain Duncan Vernon Pirie, Harry Samuel Samuel,  
Major Philip Hugh Dalbiac, The Honourable Hubert Valentine  
Duncombe, Harry Hanenel Marks, Ernest Flower, Major  
Edward Pryce Jones, William Tudor Howell, Thomas  
Richardson, Henry Charles Richards, The Hon. Sir Charles  
William Freemantle, George Ashby Pritt, Henry John Had-  
rill, Gilbert William Don, Charles Granville Kekewich,  
Frank Bailey Passmore, Alexander Charles Boyd, James  
Livesey, Colonel Edward Mayne Alexander, William Thomp-  
son, Henry Farncombe Billinghamurst, John Henry Escolme,  
John Geale Dickson, Walter Townsend, Frederick Hugh  
Mackenzie Corbet, Robert Newton Crane, Richard Byron  
Johnson, Samuel Arthur Chappell, Edward Lucas, William  
Heape Bailey, James Greenless, Captain Barklie, Cairns Mc-  
Calmont, Henry Hodgson Holford, George James Suckling,  
Richard Eve and Frank Anthony Laboucher, together with  
such persons as become shareholders in the company hereby  
incorporated, are hereby constituted a body corporate, under  
the name of "The British Yukon Mining, Trading and Trans-  
portation Company" hereinafter called "the Company." Corporate name.

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

Business of  
Company.  
Mining.

**3.** The Company may—

(a.) purchase or otherwise acquire and work mines, mineral and mining rights in British Columbia and the North-west Territories, and may crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and may crush, smelt, reduce and amalgamate the ores and products of any mines, whether belonging to the Company or not :

Construction  
of works.

(b.) construct, or aid in, and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses and other buildings and works which are necessary or convenient for the purposes of the Company :

Electric  
power.

(c.) erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy :

Carriers.

(d.) carry on in the province of British Columbia, and in the North-west Territories, the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel-owners ; and may for all or any

Ship owners.

of the said purposes, purchase, hold, lease or otherwise acquire timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable ; and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, or turn to account the same ; and may establish shops or stores on the said lands ; and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incidental or conducive to the attainment of the above objects :

Patent rights.

(e.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights.

2. The powers granted by paragraph (b) of this section shall be exercised only with the previous consent of, and subject to the regulation of, any municipality affected thereby.

Line of rail-  
way described.

**4.** The Company may lay out, construct, and operate a railway of the gauge of four feet eight and one-half inches, or of such other gauge as may be adopted by the Company, from a point in British Columbia, or in the North-west Territories near the north-western or western boundary of British Columbia, between the one hundred and thirty-fourth and one hundred and thirty-sixth degrees of longitude west of Greenwich, near the head of the Lynn Canal, or at some point in a north-easterly direction from the head of the Lynn Canal ; thence across the White Pass, and thence northerly and westerly by the most feasible route to Selkirk.

**5.** The Company may, for the purpose of its business,—

(a.) construct, acquire, charter, equip, navigate and keep in repair steamers and other vessels upon or across the Lewes River, the Tes-lin-too or Hootalinka River, Teslin Lake, the Pelly River, the Yukon River, Tahkeena River, the White River, the Stewart River, the Big and Little Salmon Rivers and upon the other lakes and streams forming part thereof or tributary thereto, or connecting therewith, and upon other inland waters of the North-west Territories connecting with, or adjacent to the proposed line of railway, and carry on generally the business of transportation in connection with the said railway and vessels, and may from time to time sell and dispose of such vessels:

Powers of  
Company.  
Vessels,

(b.) construct, acquire, lease and sell wharfs, docks, elevators, warehouses and other works for facilitating transportation of passengers or freight upon or across the said railway and the said rivers, lakes and streams:

Docks and  
storehouses,

(c.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the railways, vessels and works of the Company, and may also sell or otherwise dispose of surplus electricity or other power generated by the Company's works and not required for operating its railway or other works:

Electricity,

(d.) subject to such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches.

Water supply.

**6.** The Company may construct and operate lines of telegraph and telephone in connection with and along the line of its railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said railway to any point in the North-west Territories north of the northern boundary of British Columbia, and may lay submarine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all of such lines or any portion thereof.

Telegraph and  
telephone  
lines.

**7.** If the Company requires land for wharfs, docks, and elevators and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land and all the provisions of sections one hundred and seven to one hundred and eleven, both inclusive, of *The Railway Act* shall apply to the subject matter of this section and to the obtaining of such land and determining the compensation therefor.

Proceedings  
when extra  
land required.

1888, c. 29.

**8.** The Company may receive, either by grant from any government, or from any person or municipal corporation, as aid

Power to  
receive grants  
and subsidies.



aid in the construction of the railways, vessels and works provided for in this Act, any Crown lands, or any real or personal estate or property, or any sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate the land and other real and personal property not required for the purposes of the Company in carrying out the provisions of this Act.

Provisional directors.

9. The said Henry Coppinger Beeton, Adolph Drucker, Charles Herbert Wilkinson, Richard Byron Johnson and Walter Townsend shall be the first or provisional directors of the Company, of whom the majority shall be a quorum, and shall hold office as such until the first election of directors; and may forthwith open stock books and procure subscriptions of stock for the undertaking and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit in any recognized bank in London, England or chartered bank of Canada, moneys received by them on account of stock subscribed, which moneys shall not be withdrawn except for the purposes of the undertaking, or upon the dissolution of the Company for any cause.

Capital stock.

10. The capital stock of the Company shall be one million pounds sterling, divided into shares of one pound each, whereof seven hundred and fifty thousand shares shall be issued as preference shares, and two hundred and fifty thousand shares as ordinary shares.

Preference shares,

2. The preference shares shall have the special incidents and privileges defined by the following paragraphs, that is to say:—

To rank first for dividends.

(a.) The preference shares shall, up to five per cent per annum, entitle the holder thereof to rank first for dividends on the net profits of the Company, but if, in any year, the net profits of the Company shall not be sufficient to pay a dividend of five per cent to the holders of preference shares, the holders of such shares shall not be entitled to any cumulative preference in ranking for dividends, upon the net profits of the next or any succeeding year; and the deficiency of any year shall not be paid or made good out of the income of any succeeding year.

Proviso.

Ordinary shares.

(b.) Any profits remaining after payment of the dividend upon the preference shares, and divisible among the shareholders as dividend, shall be divided amongst the holders of ordinary shares.

Reserve fund.

(c.) The Company may set aside out of the profits such sum as it thinks proper as a reserve fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining any property or works connected with the business of the Company, and may invest the sum so set apart as a reserve fund.

Annual meeting.

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

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

**13.** The Company may issue bonds, debentures or other securities to the extent of six thousand pounds sterling 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. Amount of bonds, etc., limited.

**14.** The Company may issue the bonds, debentures, or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branch or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect of which the same are thus respectively issued, and upon the rents and revenues thereof, and upon all the property of the Company appertaining or belonging to such section, branch or extension. Issuing of bonds. 1888, c. 29.

**15.** The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow moneys for the purposes of the Company and secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge all or any of the assets and property of the Company, other than the railway. Borrowing powers.

**16.** The powers conferred upon the Company to carry on a navigation and transport business shall only be exercised by the Company under the supervision of the Governor in Council and under such regulations as he imposes; and the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company and fix the terms, rates and conditions on which they may be so used. Powers as to navigation and transportation.

**17.** *The Railway Act* shall extend and apply to the railway undertaking of the Company and shall be incorporated with and form part of this Act in so far as is not inconsistent with any of the provisions hereinbefore contained. 1888, c. 29.

Power of  
Parliament  
as to future  
legislation.

**18.** Any Act hereinafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Time for con-  
struction of  
railway  
limited.

**19.** The powers conferred upon the Company by this Act shall wholly cease and determine if the line of railway mentioned in section four of this Act from the head of the Lynn Canal to Tagish Lake is not finished and put in operation within five years after the passing of this Act.

R.S.C., c. 118.

**20.** Subject to the provisions of this Act, *The Companies Clauses Act*, save and except sections seven, eighteen, and thirty-nine thereof, shall apply to the Company.

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most Excellent Majesty.



# 60-61 VICTORIA.

## CHAP. 90.

### An Act to incorporate the Mining, Development and Advisory Corporation of British America (Limited).

[Assented to 29th June, 1897.]

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

**1.** James Martin, John J. Moynahan and J. N. Blake, all Incorporation. of Rossland, British Columbia, James Walker, of Calgary, Charles S. Warren, of Spokane, United States, Molyneux St. John, of Victoria, British Columbia, D. L. Mather, of Rat Portage, Wesley Orr, of Calgary, Louis Castellain, of Regina, F. J. Bowles, of Leesburg, Virginia, Hon. J. N. Kirchoffer, of Brandon, H. A. Ward, of Port Hope, and C. H. Mackintosh, of Regina, together with such persons as become members and shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Mining, Development and Advisory Corporation of British America (Limited)," hereinafter called "the Corporate name. Company."

**2.** The Company may carry on a mining and development Powers of Company to mine, and advisory business, and any other business incident thereto or connected therewith, and may for all or any of the said purposes, purchase, hold, lease or otherwise acquire any coal bearing lands, mining rights, mines or other mineral property, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, and for all or any of the said purposes may operate, improve, extend, manage, Acquire land, docks, vessels, etc., develop, lease, mortgage, exchange, sell, dispose of, or turn to account the same; establish shops or stores on the said lands and purchase and vend general merchandise, the product of Vend merchandise, etc., and farm, mines, and real estate; and generally do all such other things as are incidental or conducive to the attainment of the above objects.

Smelt ores,  
etc.,

2. The Company may engage in the business of crushing, smelting, reducing and amalgamating mineral ores to render marketable the produce of mines, and may make coke and other products from coal.

Construct  
tramways,

3. So far as is necessary for the purposes of the Company, the Company may also construct, or aid in and subscribe towards the construction, maintenance and improvement of roads, tramways (to be operated by steam, electric, pneumatic pressure or other power), telegraph, telephone and telpherage lines, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, mills, ore houses and other buildings and works necessary or convenient for the purposes of the Company, may, with the consent of the Governor General in Council and Lieutenant Governor in Council of the province in which the same may be situate, erect bridges over navigable waters adjacent to the Company's lands.

Erect bridges,

Construct  
vessels,

4. The Company may also construct, charter and employ vessels for the purposes aforesaid, and for the purpose of transporting the produce of the mills, mines and works to any place or places within Canada or elsewhere.

Use electric  
power,

5. The Company may also, for the purpose of the said business, erect, use, and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy.

Acquire  
patent rights,

6. The Company may acquire by lease, purchase or otherwise any exclusive rights in letters patent, franchises or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights.

And other  
businesses,

7. The Company may acquire any business similar to that which the Company is hereby empowered to carry on, together with all the assets, franchises and property of the owners of such business 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 shares, or in partly paid-up shares of the Company, or otherwise, and also assume, pay or guarantee all or any of the obligations or liabilities affecting the assets, franchises and property so purchased.

Use tunnels,

8. The Company may contract with the owners or lessees of other mineral properties to construct and operate tunnels for the purpose of carrying on underground mining and transporting the product of mines.

Examine and  
report upon  
mining  
properties.

9. The Company may also engage in the business of examining, reporting and advising upon mines and mineral properties and may act as agents for individuals or corporations in the purchase or working of the same.

Head office.

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

Capital stock  
and calls  
thereon.

4. The capital stock of the Company shall be one million pounds sterling divided into shares of one pound sterling each,

or the equivalent in dollars or francs, such capital stock to be issued in whole or in part as the directors determine, and may be called up by the directors from time to time as they deem necessary, but no call subsequent to the allotment of shares shall exceed five shillings per share, nor be made at less intervals than two months.

2. Every share in the Company shall, except if issued under section six of this Act, be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless it has been otherwise agreed upon or determined by a contract duly made in writing and filed with the Secretary of State at or before the issue of such shares.

5. The directors may, by by-law, create and issue any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock, as may be declared by the by-law, but to an extent of dividend not greater than six per cent per annum.

Preference stock may be created by by-law.

2. No such by-law shall have any force or effect whatever unless at a general meeting of the Company, whereat there are present or represented by proxy shareholders holding at least two-thirds of the whole issued capital stock of the Company, a majority in value of the shareholders so present or represented vote to sanction such by-law.

Approval of by-law.

3. The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the Company as may be considered expedient.

Representation of preference shareholders on board of directors.

4. Holders of such preference stock shall be shareholders and shall in all respects possess the rights and be subject to the liabilities of shareholders, provided however that in respect of dividends and otherwise they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Extent of preference limited by by-law.

5. Nothing in this section shall affect or impair the rights of creditors of the Company.

Rights of creditors.

6. The directors may, of the first issue of shares of the Company, set aside a certain proportion, not being more than twenty-five per cent of the issue, which shall be called deferred shares, and which shares shall be entitled to share in the earnings of the Company only to such extent and in such manner as the directors at the time of issue determine.

Deferred shares.

7. The persons mentioned by name in the first section of this Act are hereby constituted the first or provisional directors of the Company, five of whom shall form a quorum.

Provisional directors,

2. The first meeting of the provisional directors may be held at Rossland, in the province of British Columbia.

First meeting.

First general meeting.

**8.** At any time after the passing of this Act the provisional directors may call a general meeting of the shareholders of the Company to be held at the head office of the Company at such time as they determine, for the purpose of passing or ratifying the by-laws of the Company, electing directors, and considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by a majority of the provisional directors stating the date and place of holding such meeting and mailed by registered letter to the address of each shareholder not less than thirty days previous to such meeting, shall be deemed sufficient notice thereof.

Notice.

Annual meeting.

**9.** The annual meeting of the shareholders shall be held on the first Tuesday in the month of November in each year, at the head office of the Company.

Borrowing powers.

**10.** The directors, by resolution passed at the first general meeting of the shareholders, or at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment thereof in such manner and upon such terms and conditions as they see fit, and may, for such purpose, mortgage, pledge, hypothecate or charge any of the assets and property of the Company.

Issue of debentures.

**11.** The directors, under the authority of the shareholders given at any general meeting called for the purpose,—at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company, which shall not be less than fifty thousand pounds sterling, are present or represented by proxy,—may, from time to time, issue debentures, bearing such rate of interest as is agreed upon, for sums not less than twenty pounds sterling 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 any of the purposes set forth in section two 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 the amount of the paid-up stock of the Company; and the said debentures and interest thereon, may be secured by mortgage upon the property and assets of the Company; and such mortgage deed may give to the holders of the said debentures or to 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.

Proviso.

**12.** Section eighteen of *The Companies Clauses Act* shall not apply to the Company, but the Company may commence business as soon as one-half of the first issue of the capital stock has been subscribed, which shall not be less than one hundred thousand pounds sterling, and ten per cent paid thereon.

R.S.C., c. 118.

When business may be commenced.

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## 60-61 VICTORIA.

### CHAP. 91.

#### An Act respecting the Yukon Mining and Transportation Company (Foreign.)

[Assented to 29th June, 1897.]

**W**HEREAS the Yukon Mining, Trading and Transportation Preamble.  
Company (Foreign) has, by its petition, alleged that under Part IV. of the "Companies Act" of the province of British Columbia, and by an Act of the Legislature of the province of British Columbia, being chapter seventy-seven of the statutes of 1897, it is authorized to build a railway of either B.C., 1897,  
standard or narrow gauge from a point at or near the head of c. 77.  
steamboat navigation on Taku Inlet to Teslin Lake, and also to construct an extension of the said railway to the northern boundary of the province of British Columbia as in the said Act is provided; and whereas the said Company has, by its petition, prayed that the said railway be declared to be a work for the general advantage of Canada, and that certain additional powers, as hereinafter set forth, be conferred upon the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** The said railway of the Yukon Mining, Trading and Declaratory.  
Transportation Company (Foreign), hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

**2.** This Act, and *The Railway Act* so far as it is applicable, Declaratory.  
shall apply to the Company and its railway, instead of the said Acts of British Columbia and the British Columbia Railway Act; provided that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred up to and at the time of the passing of this Act, to all of which rights and privileges the Company shall continue Rights saved.  
to be entitled, and to all of which liabilities the Company shall continue to be subject.

Head office.

**3.** The head office of the Company in Canada shall be in the city of Victoria, in the province of British Columbia, or in such other place in Canada as the directors from time to time determine by by-law.

Line of railway described.

**4.** The Company may lay out, construct and operate a railway from a point at or near the head of steamboat navigation on Taku Inlet to a point on Teslin Lake not further west than the one hundred and thirty-third meridian and thence to the northern boundary of the province of British Columbia, and thence northerly or easterly to some point not exceeding two hundred miles distant from the said boundary, for the purpose of connecting navigable waters and forming a system of railway and water transportation in British Columbia and the Yukon territory.

Telegraph and telephone lines.

**5.** The Company may construct and operate telegraph and telephone lines between the western boundary of British Columbia and any points on the Yukon River, along the whole length of the railway and branches, and may establish offices for the transmission of messages for the public and collect tolls therefor; and, for the purpose of constructing and operating such telegraph and telephone lines, the Company may enter into a contract with any other company, or may lease the Company's lines.

Arrangements with another company.

**6.** The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the line of the Company.

Rates to be approved.

**7.** No rates or charges shall be demanded or taken from any person for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council.

R.S.C., c. 132.

**8.** *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Powers of Company. Vessels.

**9.** The Company may, for the purpose of its business,—  
(a.) construct, acquire and navigate vessels upon or across the Taku, the Lewes and the Tes-lin-too or Hootalingqua Rivers, the Teslin Lake, the Pelly, the Yukon, the White, the Stewart and the Big and Little Salmon Rivers, and upon the other lakes and streams forming part thereof, tributary thereto, or connecting therewith, and upon other inland waters of the North-west Territories connecting with or adjacent to the proposed line of railway, and carry on generally the business of transportation in connection with the said railway and vessels;

Docks and storehouses.

(b.) construct, acquire, lease and sell wharfs, docks, elevators, warehouses and other works for the transportation of  
passengers

passengers or freight upon or across the said railway and the said rivers, lakes and streams ;

(c.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with its railways, vessels and works, and may operate the same by electricity, and may dispose of surplus electricity or other power generated by the Company's works and not required for its undertaking ; Electricity.

(d.) subject to such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire lands, buildings and other erections for the purpose of supplying water and power for the use of its works and railways. Water supply.

**10.** If the Company requires land for wharfs, docks and elevators and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections one hundred and seven to one hundred and eleven, both inclusive, of *The Railway Act* shall apply to the subject matter of this section, and to the obtaining of such land and determining the compensation therefor. Proceedings when extra land required.

**11.** The Company may receive by grant from any government, or from any person or municipal corporation, as aid in the construction of its undertaking, any real or personal property, or sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate such property as is not required for the undertaking of the Company. Power to receive subsidies.

**12.** The Company may also—

(a.) acquire and work mines, mineral and mining rights in the province of British Columbia and the North-west Territories, and may crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and may crush, smelt, reduce and amalgamate the ores and products of any mines, whether belonging to the Company or not ; Business of Company, Mining,

(b.) construct, or aid in and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses and other buildings and works which are necessary or convenient for the purposes of the Company ; Construction of works,

(c.) erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power ; Electric power,

(d.) Carry on in the province of British Columbia and in the North-west Territories, the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the business of whar- Carriers,

Ship owners, fingers, shippers and vessel owners; and may for any of the said purposes, acquire and hold timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal; and improve, extend, manage, develop, lease, mortgage, exchange and dispose of the same;

Patent rights. (e.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights.

Municipal control. 2. The powers granted by paragraph (b) of subsection one of this section shall be exercised only with the previous consent of, and subject to the regulation of, any municipality affected thereby.

Issue of bonds, etc., limited. 1888, c. 29. 13. The Company may issue bonds, debentures, or other securities to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed, or under contract to be constructed, and the Company may issue such bonds, debentures or other such securities in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents, and revenues, of the Company, present or future, or both, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued, and which shall be described in the mortgage deed made to secure the same.

Land grant bonds. 14. The Company may also issue mortgage bonds (to be called land grant bonds) to the extent of one dollar per acre on any land granted in aid of the undertaking authorized by this Act, and when so issued such bonds shall constitute a first mortgage upon such lands, and any such mortgage may be evidenced by deed which may confer upon the trustee or trustees named thereunder, and upon the holders of the bonds secured thereby, such remedies or authorities, powers and privileges, and may contain such provisions and conditions not inconsistent with law or this Act as may from time to time be agreed upon between the Company and the other parties thereto.

Power to receive land and money, 15. The Company may, from time to time, receive from any government, person or municipal corporation, in aid of the construction, equipment and maintenance of the said railway and of any line of steamships running in connection therewith or otherwise, grants of land, bonuses, loans or gifts of money,

or securities for money, and may also purchase or lease from any government, person or corporation any lands, rights or privileges; and the lands, leases and privileges, so to be acquired by the Company, and held by the Company, for sale or otherwise for the purposes thereof, may be conveyed to trustees to be held, conveyed and otherwise disposed of by them, upon the trusts and for the purposes herein declared in reference to such lands, leases and privileges; and all moneys arising from the sale or other disposition of such lands, leases and privileges, shall be held and applied in trust for the purposes following, that is to say: firstly, in payment of the expenses connected with the acquisition, purchase, survey, management and sale of the said lands; secondly, in payment of the dividends and interest on and principal of bonds issued upon the land grant or any portion thereof, or upon the railway from time to time, payable in cash by the Company, provided such dividends, interest and principal have been made a charge on such lands; and thirdly, for the general purposes of the Company.

And purchase land, etc.

Application of proceeds on sale thereof.

**16.** All lands sold and conveyed by the Company, or by the said trustees after a conveyance thereof to them upon the trusts aforesaid, and which have been paid for in cash to the persons entitled to receive the purchase money, shall thereby be for ever released and discharged from all mortgages, liens and charges of any kind or nature, by this Act or by the Company created; and the purchase money arising from the sale of such lands by the Company shall be applied, in the first place, in the satisfaction of any mortgage thereon created by the Company, and after payment of such mortgages or liens created by the Company thereon the same shall be applied in accordance with the trusts in the next preceding section declared.

Lands conveyed to be free from mortgages and liens.

**17.** Any lands acquired by the Company, whether earned or to be earned after the passing of this Act, which are not required for the right of way or actual working of the railway of the Company, may be sold, mortgaged, granted, or disposed of as the directors of the Company think necessary and advantageous for the purposes of the Company.

Surplus lands may be sold.

**18.** The bonds, debentures or other securities authorized by this Act may be so issued, in whole or in part, in the denomination of dollars, pounds sterling or francs, or any and all of them, and may be made payable, both as to principal and interest, in Canada, the United States or Europe; and the whole or any of such bonds may be pledged, negotiated, or sold upon such conditions and at such price as the directors shall from time to time determine.

Currency in which bonds may be issued.

Conditions of sale of bonds.

**19.** The powers conferred upon the Company to carry on a navigation and transport business shall only be exercised by the

Powers as to navigation and transportation.

the Company under the supervision of the Governor in Council and under such regulations as he imposes ; and the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company and fix the terms, rates and conditions on which they may be so used.

Limitation  
of time.

**20.** The powers conferred upon the Company by this Act shall wholly cease and determine if the line of railway mentioned in section seven of this Act is not commenced and three hundred thousand dollars expended thereon within two years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act.

Power of  
Parliament  
as to future  
legislation.

**21.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over, or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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## 60 - 61 VICTORIA.

### CHAP. 92.

An Act to incorporate the Maritime Milling Company,  
Limited.

[Assented to 29th June, 1897.]

**W**HEREAS a petition has been presented praying for the Preamble.  
incorporation of a company for the purposes and with  
the powers hereinafter set forth, and it is expedient to grant  
the prayer of the said petition : Therefore Her Majesty, by and  
with the advice and consent of the Senate and House of Com-  
mons of Canada, enacts as follows :—

**1.** James Wentworth, of Truro, in the county of Colchester, Incorporation.  
province of Nova Scotia, William Christie, of Moncton, in the  
county of Westmoreland, province of New Brunswick, T.  
Perley Putman, of Onslow, in the county of Colchester, province  
of Nova Scotia, J. Leslie Jennison, Joseph Howard and  
Hedley V. Jennison, all of New Glasgow, in the county of  
Pictou, province of Nova Scotia, together with such persons as  
become shareholders in the company hereby incorporated, are  
hereby constituted a body corporate under the name of "The Corporate  
Maritime Milling Company, Limited," hereinafter called "the name.  
Company."

**2.** The head office of the Company shall be in New Glasgow, Head office.  
in the county of Pictou, province of Nova Scotia, or such  
other place in Canada as the directors of the Company by by-  
law determine.

**3.** The capital stock of the Company shall be two hundred Capital stock.  
and fifty thousand dollars divided into shares of ten dollars  
each.

**4.** The persons named in the first section of this Act shall Provisional  
be the first or provisional directors of the Company, four of directors.  
whom shall form a quorum.



Power of  
Company.  
Trade in  
grain,

**5.** The objects and powers of the Company shall be—

(a.) to purchase, sell and trade in wheat, oats, barley, hay, corn and all other cereals and materials used in the milling and manufacturing of all kinds of flour, meal and feed for horses and cattle ;

Manufacture  
flour and feed,

(b.) to carry on the business of manufacturing all kinds of flour and meal and also of manufacturing all kinds of feed for horses and cattle ;

Trade in flour  
and feed,

(c.) to purchase, sell and trade in all kinds of flour and meal ; also to purchase, sell and trade in feed of all kinds for horses and cattle, and all kinds of merchandise necessary or incidental to the business of the Company ;

Acquire and  
alienate pro-  
perty,

(d.) to purchase, acquire, hold, grant, mortgage, sell, let and convey real estate, wharfs, or wharf property, which may be necessary for the carrying on of the business of the Company ;

Construct  
buildings,  
etc.,

(e.) to purchase, sell, lease, hire, acquire, build, construct, alter or maintain any buildings, mills, elevators, and wharfs and railway sidings which may be necessary for the carrying on of the business of the Company ;

Erect machin-  
ery,

(f.) to erect such works, buildings and machinery as from time to time may be deemed expedient and necessary for the successful carrying on of the work and business of the Company ;

Acquire ves-  
sels,

(g.) to build, acquire, own, charter or lease, navigate and use steam-boats, sailing-vessels, barges and other vessels and boats for the purposes of the Company ;

Sell to other  
companies.

(h.) to sell or otherwise dispose of the undertaking, or any part thereof, for such consideration as the Company shall see fit, and in particular for shares, debentures, stock or securities of any other company having objects altogether the same or in part the same or similar to those of this Company ;

Acquire other  
businesses and  
property.

(i.) to purchase or otherwise acquire any business within the objects of the Company, and any lands, property, franchises, privileges, rights, contracts and liabilities appertaining to the same .

Annual meet-  
ing.

**6.** The annual meeting of the shareholders of the Company shall be held on the first Tuesday of May in each year, or upon such other day in each year as the directors of the Company from time to time by by-law determine.

Meetings of  
provisional  
directors.

**7.** Until otherwise ordered by by-law or resolution of the first or provisional directors of the Company, any three of them may call meetings of the first or provisional directors to be held at New Glasgow aforesaid at such times as they determine ; provided that notice in writing of the date and place of holding any such meeting shall be mailed by registered letter to the address of each of the other first or provisional directors not less than ten days previous to the date of such meeting.

General meet-  
ing.

**8.** The first general meeting of the Company shall be held at New Glasgow aforesaid at such time as the first or provi-

sional directors or any four of them determine, and notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of such time and place, postage prepaid, to the address of each of the shareholders of the Company, and at this or any subsequent meeting the Company may be organized by the election of not less than five nor more than seven directors and of other necessary officers.

**9.** The directors, when authorized by the votes of the holders of at least two-thirds in value of the stock of the Company, present or represented by proxy at a meeting of shareholders duly called for the purpose, may purchase, lease or otherwise acquire and take over in whole or in part upon such terms as may be agreed upon with the other company hereinafter mentioned, the business, franchises, undertaking, property, rights, powers, privileges and assets or any of them of the "New Glasgow Milling Company, Limited," hereinafter called the New Glasgow Company, and may thereafter hold, exercise and enjoy the business, franchises, undertaking, property, rights, powers, privileges and assets of the New Glasgow Company and may pay the consideration therefor either wholly or partly in cash or wholly or partly in capital stock of the Company paid up and whether subscribed for or not, or wholly or partly in debentures or bonds of the Company or otherwise as may be agreed upon; or may amalgamate with the said the New Glasgow Company upon such terms as may be agreed upon; and in the event of such purchase, lease or other mode of acquirement or amalgamation being entered into may also undertake, assume, pay or guarantee all or any of the obligations, liabilities, contracts and engagements of the New Glasgow Company, or affecting the assets and property of the New Glasgow Company.

Acquirement  
of business of  
New Glasgow  
Co.

**10.** The directors of the Company may make and issue, as paid-up and unassessable stock, shares of the capital stock of the Company, whether subscribed for or not, and whether paid-up or not, in payment for the business, franchises, undertaking, property, rights, powers, privileges and assets of the said the New Glasgow Company acquired under this Act, and may allot and hand over to the said the New Glasgow Company or to its shareholders such shares as may be agreed upon and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls nor shall the holders thereof be in any way liable thereon.

Issue of stock  
to New Glas-  
gow Co.

**11.** The directors may from time to time for the purposes of the Company, when authorized by a by-law for that purpose passed and approved of by the votes of the holders of at least two-thirds in value of the stock of the Company qualified to vote and present or represented by proxy at a special general meeting called for considering such by-law, borrow such

Directors may  
borrow money  
and issue de-  
bentures.

sum or sums of money not exceeding in amount fifty per cent of the then paid-up capital stock of the Company as the shareholders deem necessary, and may issue bonds or debentures therefor in sums not less than one hundred dollars each at such rates of interest and payable at such times and places and secured in such manner by mortgage or otherwise upon the whole or any portion or portions of the property of the Company as are prescribed in such by-law or decided upon by the directors under the authority thereof.

Directors may borrow money and pledge Company therefor.

**12.** The directors of the Company may in addition to the powers conferred by the next preceding section of this Act from time to time at their discretion borrow money for the purposes of the Company and secure the repayment of any of the moneys so borrowed or any other moneys owing by the Company 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, and should the directors or any of them or any shareholder become personally liable at any time for moneys so borrowed, the Company shall be liable to pay to the directors or any of them, or any shareholder any moneys so borrowed that they or any of them may be called upon to pay by reason of said personal liability: Provided that the amount so borrowed shall not at any time be greater than twenty-five per cent of the paid-up stock of the Company; but the limitation made by this section shall not apply to commercial paper discounted by the Company or to money borrowed or advances made on warehouse receipts or bills of lading or to the borrowing powers conferred by the next preceding section of this Act.

Company may acquire property of other companies.

**13.** In payment of stock subscribed for, or any call thereon, the Company may receive any property, franchises, rights, privileges or stock in any other company, at such valuation and on such conditions as the owners or holders thereof and the directors of the Company may agree upon, and such payment shall be equivalent to and have the effect of payment in cash.

Issue of paid-up stock.

**14.** The directors of the Company may issue paid-up stock in payment of any claim against the Company or for property, franchises, patents or privileges granted to or purchased by the Company or in payment for any machinery or plant purchased by the Company or in payment of any work done by contract or otherwise for the Company and such issue of stock shall be binding on the Company and shall not be assessable for calls nor shall the holder thereof be in any way liable thereon.

Company may receive Government or municipal aid.

**15.** The Company may receive from any government or from any person, city, town, municipality or unincorporated town or village having power to make or grant the same, in aid

of the construction, equipment and maintenance of the mills, of elevators and undertakings of the Company, grants of land, exemption from taxation, loans, gifts of money, guarantees and other securities for money and may hold and dispose of the same.

**16.** Nothing herein contained shall in any way alter or abridge the rights heretofore acquired by the New Glasgow Company, nor shall anything in this Act discharge the said company from any liabilities or affect or impair the rights of its creditors. Rights of New Glasgow Co. saved.

**17.** Sections eighteen and thirty-nine of *The Companies R.S.C., c. 118. Clauses Act* shall not apply to the Company.

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## 60-61 VICTORIA.

### CHAP. 93.

#### An Act to incorporate the Dominion Portland Cement Company.

[Assented to 29th June, 1897.]

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

**1.** J. C. Browne, Roderick C. Carter, C. A. Lingham, and Incorporation.  
George W. Wright, together with such persons as become  
shareholders in the company hereby incorporated, are hereby  
constituted a body corporate under the name of “The Domin- Corporate  
ion Portland Cement Company,” hereinafter called “the name.  
Company.”

**2.** The head office of the Company shall be in the town of Head office.  
Deseronto, in the province of Ontario, but the Company may  
establish offices and places of business elsewhere.

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

**4.** The capital stock of the Company shall be twenty-five Capital stock.  
thousand dollars, divided into shares of one hundred dollars  
each, but the capital stock may be increased from time to  
time, to an amount not exceeding one hundred thousand dol- Increase of  
lars, by a resolution of the shareholders passed and approved capital.  
by the votes of the holders of at least two-thirds in value of  
the subscribed stock of the Company, present or represented  
by proxy, at a special general meeting of the shareholders duly  
called for the purpose of considering the same.

**5.** When and so soon as ten thousand dollars have been First general  
subscribed, and fifty per cent paid in thereon, a general meet- meeting.  
ing of the Company shall be held at the town of Deseronto at  
such

Notice of meeting. such time as the provisional directors or any three of them determine, and notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of such time and place, postage prepaid and registered, to the address of each shareholder of the Company.

Election of directors. **6.** At the said general meeting of the Company, and at each annual meeting, the subscribers for capital stock present or represented by proxy, who have paid all calls due on their shares, shall choose to be directors not less than five nor more than nine persons, one or more of whom may be paid directors.

Powers. **7.** The Company may—  
 Manufacture of cement. (a.) manufacture and sell cement and other like products for any of the purposes for which the same may be used ;  
 Acquire buildings. (b.) acquire, construct, lease and maintain all buildings and properties necessary or convenient for the proper carrying on of the said businesses, and again dispose of the same ;  
 Use of water and other power. (c.) acquire and use water, steam, electric or other power for the purposes aforesaid ;  
 Acquire patent rights. (d.) acquire by purchase, license or otherwise, and use, license or otherwise dispose of any invention, patent right or letters patent for the purposes of the works and undertakings hereby authorized, and may pay the seller the price thereof either wholly or partly in cash, or by royalty, or wholly or partly in fully paid-up shares of the Company, or in partly paid-up shares of the Company, or by any combination of such methods of payment, and may assume or pay any obligations or liabilities of the seller thereof ;  
 License to use patent rights. (e.) grant licenses to any person or company to use any patent, license or right held and owned by the Company, and may receive payment therefor either in cash, or in bonds or debentures, or in fully paid-up shares of the capital stock of any other such company, or by royalty upon any such patent, license or right, and the Company may become a shareholder in any such company.

Mortgages for purchase money. **8.** The Company may, in the course of buying and selling, take conveyances and give mortgages for the purchase money or any part thereof, and may take mortgages on real or personal property in the course of its business and as conditions may require, and may sell and assign the said mortgages, and generally may do all things requisite for the proper and efficient management of the said business.

Borrowing powers. **9.** The directors may, when authorized by a by-law for that purpose passed and approved of by the votes of holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy, at a special general meeting duly called for considering such by-law,—

Issue of bonds. (a.) borrow money upon the credit of the Company, and issue bonds, debentures or other securities for any sums borrowed,

borrowed, at such prices as are deemed necessary or expedient ;  
but no such debentures shall be for a less sum than one  
hundred dollars ;

(b.) hypothecate or pledge the real or personal property of <sup>Hypothecate</sup>  
the Company to secure any sums borrowed by the Company ; <sup>Company's</sup>  
but the amount borrowed shall not at any time be greater <sup>property.</sup>  
than seventy-five per cent of the actual paid-up stock of the <sup>Proviso.</sup>  
Company.

**10.** Sections eighteen and thirty-nine of *The Companies* <sup>R.S.C. c. 118.</sup>  
*Clauses Act* shall not apply to the Company.

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most Excellent Majesty.







## 60-61 VICTORIA.

### CHAP. 94.

An Act to confer certain powers on the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.

[Assented to 21st May, 1897.]

**W**HEREAS a petition has been presented representing that Preamble.  
under the provisions of chapter one hundred and twenty-four of the statutes of 1882, intituled *An Act to amend the Act of the late Province of Canada intituled, "An Act to incorporate the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland, and the Acts amending the same,"* 1882, c. 124. it was amongst other things provided that the said Board might if necessary draw upon the capital fund in its hands in order to meet the several payments to the several claimants mentioned in the said Act, to wit, (1) Four hundred and fifty dollars per annum to certain persons commonly known as "commuting ministers" who now are reduced to the number of seven; (2) four hundred dollars per annum to certain other persons commonly known as "privileged ministers" now reduced to the number of five; (3) two hundred dollars per annum to certain other persons; (4) two thousand dollars to Queen's College; (5) two hundred dollars per annum to certain other persons;—and that the said Board has since the passing of the said Act continued to administer said fund in terms thereof, and has had constantly to draw upon the capital of said fund to make said payments;—and that it now appears from the report of a competent actuary that the said fund will be exhausted in about two years if the said Board continue to draw upon the capital to meet said payments;—and that the claims of the commuting ministers or founders of the fund who receive four hundred and fifty dollars a year, and the claims of certain other privileged ministers who receive four hundred a year have always by common and unanimous consent of all persons interested been recognized as a prior claim upon said fund during the life time of the said ministers, and such claims for life ought to be fully preserved and protected;—and that it is deemed  
245 desirable

desirable to protect the said ministers by making them a final payment of one capital sum each in full discharge of their claims or by purchasing for them life annuities, which payment or annuities would be advantageous to the other claimants on said fund, including Queen's College, by enabling the said Board to continue paying them their stipends for a longer period than they would otherwise be able to do ; and whereas the said Board has prayed that an Act be passed enabling it to commute or otherwise satisfy the claims aforesaid, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Board may  
commute cer-  
tain claims.

**1.** Notwithstanding anything contained in chapter one hundred and twenty-four of the statutes of 1882, the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada is hereby authorized to commute the claims of the seven commuting ministers, and of the five privileged ministers hereinbefore mentioned, with their consent and approval, either by cash payment to each of them of such an amount as may be found equitable, and by which their vested rights in the fund would cease, or by otherwise satisfying their claims so as to leave the Board free to administer the balance of the fund for the sole benefit of the other ministers who are claimants on the fund, and are commonly styled non-privileged ministers, and also for the benefit of Queen's College.

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# 60-61 VICTORIA.

## CHAP. 95.

### An Act to incorporate Les Cisterciens Réformés.

[Assented to 29th June, 1897.]

**WHEREAS** the persons hereinafter named have, by their Preamble. petition, represented that they are associated together in a religious order called *Les Cisterciens Réformés*, and commonly known as Trappists, and that they desire to be incorporated for the purposes 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 Reverend Father Marie Louis de Bourmont, Father Marie Paul Pelletier, Father Marie Pie Barriquant, Father Marie Joseph Le Vardois, Father Marie Etienne Belanger, and such persons as are now members of the religious order at the Monastery of Notre-Dame des Prairies, in the village of St. Norbert, in the province of Manitoba, or hereafter become members thereof, either at that monastery or at any other of the same order hereafter established in the said province, or in the North-west Territories, are hereby constituted a body politic and corporate under the name of "*Les Cisterciens Réformés*," hereinafter called "the Order." Incorporation.  
Corporate name.

**2.** The Order may maintain its present monastery in the village of St. Norbert, and may establish and maintain in the province of Manitoba and in the North-west Territories, other monasteries or houses of the Order. Location of monasteries.

**3.** The domicile and head office of the Order, for the time being, shall be at the monastery of Notre-Dame des Prairies, in the village of St. Norbert. Head office.

**4.** The Order may organize, establish and maintain, in connection with its Monasteries, experimental and other farms, schools of agriculture, butter and cheese factories, and any other branch of farming, including horticulture, arboriculture, apiculture and stock raising. Establishment of farms, factories, etc.

Lands and money may be acquired.

Value of real estate limited.

Sale of real estate.

Application of provincial law.

Property may be sold or leased.

Investments.

Executive council.

Execution of documents.

Moneys, to whom payable.

**5.** The Order may, from time to time, on behalf of its respective monasteries, acquire by purchase, gift, devise or otherwise such lands, moneys, mortgages, securities or other property as are required for the purposes of the Order: Provided that the annual value of the real estate which it may possess in the village of St. Norbert shall not at any time exceed the sum of twenty thousand dollars, and that the annual value of real estate which it may possess in any one place outside of the said village shall not exceed the sum of ten thousand dollars, to be calculated in each case at four per cent per annum upon the value of the said immovable property: Provided also, that the Order shall, within seven years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much thereof as is not required for the use of the Order: Provided further, that any devise of real estate shall be subject to the laws respecting devises of real estate to religious corporations in force at the time of such devise in the province or territory in which such real estate is situate, so far as such laws apply to the Order.

**6.** The Order may, for its respective monasteries, sell, alienate, exchange, mortgage, lease or demise any real property held by the Order; and may also, from time to time, invest any of its moneys upon mortgage security of real estate, and in debentures of municipal or public school corporation, provincial or Dominion stocks, or securities in any part of Canada, and for the purposes of such investments may take mortgages, or assignments thereof, and whether such mortgages or assignments are made and executed to it in its own corporate name, or to some person in trust for it; and may sell, assign, transfer and discharge such mortgages, either in whole or in part.

**7.** The temporal affairs and business in each monastery shall be managed, conducted and administered by an executive council composed of members of the Order selected for that purpose in accordance with the by-laws and regulations of the Order, and the superior and the secretary of the Order shall be members of the said council.

**8.** All deeds and other instruments shall be in the name of "*Les Cisterciens Réformés* of the Monastery of (giving title of monastery)" and all such deeds and other instruments, in order to be binding, shall be signed in the name of the Order by the superior and the secretary of the monastery concerned, and sealed with the corporate seal of the Order.

**9.** All moneys payable to the Order, in relation to any monastery, shall be paid to the superior of such monastery, or to such person as he appoints.

**10.** If at any time the council of any monastery of the Order requires a temporary loan or advance of money for the purposes for which it is incorporated, it may obtain such loan or advance by way of mortgage upon its real estate or any part thereof, or by note or otherwise as the council of such monastery determines. How temporary loans obtained.

**11.** The Order may frame and adopt a constitution and regulations for the management and government of the Order, and may make regulations for enforcing discipline in the Order, and for the appointment, deposition, deprivation, or removal of any person as a member of the Order, or bearing office therein, and also for the acquiring and disposing of property, and for the convenient and orderly management of the property, affairs and interests of the Order. Constitution and by-laws.

**12.** The Order shall, at all times when required, make a full return, under oath, showing the number of its monasteries, the property, real and personal, held by, or in connection with, each such monastery, the income derived from such property, and such other information relating thereto as is required by the Governor in Council or either House of Parliament. Return to Government, when required.

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## 60-61 VICTORIA.

### CHAP. 96.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Mycenian Marble Company of Canada (Limited).

[Assented to 29th June, 1897.]

**W**HEREAS the Mycenian Marble Company of Canada Preamble. (Limited) has, by its petition, represented that on and prior to the second day of January, one thousand eight hundred and ninety-six, it was, by divers mesne assignments, the holder and owner of letters patent under the Great Seal of Canada, dated the third day of January, one thousand eight hundred and ninety-one, for an improvement in artificial marble, being patent number thirty-five thousand six hundred and ninety-six; 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 Mycenian Marble Company of Canada (Limited) 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; that the said Mycenian Marble Company of Canada (Limited), and others had, prior to the said second day of January, one thousand eight hundred and ninety-six, invested large sums of money in the purchase of the said letters patent, and in the manufacture of artificial marble thereunder; that the said Company inadvertently omitted to make such application and to pay the further fee required for the renewal or extension of the said patent; that it was the intention of the said Company to make such application and to pay such fee, and that the omission was caused solely by the inadvertence of the officer of the Company whose duty it was to make such application; that on and after the third day of January, one thousand eight hundred and ninety-six, the Commissioner of Patents could not then accept the further fee and grant such renewal certificate; and whereas the said Company has petitioned for an Act authorizing the Commissioner of Patents to receive the application of the said Company and the fee for the remainder of

R.S.C., c. 61.



the term of fifteen years for which the said letters patent were conditionally granted, and to grant and issue to the said Company 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:—

R.S.C., c. 61.

Commissioner  
of Patents  
may extend  
duration of  
letters  
patent.

**1.** Notwithstanding anything to the contrary in *The Patent Act*, being chapter sixty-one of the Revised Statutes, or in the letters patent mentioned in the preamble, the Commissioner of Patents may receive from the Mycenian Marble Company of Canada (Limited), 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 Mycenian Marble Company of Canada (Limited), 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.

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## 60-61 VICTORIA.

### CHAP. 97.

#### An Act for the Relief of Adeline Myrtle Tuckett Lawry.

[Assented to 21st May, 1897.]

**W**HEREAS Adeline Myrtle Tuckett Lawry, of the city of <sup>Preamble.</sup> Hamilton, in the county of Wentworth and province of Ontario, wife of Thomas Henry Lawry, of the same place, manufacturer, hath by her petition set forth that, on the twenty-ninth day of October, one thousand eight hundred and eighty-four, she was lawfully married, at the said city of Hamilton, to the said Thomas Henry Lawry; that they cohabited together as husband and wife until the year one thousand eight hundred and ninety-four, when she learned that he had committed adultery with a certain woman; that she has ever since continued to live apart from him; and whereas she has humbly prayed that the said marriage be dissolved and that she may be authorized to marry again and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her petition and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between the said Adeline Myrtle <sup>Marriage</sup> Tuckett Lawry and Thomas Henry Lawry, her husband, is <sup>dissolved.</sup> hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.
2. The said Adeline Myrtle Tuckett Lawry may at any time <sup>Right to</sup> hereafter marry any man whom she might lawfully marry if <sup>marry again.</sup> the said marriage with the said Thomas Henry Lawry had not been solemnized.

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