



In the Privy Council.

ON APPEAL FROM THE SUPREME COURT OF CANADA.

BETWEEN :

THE CITY OF WINNIPEG APPELLANT

AND

THE CANADIAN PACIFIC RAILWAY COMPANY ... RESPONDENT.

APPENDIX OF LEGISLATION AND
ORDERS-IN-COUNCIL

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In the Supreme Court of Canada

ON APPEAL FROM THE COURT OF APPEAL FOR
MANITOBA

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,
(Plaintiff) Appellant,
and

THE CITY OF WINNIPEG,
(Defendant) Respondent.
and

BETWEEN:

THE CITY OF WINNIPEG,
(Defendant) Appellant,
and

CANADIAN PACIFIC RAILWAY COMPANY,
(Plaintiff) Respondent.

APPENDIX OF LEGISLATION AND ORDERS-IN-COUNCIL

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and

THE CITY OF WINNIPEG,
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BETWEEN:

THE CITY OF WINNIPEG,
(Defendant) Appellant,
and

CANADIAN PACIFIC RAILWAY COMPANY,
(Plaintiff) Respondent.

APPENDIX OF LEGISLATION AND ORDERS-IN-COUNCIL

PART I—STATUTES

Statutes of Manitoba, 37 Vict. (1873) 20

Chapter 7,

An Act to Incorporate the City of Winnipeg

(Assented to 8th November, 1873.)

Preamble.

Whereas a great number of the inhabitants of Winnipeg have represented that it is desirable that the same should be incorporated as a City under the name of Winnipeg—

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of Manitoba, enacts as follows:

Winnipeg
Incorporated.

I. From and after the passing of this Act, the inhabitants of the 30 City of Winnipeg as hereinafter described, and their successors, shall

Name of City. be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Mayor and Council of the City of Winnipeg," and separated from the County of Selkirk for all municipal purposes, and by the same name they and their successors shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits of law whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real 10 or moveable, for the use of the said City; of becoming parties to any contracts or agreements in the management of the affairs of the said City; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities for the payment of, or securing the payment of, any sum of money borrowed or loaned, or for the executing or guaranteeing the execution of any duty, right or thing whatsoever.

Legal Status,
etc.

Boundaries of
City.

II. The said City of Winnipeg shall be bounded as follows:

Commencing where the northerly limit of lot 224, in the Parish of St. John, according to the Hudson's Bay Company's Register, strikes 20 the water's edge of the Red River; thence north-westerly along the said limit of said lot to where the same intersects the eastern limit of the main highway from Winnipeg to the lower parishes; thence along the said highway southerly across the said lot 224; thence north-westerly along the southerly limit of the said lot to the rear thereof; thence southerly along the rear of the lots in the settlement belt to the westerly angle of lot 249, originally bought from the Hudson's Bay Company by William Drever; thence south-easterly along the southerly limit of the said lot 249, to where the same would be inter- 30 sectured by the extension of the easterly limit of the street laid out by the said Hudson's Bay Company between lot, pensioner's, 54, and lot 1212 fronting on the Assiniboine River; thence southerly along the east limit of the said street to the water's edge on the said Assiniboine River; and thence along the latter easterly to the Red River; and thence down the westerly edge of the same with the stream to the place of beginning.

Property in City
taxable.

CXII. All land and personal property in the City of Winnipeg shall be liable to taxation, subject to the following exemptions, that is to say:

(None relevant)

40

INTERPRETATION CLAUSE

Interpretation.

CXXVIII. Unless otherwise declared or indicated by the context,

wherever any of the following words occur in this Act, the meanings hereinafter expressed attach to the same namely:

- (5) The term "property" includes both real and personal property.

Statutes of Manitoba, 38 Vict. (1875)

Chapter 50,

An Act to amend Chapter 7 of the Statutes of Manitoba, passed in the 37th year of the reign of Her Majesty Queen Victoria, intituled: An Act to Incorporate the City of Winnipeg.

(Assented to May 14th, 1875.) 10

Preamble.

Whereas the Mayor and Council of the City of Winnipeg have by their petition prayed that the act of incorporation of the said city be amended;

And Whereas it is expedient to grant the prayer of said petition,

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Manitoba, enacts as follows:

That from and after the passing of this act any thing in said act 37 Victoria, chapter 7, which is contrary to or inconsistent with this act be and the same is hereby repealed; and 20

That the following be, and the same is, the amended act of incorporation of the said Mayor and Council of the said City of Winnipeg:

Winnipeg
incorporated,
name of City.

I. From and after the passing of this act, the inhabitants of the city of Winnipeg as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Mayor and Council of the City of Winnipeg," and separated from the county of Selkirk for all municipal purposes, and by the same name they and their successors shall have perpetual succession and shall have power to sue and be sued, 30 implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits of law whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said city, of becoming parties to any contracts or agreements in the management of the affairs of the said

Legal status,
etc.

city; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities for the payment of, or securing the payment of, any sum of money borrowed or loaned, or for the executing or guaranteeing the execution of any duty, right or thing whatsoever. And for the payment or securing the payment of any money borrowed, of paying loans made or debts owing by the said "The Mayor and Council of the City of Winnipeg," or of taking up bonds that may become due, or for the purpose of making a loan or loans, or for any other legitimate and sufficient purpose whatsoever, the said "The Mayor and Council" may grant and issue bonds for the 10 sum or sums of money therein to be specified, under the provisions hereinafter set forth, payable at such time and times after the granting and issuing thereof, and in such place or places in this Province, in the Dominion of Canada, in the United States of America, in any part of Great Britain, or elsewhere, and either in the currency of the Dominion, or in sterling money of Great Britain, or in the currency of the country where the same may be respectively made payable, as by the said mayor and council may be thought advantageous or expedient. Provided always that the said council shall not make or give any bond, bill, note, debenture or other undertaking for the 20 payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section shall be void. Provided, always, that nothing herein contained shall be construed to authorize the said council to issue notes or bills of exchange payable to bearer, or to act as vouchers, or to issue notes to circulate as those of a Bank.

Debentures, etc.,
to be \$100.

If issued in
contravention
to be void.

Construction.

Boundaries
of City.

II. The said City of Winnipeg shall be bounded as follows:

Commencing in the centre of the Red River opposite to where the northerly limit of that part of lot 224, in the parish of St. John, according to the Hudson's Bay Company's register, known as the 30 Burrows' Estate strikes the water's edge of the said Red River; thence north-westerly along the said limit of said lot to the rear thereof; thence southerly along the rear of the lots in the settlement belt to the westerly angle of lot 249, originally bought from the Hudson's Bay Company by William Drever; thence south-easterly along the southerly limit of the said lot 249, to where the same would be intersected by the extension of the easterly limit of the street laid out by the said Hudson's Bay Company between lot, pensioner's, 54, and lot 1212 fronting on the Assiniboine River; thence southerly along the east limit of the said street to the centre of the River 40 Assiniboine, thence down the centre of the River Assiniboine to the centre of the Red River, thence down the centre of the Red River to the place of beginning.

Division
into wards.

III. The city shall be divided into four Wards, to be called re-

spectively the North, South, East and West Wards, which shall be bounded as follows:

NORTH WARD

Limits of
North Ward.

All that portion of the city north of lot numbered 246 according to the survey made by authority of the Hudson's Bay Company.

SOUTH WARD

Limits of
South Ward.

All that portion of the city bounded as follows: commencing at the Red River at the south-eastern corner of a lot known as Dr. Schultz's lot, being a portion of lot No. 1210, thence westerly along the southern boundary of the said lot to the Main Street; thence 10 northerly along the Main Street to a point opposite to the road known as the Portage la Prairie road; thence along the said Portage la Prairie road to the southern boundary of lot numbered 249, known as Drever's lot; thence along said southern boundary of Drever's lot to the western limit of the city; thence south-westerly to the southern boundary of the city; thence easterly along said southern boundary to the eastern boundary; thence down the Red River to the place of beginning.

EAST WARD

Limits of
East Ward.

All that portion of the city lying between the North and South 20 Wards, and east of the Main Street.

WEST WARD

Limits of
West Ward.

All that portion of the city lying between the North and South Wards, and west of the Main Street.

Property in
city taxable.
Exemptions.

LXVI. All land and personal property in the City of Winnipeg shall be liable to taxation, subject to the following exemptions, that is to say:

(None relevant)

By-laws requiring
assent of electors.

XCII. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceed- 30 ings shall be taken for ascertaining such assent, except in cases otherwise provided for:

Council shall fix
time and place for
taking votes.

1. The council shall by a by-law fix the day, hour, and places for taking the votes of the electors on the by-law to be submitted to them at the places at which the election of the members of the council is held; and shall also name returning officers to take the votes at such places and such day shall not be less than three nor more than four weeks after the first publication of the proposed by-law as herein provided for.

And name ret.
officers.

Time after first
publication.

By-law to be published for one month.

2. The council shall for at least one month before the final passing of the proposed by-law, publish a copy thereof in some newspaper published weekly or oftener in the city.

Notice signed by clerk to be appended to by-law stating day, hour and place of vote.

3. Appended to each copy so published shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the electors.

Poll to be taken and held.

4. At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner as nearly as may be as at an election.

Poll book, verified, to be returned.

5. The returning officers shall on the day after the closing of the poll return their poll-books verified to the clerk of the council.

Clerk to add up votes.

6. The clerk of the council shall add up the number of votes for and against the same, and shall certify to the council, under his hand, whether the majority have approved or disapproved of the by-law; and shall keep the same with the poll-book among the records of his office.

Council may contract debts and levy rates for payment.

XCIII. The council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money, or otherwise, and for levying rates for payment of such debts on the rateable property of the City, for any purpose within the jurisdiction of the council; but no such by-law shall be valid which is not in accordance with the following restrictions and provisions:

When by-law valid.

Date when by-law comes in force.

1. The by-law shall name a day in the financial year in which the same is passed, when the by-law shall take effect, and the whole of the debts and the obligations to be issued therefor shall be made payable in thirty years at furthest from the day on which such by-law takes effect.

Obligations due thirty years after.

Special rate levied to pay debt and interest.

2. The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest; such special rate shall be sufficient according to the amount of rateable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable.

By-law to give specified particulars of loan and payment.

3. The by-law shall recite: 1—The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; 2—The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; 3—The amount of the whole rateable property of the city, according to the last revised assessment rolls; and 4—The annual special rate in the dollar for paying the interest

and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act.

Special loans
to be approved
by electors.

XCIV. Every by-law for raising upon the credit of the city any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the city in the manner provided for in this Act.

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INTERPRETATION CLAUSE

Interpretation.

CXXXI. Unless otherwise declared or indicated by the context, wherever any of the following words occur in this Act, the meanings 10 hereinafter expressed attach to the same, namely:

.

5. The term "property" includes both real and personal property.

.

Statutes of Canada, 40 Vict. (1877)

Chapter 43

An Act to amend the law respecting the Incorporation
of Joint Stock Companies by Letters Patent.

(Assented to 28th April, 1877.)

Preamble.

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

Short title.

1. This Act may be cited as "The Canada Joint Stock Companies' 20 Act, 1877."

.

Companies formed
for certain purposes
may be incorpo-
rated by letters
patent.

3. The Governor in Council may, by letters patent under the great seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons, and others who may become shareholders in the Company thereby created, a body corporate and politic, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except the construction and working of railways, or the business of banking and the issue of paper money, or insurance.

Exception.

.

Powers given to the company to be subject to this Act.

25. All powers given to the Company by the letters patent or supplementary letters patent shall be exercised, subject to the provisions and restrictions contained in this Act.

Statutes of Canada, 42 Vict. (1879)

Chapter 9

An Act to amend and consolidate "The Railway Act, 1868," and the Acts amending it.

(Assented to 15th May, 1879.)

Preamble.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 10

1. In citing this Act, it shall be sufficient to use the expression "The Consolidated Railway Act, 1879."

APPLICATION OF ACT

Application of the several parts of this Act.

31 V., c. 13.

2. The provisions of this Act from section five to section thirty-four, both inclusive, being Part First of this Act, shall apply to the Intercolonial Railway constructed under the authority of the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, and intituled "An Act respecting the construction of the Intercolonial Railway," so far as they are applicable to the undertaking and in so far as they are not inconsistent with or contrary 20 to the provisions of the said Act or any other Act respecting it:

The same.

(2.) The said sections shall also apply to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, so far as they are applicable to the undertaking, and unless they are expressly varied or excepted by the Special Act, be incorporated with the Special Act, form part thereof, and be construed therewith as forming one Act.

.

FIRST PART

INTERPRETATION

Interpretation of words "the Special Act."

5. (1.) The expression "the Special Act," used in this Act shall be 30 construed to mean any Act authorizing the construction of a railway, with which this Act or "The Railway Act, 1868," is incorporated:

.

"The Railway."

(16.) The expression "the Railway" shall mean the railway and the works by the Special Act authorized to be constructed.

INCORPORATION

Companies established under Special Acts, declared to be bodies corporate, &c.

31 V., c. 1.

6. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be vested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such corporation, or are expressed or included in "The Interpretation Act."

POWERS

Powers.

7. The Company shall have power and authority,

To receive grants of land, &c.;

(1.) To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

To purchase land;

(2.) To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same:

To erect necessary buildings, wharves, &c.

(8.) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the railway;

All other matters and things necessary for Railway;

(10.) To construct and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of this Act, and of the Special Act;

Changes may be made in the line of a Railway at any time for certain purposes.

(19.) Any railway company desiring at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of such line of railway, so at any time changed or proposed to be changed, as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the special Act:

Proviso.

Statutes of Manitoba, 42 Vict. (1879)

Chapter 4

An Act to further amend the amended Act of Incorporation
of the City of Winnipeg.

(Assented to 10th June, 1879.)

Whereas the Mayor and Council of the City of Winnipeg have by their petition prayed that the Act of Incorporation of the said City be further amended:

And Whereas it is expedient to grant the prayer of said petition,
therefore, 10

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:

Council may
pass by-laws.

XXII. The council may pass by-laws:

1. For subscribing for any number of shares in the capital stock of, or for lending to, or guaranteeing the payment of any sum of money borrowed by any Incorporated Railway or Bridge Company.

2. For endorsing or guaranteeing the payment of any debentures to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole rateable property of the city, a sum sufficient to discharge the debt or engage-
ment so contracted. 20

3. For issuing for the like purpose debentures, payable at such times and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest as the council may think meet.

4. For granting bonuses to any railway or bridge company in aid of such railway or bridge, and for issuing debentures in the same manner as in the preceding sub-section provided, for raising money to meet such bonuses.

5. For issuing debentures in like manner as in preceding sub-section 3, provided for raising or borrowing money to build and construct a
bridge across the Red River for railway and ordinary traffic purposes, or either, and for the building and construction of the same at such place or point within the city limits to a point on the opposite bank of the river as the corporation may deem advisable. 30

Proviso.

Provided always, that all or any by-laws above mentioned, passed for the purposes aforesaid, shall be submitted to the people as provided for in section 93 of said Act.

Statutes of Canada, 44 Vic. (1881)

Chapter 1

An Act Respecting the Canadian Pacific Railway.

(Assented to 15th February, 1881.)

Preamble

Whereas by the terms and conditions of the admission of British Columbia into Union with the Dominion of Canada, the Government of the Dominion has assumed the obligation of causing a Railway to be constructed, connecting the seaboard of British Columbia with the Railway system of Canada;

Preference of Parliament for construction by a company.

And whereas the Parliament of Canada has repeatedly declared 10
a preference for the construction and operation of such Railway by means of an incorporated Company aided by grants of money and land, rather than by the Government, and certain Statutes have been passed to enable that course to be followed, but the enactments therein contained have not been effectual for that purpose;

Greater part still unconstructed

And whereas certain sections of the said Railway have been constructed by the Government, and others are in course of construction, but the greater portion of the main line thereof has not yet been commenced or placed under contract, and it is necessary for the development of the North West Territory and for the preserva- 20
tion of the good faith of the Government in the performance of its obligations, that immediate steps should be taken to complete and operate the whole of the said Railway;

Contract entered into

And whereas, in conformity with the expressed desire of Parliament, a contract has been entered into for the construction of the said portion of the main line of the said Railway, and for the permanent working of the whole line thereof, which contract with the schedule annexed has been laid before Parliament for its approval and a copy thereof is appended hereto, and it is expedient to approve and ratify the said contract, and to make provision for the carrying 30
out of the same:

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

Contract approved

1. The said contract, a copy of which with schedule annexed, is appended hereto, is hereby approved and ratified, and the Government is hereby authorized to perform and carry out the conditions thereof, according to their purport.

Charter may be granted.

2. For the purpose of incorporating the persons mentioned in the

Publication and
effect of charter

said contract, and those who shall be associated with them in the undertaking, and of granting to them the powers necessary to enable them to carry out the said contract according to the terms thereof, the Governor may grant to them in conformity with the said contract, under the corporate name of the Canadian Pacific Railway Company, a charter conferring upon them the franchises, privileges and powers embodied in the schedule to the said contract and to this Act appended, and such charter, being published in the Canada Gazette, with any Order or Orders in Council relating to it, shall have force and effect as if it were an Act of the Parliament of Canada, and shall be 10 held to be an Act of incorporation within the meaning of the said contract.

Certain grants of
money and land
may be made to the
company chartered

3. Upon the organization of the said Company, and the deposit by them with the Government, of one million dollars in cash or securities approved by the Government, for the purpose in the said contract provided, and in consideration of the completion and perpetual and efficient operation of the railway by the said Company, as stipulated in the said contract, the Government may grant to the Company a subsidy of twenty-five million dollars in money, and twenty-five million acres of land, to be paid and conveyed to the 20 Company in the manner and proportions, and upon the terms and conditions agreed upon in the said contract, and may also grant to the Company the land for right of way, stations and other purposes, and such other privileges as are provided for in the said contract. And in lieu of the payment of the said money subsidy direct to the Company, the Government may convert the same, and any interest accruing thereon, into a fund for the payment to the extent of such fund, of interest on the bonds of the Company, and may pay such interest accordingly; the whole in manner and form as provided for in the said contract. 30

Conversion of
money grant
authorized

Certain materials
may be admitted
free of duty

4. The Government may also permit the admission free of duty, of all steel rails, fish plates and other fastenings, spikes, bolts and nuts, wire, timber and all material for bridges to be used in the original construction of the said Canadian Pacific Railway, as defined by the Act thirty-seventh Victoria, chapter fourteen, and of a telegraph line in connection therewith, and all telegraphic apparatus required for the first equipment of such telegraph line, the whole as provided by the tenth section of the said contract.

Company to have
possession of com-
pleted portions of
the railway

5. Pending the completion of the eastern and central sections of the said railway as described in the said contract, the Government 40 may also transfer to the said Company the possession and right to work and run the several portions of the Canadian Pacific Railway as described in the said Act thirty-seventh Victoria, chapter fourteen, which are already constructed, and as the same shall be hereafter completed; and upon the completion of the said eastern and central

Conveyance thereof
to company when
the contract is per-
formed

sections the Government may convey to the Company, with a suitable number of station buildings, and with water service (but without equipment), those portions of the Canadian Pacific Railway constructed, or agreed by the said contract to be constructed by the Government, which shall then be completed; and upon completion of the remainder of the portion of the said railway to be constructed by the Government, that portion also may be conveyed by the Government to the Company, and the Canadian Pacific Railway defined as aforesaid shall become and be thereafter the absolute property of the Company; the whole, however, upon the terms and 10 conditions, and subject to the restrictions and limitations contained in the said contract.

Security may be
taken for operation
of the railway

6. The Government shall also take security for the continuous operation of the said railway during the ten years next subsequent to the completion thereof in the manner provided by the said contract.

SCHEDULE

THIS CONTRACT AND AGREEMENT MADE BETWEEN
HER MAJESTY THE QUEEN, acting in respect of the Dominion of Canada, and herein represented and acting by the 20
Honorable SIR CHARLES TUPPER, K.C.M.G., Minister of Railways and Canals, and George Stephen and Duncan McIntyre, of Montreal, in Canada, John S. Kennedy of New York, in the State of New York, Richard B. Angus and James J. Hill, of St. Paul, in the State of Minnesota, Morton, Rose & Co., London, England, and Kohn, Reinach & Co., of Paris, France,

Witnesses:

That the parties hereto have contracted and agreed with each other as follows, namely:

Interpretation
clause

Eastern section

Lake Superior
section

Central section

C.P. Railway

1. For the better interpretation of this contract, it is hereby 30
declared that the portion of railway hereinafter called the Eastern section, shall comprise that part of the Canadian Pacific Railway to be constructed, extending from the Western terminus of the Canada Central Railway, near the East end of Lake Nipissing, known as Callander Station, to a point of junction with that portion of the said Canadian Pacific Railway now in course of construction extending from Lake Superior to Selkirk on the East side of Red River; which latter portion is hereinafter called the Lake Superior section. That the portion of said railway, now partially in course of construction, extending from Selkirk to Kamloops, is hereinafter called the Central 40 section; and the portion of said railway now in course of construction, extending from Kamloops to Port Moody, is hereinafter called the Western section. And that the words "the Canadian Pacific Railway," are intended to mean the entire railway, as described in the

Company	Act 37th Victoria, chap. 14. The individual parties hereto, are hereinafter described as the Company; and the Government of Canada is hereinafter called the Government.
Government	
Security to be given by the company	2. The contractors immediately after the organization of the said Company, shall deposit with the Government \$1,000,000 in cash or approved securities, as a security for the construction of the railway hereby contracted for. The Government shall pay to the Company interest on the cash deposited at the rate of four per cent, per annum, half-yearly, and shall pay over to the Company the interest received upon securities deposited,—the whole until default in the performance 10 of the conditions hereof, or until the repayment of the deposit; and shall return the deposit to the Company on the completion of the railway, according to the terms hereof, with any interest accrued thereon.
Conditions thereof	
Eastern and central sections to be constructed by company described	3. The Company shall lay out, construct and equip the said Eastern section, and the said Central section, of a uniform gauge of 4 feet 8½ inches; and in order to establish an approximate standard whereby the quality and the character of the railway and of the materials used in the construction thereof, and of the equipment thereof may be regulated, the Union Pacific Railway of the United States as the same was when first constructed, is hereby selected and 20 fixed as such standard. And if the Government and the Company should be unable to agree as to whether or not any work done or materials furnished under this contract are in fair conformity with such standard, or as to any other question of fact, excluding questions of law, the subject of disagreement shall be, from time to time, referred to the determination of three referees, one of whom shall be chosen by the Government, one by the Company, and one by the two referees so chosen, and such referees shall decide as to the party by whom the expense of such reference shall be defrayed. And if such two referees should be unable to agree upon a third referee, he shall be appointed 30 at the instance of either party hereto, after notice to the other, by the Chief Justice of the Supreme Court of Canada. And the decision of such referees, or of the majority of them, shall be final.
Standard of railway and provision in case of disagreement as to conformity to it	
Commencement and regular progress of the work	4. The work of construction shall be commenced at the eastern extremity of the Eastern section not later than the first day of July next, and the work upon the Central section shall be commenced by the Company at such point towards the eastern end thereof on the portion of the line now under construction as shall be found convenient and as shall be approved by the Government, at a date not later than the 1st May next. And the work upon the Eastern and Central 40 sections, shall be vigorously and continuously carried on at such rate of annual progress on each section as shall enable the Company to complete and equip the same and each of them, in running order, on or before the first day of May, 1891, by which date the Company hereby agree to complete and equip the said sections in conformity
Period for completion	

with this contract, unless prevented by the act of God, the Queen's enemies, intestine disturbances, epidemics, floods, or other causes beyond the control of the Company. And in case of the interruption or obstruction of the work of construction from any of the said causes, the time fixed for the completion of the railway shall be extended for a corresponding period.

As to portion of
central section
made by Govern-
ment

5. The Company shall pay to the Government the cost, according to the contract, of the portion of railway, 100 miles in length, extending from the city of Winnipeg westward, up to the time at which the work was taken out of the hands of the contractor and the expenses 10 since incurred by the Government in the work of construction, but shall have the right to assume the said work at any time and complete the same, paying the cost of construction as aforesaid, so far as the same shall then have been incurred by the Government.

Government to
construct portions
now under con-
tract within periods
fixed by contract

6. Unless prevented by the act of God, the Queen's enemies, intestine disturbances, epidemics, floods or other causes beyond the control of the Government, the Government shall cause to be completed the said Lake Superior section, by the dates fixed by the existing contracts for the construction thereof; and shall also cause to be completed the portion of the said Western section now under 20 contract, namely, from Kamloops to Yale, within the period fixed by the contracts therefor, namely, by the thirtieth day of June, 1885; and shall also cause to be completed, on or before the first day of May, 1891, the remaining portion of the said Western section, lying between Yale and Port Moody, which shall be constructed of equally good quality in every respect with the standard hereby created for the portion hereby contracted for. And the said Lake Superior section, and the portions of the said Western section now under contract, shall be completed as nearly as practicable according to the specifica- 30 tions and conditions of the contracts therefor, except in so far as the same have been modified by the Government prior to this contract.

Completed Railway
to be property of
company

7. The railway constructed under the terms hereof shall be the property of the Company: and pending the completion of the Eastern and Central sections, the Government shall transfer to the Company the possession and right to work and run the several portions of the Canadian Pacific Railway already constructed or as the same shall be completed. And upon the completion of the Eastern and Central sections, the Government shall convey to the Company, with a suitable number of station buildings and with water service (but without equipment), those portions of the Canadian Pacific Railway 40 constructed or to be constructed by the Government which shall then be completed; and upon completion of the remainder of the portion of railway to be constructed by the Government, that portion shall also be conveyed to the Company; and the Canadian Pacific Railway shall become and be thereafter the absolute property

Transfer of portions
constructed by
Government

Company to
operate the railway
forever

of the Company. And the Company shall thereafter and forever efficiently maintain, work and run the Canadian Pacific Railway.

Company to equip
portions transferred
to them

8. Upon the reception from the Government of the possession of each of the respective portions of the Canadian Pacific Railway, the Company shall equip the same in conformity with the standard herein established for the equipment of the sections hereby contracted for, and shall thereafter maintain and efficiently operate the same.

Subsidy in money
and land

9. In consideration of the premises, the Government agree to grant to the Company a subsidy in money of \$25,000,000, and in 10 land of 25,000,000 acres, for which subsidies the construction of the Canadian Pacific Railway shall be completed and the same shall be equipped, maintained and operated,—the said subsidies respectively to be paid and granted as the work of construction shall proceed, in manner and upon the conditions following, that is to say:

Apportionment
of money

a. The said subsidy in money is hereby divided and appropriated as follows, namely:

CENTRAL SECTION

Assumed at 1,350 miles—

1st.—900 miles, at \$10,000 per mile.....	\$9,000,000	20
2nd.—450 “ “ 13,333 “ “	6,000,000	
	<u>\$15,000,000</u>	

EASTERN SECTION

Assumed at 650 miles, subsidy equal to	
\$15,384.61 per mile.....	10,000,000
	<u>\$25,000,000</u>

And of land

And the said subsidy in land is hereby divided and appropriated as follows, subject to the reserve hereinafter provided for:

CENTRAL SECTION

1st.—900 miles, at 12,500 acres per mile.....	11,250,000	30
2nd.—450 “ “ 16,666.66 “ “ “	7,500,000	
	<u>18,750,000</u>	

EASTERN SECTION

Assumed at 650 miles, subsidy equal to 9,615.35 acres	
per mile.....	6,250,000
	<u>25,000,000</u>

When to be paid
or granted

b. Upon the construction of any portion of the railway hereby contracted for, not less than 20 miles in length, and the completion

thereof so as to admit of the running of regular trains thereon, together with such equipment thereof as shall be required for the traffic thereon, the Government shall pay and grant to the Company the money and land subsidies applicable thereto, according to the division and appropriation thereof made as hereinbefore provided; the Company having the option of receiving in lieu of cash, terminable bonds of the Government, bearing such rate of interest, for such period and nominal amount as may be arranged, and which may be equivalent according to actuarial calculation to the corresponding cash payment,—the Government allowing four per cent. interest on 10 moneys deposited with them.

Option of company to take terminable bonds

Provision as to materials for construction delivered by company in advance

c. If at any time the Company shall cause to be delivered on or near the line of the said railway, at a place satisfactory to the Government, steel rails and fastenings to be used in the construction of the railway, but in advance of the requirements for such construction, the Government, on the requisition of the Company, shall, upon such terms and conditions as shall be determined by the Government, advance thereon three-fourths of the value thereof at the place of delivery. And a proportion of the amount so advanced shall be deducted, according to such terms and conditions, from the 20 subsidy to be thereafter paid, upon the settlement for each section of 20 miles of railway,—which proportion shall correspond with the proportion of such rails and fastenings which have been used in the construction of such sections.

Option of the company during a certain time to substitute payment of interest on certain bonds instead of issuing land grant bonds

d. Until the first day of January, 1882, the Company shall have the option, instead of issuing land grant bonds as hereinafter provided, of substituting the payment by the Government of the interest (or part of the interest) on bonds of the Company mortgaging the railway and the lands to be granted by the Government, running over such term of years as may be approved by the Governor in 30 Council, in lieu of the cash subsidy hereby agreed to be granted the Company or any part thereof—such payments of interest to be equivalent according to actuarial calculation to the corresponding cash payment, the Government allowing four per cent. interest on moneys deposited with them; and the coupons representing the interest on such bonds shall be guaranteed by the Government to the extent of such equivalent. And the proceeds of the sale of such bonds to the extent of not more than \$25,000,000, shall be deposited with the Government, and the balance of such proceeds shall be placed elsewhere by the Company, to the satisfaction and under the 40 exclusive control of the Government; failing which last condition the bonds in excess of those sold shall remain in the hands of the Government. And from time to time as the work proceeds, the Government shall pay over to the Company: firstly, out of the amount so to be placed by the Company,—and, after the expenditure of that amount, out of the amount deposited with the Government,—

Deposit of proceeds of sale of such bonds

Payments to company out of such deposits

sums of money bearing the same proportion to the mileage cash subsidy hereby agreed upon, which the net proceeds of such sale (if the whole of such bonds are sold upon the issue thereof, or, if such bonds be not all then sold, the net proceeds of the issue, calculated at the rate at which the sale of part of them shall have been made,) shall bear to the sum of \$25,000,000. But if only a portion of the bond issue be sold, the amount earned by the Company according to the proportion aforesaid, shall be paid to the Company, partly out of the bonds in the hands of the Government, and partly out of the cash deposited with the Government, in similar proportions to 10 the amount of such bonds sold and remaining unsold respectively; and the Company shall receive the bonds so paid, as cash, at the rate at which the said partial sale thereof shall have been made. And the Government will receive and hold such sum of money towards the creation of a sinking fund for the redemption of such bonds, and upon such terms and conditions, as shall be agreed upon between the Government and the Company.

e. If the Company avail themselves of the option granted by clause *d*, the sum of \$2,000 per mile for the first eight hundred miles of the Central section shall be deducted pro rata from the amount 20 payable to the Company in respect of the said eight hundred miles, and shall be appropriated to increase the mileage cash subsidy appropriated to the remainder of the said Central section.

10. In further consideration of the premises, the Government shall also grant to the Company the lands required for the road bed of the railway, and for its stations, station grounds, workshops, dock ground and water frontage at the termini on navigable waters, buildings, yards and other appurtenances required for the convenient and effectual construction and working of the railway, in so far as such land shall be vested in the Government. And the Government shall 30 also permit the admission free of duty, of all steel rails, fish plates and other fastenings, spikes, bolts and nuts, wires, timber and all material for bridges, to be used in the original construction of the railway, and of a telegraph line in connection therewith, and all telegraphic apparatus required for the first equipment of such telegraph line; and will convey to the Company, at cost price, with interest, all rails and fastenings, bought in or since the year 1879, and other materials for construction in the possession of or purchased by the Government, at a valuation,—such rails, fastenings and materials not being required by it for the construction of the said Lake Superior and Western 40 sections.

11. The grant of land hereby agreed to be made to the Company, shall be so made in alternate sections of 640 acres each, extending back 24 miles deep, on each side of the railway, from Winnipeg to Jasper House, in so far as such lands shall be vested in the Govern-

Case of deficiency of land on line of railway provided for	<p>ment,—the Company receiving the sections bearing uneven numbers. But should any of such sections consist in a material degree of land not fairly fit for settlement, the Company shall not be obliged to receive them as part of such grant; and the deficiency thereby caused and any further deficiency which may arise from the insufficient quantity of land along the said portion of railway, to complete the said 25,000,000 acres, or from the prevalence of lakes and water stretches in the sections granted (which lakes and water stretches shall not be computed in the acreage of such sections), shall be made up from other portions in the tract known as the fertile belt, that is to 10 say, the land lying between parallels 49 and 57 degrees of north latitude, or elsewhere at the option of the Company, by the grant therein of similar alternate sections extending back 24 miles deep on each side of any branch line or lines of railway to be located by the Company, and to be shown on a map or plan thereof deposited with the Minister of Railways; or of any common front line or lines agreed upon between the Government and the Company,—the conditions hereinbefore stated as to lands not fairly fit for settlement to be applicable to such additional grants. And the Company may with the consent of the Government, select in the North-West Territories 20 any tract or tracts of land not taken up as a means of supplying or partially supplying such deficiency. But such grants shall be made only from lands remaining vested in the Government.</p>
Selection by Company in such case, with consent of Government	
As to Indian title	<p>12. The Government shall extinguish the Indian title affecting the lands herein appropriated, and to be hereafter granted in aid of the railway.</p>
Location of railway between certain terminal points	<p>13. The Company shall have the right, subject to the approval of the Governor in Council, to lay out and locate the line of the railway hereby contracted for, as they may see fit, preserving the following terminal points, namely: from Callander station to the point of 30 junction with the Lake Superior section; and from Selkirk to the junction with the Western Section at Kamloops by way of the Yellow Head Pass.</p>
Power to construct branches	<p>14. The Company shall have the right, from time to time, to lay out, construct, equip, maintain and work branch lines of railway from any point or points along their main line of railway, to any point or points within the territory of the Dominion. Provided always, that before commencing any branch they shall first deposit a map and plan of such branch in the Department of Railways. And the</p>
Lands necessary for the same	<p>Government shall grant to the Company the lands required for the 40 road bed of such branches, and for the stations, station grounds, buildings, workshops, yards and other appurtenances requisite for the efficient construction and working of such branches, in so far as such lands are vested in the Government.</p>
Restriction as to	<p>15. For twenty years from the date hereof, no line of railway</p>

competing lines for
a limited period

shall be authorized by the Dominion Parliament to be constructed South of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway, except such line as shall run South West or to the Westward of South West; nor to within fifteen miles of Latitude 49. And in the establishment of any new Province in the North-West Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of the said period.

Exemption from
taxation in N.W.
territories

16. The Canadian Pacific Railway, and all stations and station grounds, work shops, buildings, yards and other property, rolling stock and appurtenances required and used for the construction and working thereof, and the capital stock of the Company, shall be forever free from taxation by the Dominion, or by any Province hereafter to be established, or by any Municipal Corporation therein; and the lands of the Company, in the North-West Territories, until they are either sold or occupied, shall also be free from such taxation for 20 years after the grant thereof from the Crown.

Land grant bonds

Their nature, and
conditions of issue
by the company

Deposit with Gov-
ernment; for what
purposes and on
what conditions

17. The Company shall be authorized by their Act of incorporation to issue bonds, secured upon the land granted and to be granted to the Company, containing provisions for the use of such bonds in the acquisition of lands, and such other conditions as the Company shall see fit,—such issue to be for \$25,000,000. And should the Company make such issue of land grant bonds, then they shall deposit them in the hands of the Government; and the Government shall retain and hold one-fifth of such bonds as security for the due performance of the present contract in respect of the maintenance and continuous working of the railway by the Company, as herein agreed, for ten years after the completion thereof, and the remaining \$20,000,000 of such bonds shall be dealt with as hereinafter provided. And as to the said one-fifth of the said bonds, so long as no default shall occur in the maintenance and working of the said Canadian Pacific Railway, the Government shall not present or demand payment of the coupons of such bonds, nor require payment of any interest thereon. And if any of such bonds, so to be retained by the Government, shall be paid off in the manner to be provided for the extinction of the whole issue thereof, the Government shall hold the amount received in payment thereof as security for the same purposes as the bonds so paid off, paying interest thereon at four per cent. per annum so long as default is not made by the Company in the performance of the conditions hereof. And at the end of the said period of ten years from the completion of the said railway, if no default shall then have occurred in such maintenance and working thereof, the said bonds, or if any of them shall then have been paid off, the remainder of said bonds and the money received for those paid off, with accrued interest, shall be delivered back by the Government to the Company with all

If the company
make no default in
operating railway

In case of such
default

the coupons attached to such bonds. But if such default should occur, the Government may thereafter require payment of interest on the bonds so held, and shall not be obliged to continue to pay interest on the money representing bonds paid off; and while the Government shall retain the right to hold the said portion of the said land grant bonds, other securities satisfactory to the Government may be substituted for them by the Company, by agreement with the Government.

Provision if such
bond are sold
faster than lands
are earned by the
company, and
deposit on interest
with Government,
and payments by
Government to
company

18. If the Company shall find it necessary or expedient to sell the remaining \$20,000,000 of the land grant bonds or a larger portion 10 thereof than in the proportion of one dollar for each acre of land then earned by the Company, they shall be allowed to do so, but the proceeds thereof, over and above the amount to which the Company shall be entitled as herein provided, shall be deposited with the Government. And the Government shall pay interest upon such deposit half-yearly, at the rate of four per cent. per annum, and shall pay over the amount of such deposit to the Company from time to time as the work proceeds, in the same proportions, and at the same times and upon the same conditions as the land grant—that is to say: the Company shall be entitled to receive from the Government 20 out of the proceeds of the said land grant bonds, the same number of dollars as the number of acres of the land subsidy which shall then have been earned by them, less one fifth thereof, that is to say, if the bonds are sold at par, but if they are sold at less than par, then a deduction shall be made therefrom corresponding to the discount at which such bonds are sold. And such land grant shall be conveyed to them by the Government, subject to the charge created as security for the said land grant bonds, and shall remain subject to such charge till relieved thereof in such manner as shall be provided for at the time of the issue of such bonds. 30

Lands to be granted
subject to such
bonds

Company to pay
certain expenses

19. The Company shall pay any expenses which shall be incurred by the Government in carrying out the provisions of the last two preceding clauses of this contract.

If land bonds are
not issued, one-fifth
of land to be re-
tained as security

20. If the Company should not issue such land grant bonds, then the Government shall retain from out of each grant to be made from time to time, every fifth section of the lands hereby agreed to be granted, such lands to be so retained as security for the purposes, and for the length of time, mentioned in section eighteen hereof.

How to be disposed
of

And such lands may be sold in such manner and at such prices as shall be agreed upon between the Government and the Company; 40 and in that case the price thereof shall be paid to, and held by the Government for the same period, and for the same purposes as the land itself, the Government paying four per cent. per annum interest thereon. And other securities satisfactory to the Government may

Substitution of
other securities

be substituted for such lands or money by agreement with the Government.

Company to be
incorporated as by
schedule A

21. The Company to be incorporated, with sufficient powers to enable them to carry out the foregoing contract, and this contract shall only be binding in the event of an Act of incorporation being granted to the Company in the form hereto appended as Schedule A.

Railway Act to
apply

Exceptions

22. The Railway Act of 1879, in so far as the provisions of the same are applicable to the undertaking referred to in this contract, and in so far as they are not inconsistent herewith or inconsistent with or contrary to the provisions of the Act of incorporation to be granted 10 to the Company, shall apply to the Canadian Pacific Railway.

In witness whereof the parties hereto have executed these presents at the City of Ottawa, this twenty-first day of October, 1880.

(Signed) CHARLES TUPPER,

" Minister of Railways and Canals.

" GEO. STEPHEN,

" DUNCAN McINTYRE,

" J. S. KENNEDY,

" R. B. ANGUS,

" J. J. HILL,

20

" Per pro. Geo. Stephen.

" MORTON, ROSE & CO.

" KOHN, REINACH & CO.,

By P. Du P. Grenfell.

Signed in presence of F. Braun, and Seal of the Department hereto affixed by Sir Charles Tupper, in presence of

(Signed) F. BRAUN.

SCHEDULE A, REFERRED TO IN THE FOREGOING CONTRACT

30

INCORPORATION

Certain persons
incorporated

1. George Stephen, of Montreal, in Canada, Esquire; Duncan McIntyre, of Montreal, aforesaid, Merchant; John S. Kennedy, of New York, in the State of New York, Banker; the firm of Morton, Rose and Company, of London, in England, Merchants; the firm of Kohn, Reinach and Company, of Paris, in France, Bankers; Richard B. Angus, and James J. Hill, both of St. Paul, in the State of Minnesota, Esquires; with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the 40 name of the "Canadian Pacific Railway Company."

Corporate name

Capital stock and
shares

Paid up shares

Substitution of
company as
contractors; and
when

Effect of such
substitution

Notice in Canada
Gazette

Further instalment
to be paid up

And rest of
\$5,000,000

Necessary fran-
chises and powers
granted

Proviso

2. The capital stock of the Company shall be twenty-five million dollars, divided into shares of one hundred dollars each,—which shares shall be transferable in such manner and upon such conditions as shall be provided by the by-laws of the Company; and such shares or any part thereof, may be granted and issued as paid-up shares for value bona fide received by the Company, either in money at par or at such price and upon such conditions as the Board of Directors may fix, or as part of the consideration of any contract made by the Company.

3. As soon as five million dollars of the stock of the Company 10 have been subscribed, and thirty per centum thereof paid up, and upon the deposit with the Minister of Finance of the Dominion of one million dollars in money or in securities approved by the Governor in Council, for the purpose and upon the conditions in the foregoing contract provided, the said contract shall become and be transferred to the Company, without the execution of any deed or instrument in that behalf; and the Company shall, thereupon, become and be vested with all the rights of the contractors named in the said contract, and shall be subject to, and liable for, all their duties and obligations, to the same extent and in the same manner as if the said 20 contract had been executed by the said Company instead of by the said contractors; and thereupon the said contractors, as individuals, shall cease to have any right or interest in the said contract, and shall not be subject to any liability or responsibility under the terms thereof otherwise than as members of the corporation hereby created. And upon the performance of the said conditions respecting the subscription of stock, the partial payment thereof, and the deposit of one million dollars to the satisfaction of the Governor in Council, the publication by the Secretary of State in the Canada Gazette, of a notice that the transfer of the contract to the Company has been 30 effected and completed shall be conclusive proof of the fact. And the Company shall cause to be paid up, on or before the first day of May next, a further instalment of twenty per centum upon the said first subscription of five million dollars, of which call thirty days notice by circular mailed to each shareholder shall be sufficient. And the Company shall call in, and cause to be paid up, on or before the 31st day of December, 1882, the remainder of the said first subscription of five million dollars.

4. All the franchises and powers necessary or useful to the Company to enable them to carry out, perform, enforce, use, and avail 40 themselves of, every condition, stipulation, obligation, duty, right, remedy, privilege, and advantage agreed upon, contained or described in the said contract, are hereby conferred upon the Company. And the enactment of the special provisions hereinafter contained shall not be held to impair or derogate from the generality of the franchises and powers so hereby conferred upon them.

DIRECTORS

First directors of the company	5. The said George Stephen, Duncan McIntyre, John S. Kennedy, Richard B. Angus, James J. Hill, Henry Stafford Northcote, of London, aforesaid, Esquires, Pascoe du P. Grenfell, of London, aforesaid, Merchant, Charles Day Rose, of London, aforesaid, Merchant, and Baron J. de Reinach, of Paris, aforesaid, Banker, are hereby constituted the first directors of the Company, with power to add to their number, but so that the directors shall not in all exceed fifteen in number; and the majority of the directors, of whom the President shall be one, shall be British subjects. And the Board 10
Number limited	of Directors so constituted shall have all the powers hereby conferred upon the directors of the Company, and they shall hold office until the first annual meeting of the shareholders of the Company.
Majority to be British subjects	
Powers and term of office	
Qualification of directors	6. Each of the directors of the Company, hereby appointed, or hereafter appointed or elected, shall hold at least two hundred and fifty shares of the stock of the Company. But the number of directors to be hereafter elected by the shareholders shall be such, not exceeding fifteen, as shall be fixed by by-law, and subject to the same conditions as the directors appointed by, or under the authority of, the last preceding section; the number thereof may be hereafter 20
Alteration of number by by-law	altered from time to time in like manner. The votes for their election shall be by ballot.
Ballot	
Quorum	7. A majority of the directors shall form a quorum of the board; and until otherwise provided by by-law, directors may vote and act by proxy,—such proxy to be held by a director only; but no director shall hold more than two proxies, and no meeting of directors shall be competent to transact business unless at least three directors are present thereat in person, the remaining number of directors required to form a quorum being represented by proxies.
Proviso	
Three must be present	
Executive committee	8. The Board of Directors may appoint, from out of their number, 30 an Executive Committee, composed of at least three directors, for the transaction of the ordinary business of the Company, with such powers and duties as shall be fixed by the by-laws; and the President shall be ex officio a member of such committee.
President to be one	
Chief place of business	9. The chief place of business of the Company shall be at the City of Montreal, but the Company may, from time to time, by by-law, appoint and fix other places within or beyond the limits of Canada at which the business of the Company may be transacted, and at which the directors or shareholders may meet, when called as shall be determined by the by-laws. And the Company shall appoint 40
Other places	and fix by by-law, at least one place in each Province or Territory through which the railway shall pass, where service of process may be made upon the Company, in respect of any cause of action arising within such Province or Territory, and may afterwards, from time to
Places for service of process, &c.	

How to be notified	time, change such place by by-law. And a copy of any by-law fixing or changing any such place, duly authenticated as herein provided, shall be deposited by the Company in the office, at the seat of Government of the Province or Territory to which such by-law shall apply, of the clerk or prothonotary of the highest, or one of the highest, courts of civil jurisdiction of such Province or Territory. And if any cause of action shall arise against the Company within any Province or Territory, and any writ or process be issued against the Company thereon out of any court in such Province or Territory, service of such process may be validly made upon the Company at 10 the place within such Province or Territory so appointed and fixed; but if the Company fail to appoint and fix such place, or to deposit, process may be validly served upon the Company, at any of the stations of the said railway within such Province or Territory.
Service of process thereat	
And if company fail to appoint places	

SHAREHOLDERS

First and other annual meetings	10. The first annual meeting of the shareholders of the Company, for the appointment of directors, shall be held on the second Wednesday in May, one thousand eight hundred and eighty-two, at the principal office of the Company, in Montreal; and the annual general meeting of shareholders, for the election of directors and the trans- 20 action of business generally, shall be held on the same day in each year thereafter at the same place unless otherwise provided by the by-laws. And notice of each of such meetings shall be given by the publication thereof in the Canada Gazette for four weeks, and by such further means as shall, from time to time, be directed by the by-laws.
Notice	
Special general meetings: notice	11. Special general meetings of the shareholders may be convened in such manner as shall be provided by the by-laws: and except as hereinafter provided, notice of such meetings shall be given in the same manner as notices of annual general meetings, the purpose for 30 which such meeting is called being mentioned in the notices thereof; and, except as hereinafter provided, all such meetings shall be held at the chief place of business of the Company.
Place	
Provision if a meeting be necessary before notice as aforesaid can be given	12. If at any time before the first annual meeting of the shareholders of the Company, it should become expedient that a meeting of the directors of the Company, or a special general meeting of the shareholders of the Company, should be held, before such meeting can conveniently be called, and notice thereof given in the manner provided by this Act, or by the by-laws, or before by-laws in that behalf have been passed, and at a place other than at the chief 40 place of business of the Company in Montreal before the enactment of a by-law authorizing the holding of such meeting elsewhere; it shall be lawful for the President or for any three of the directors of the Company to call special meetings either of directors or of share-

holders, or of both, to be held at the City of London in England, at times and places respectively, to be stated in the notices to be given of such meetings respectively. And notices of such meetings may be validly given by a circular mailed to the ordinary address of each director or shareholder as the case may be, in time to enable him to attend such meeting, stating in general terms the purpose of the intended meeting. And in the case of a meeting of shareholders, the proceedings of such meeting shall be held to be valid and sufficient and to be binding on the Company in all respects, if every shareholder of the Company be present thereat in person or by proxy, notwithstanding that notice of such meeting shall not have been given in the manner required by this Act. 10

Notices in such case

Meetings always valid if all shareholders or their proxies are present

13. No shareholder holding shares upon which any call is overdue and unpaid shall vote at any meeting of shareholders. And unless otherwise provided by the by-laws, the person holding the proxy of a shareholder shall be himself a shareholder.

Limitation as to votes and proxies

And as to calls

14. No call upon unpaid shares shall be made for more than twenty per centum upon the amount thereof.

RAILWAY AND TELEGRAPH LINE

Line and gauge of railway

And of certain branches thereof

Commencement and completion

Other branches

Name of railway

Company may construct lines of telegraph or telephone, and work them and collect tolls

15. The Company may lay out, construct, acquire, equip, maintain and work a continuous line of railway, of the gauge of four feet eight and one-half inches; which railway shall extend from the terminus of the Canada Central Railway near Lake Nipissing, known as Callander Station, to Port Moody in the Province of British Columbia; and also, a branch line of railway from some point on the main line of railway to Fort William on Thunder Bay; and also the existing branch line of railway from Selkirk, in the Province of Manitoba, to Pembina in the said Province; and also other branches to be located by the Company from time to time as provided by the said contract,—the said branches to be of the gauge aforesaid; and the said main line of railway, and the said branch lines of railway, shall be commenced and completed as provided by the said contract; and together with such other branch lines as shall be hereafter constructed by the said Company, and any extension of the said main line of railway that shall hereafter be constructed or acquired by the Company, shall constitute the line of railway hereinafter called THE CANADIAN PACIFIC RAILWAY. 30

16. The Company may construct, maintain and work a continuous telegraph line and telephone lines throughout and along the whole line of the Canadian Pacific Railway, or any part thereof, and may also construct or acquire by purchase, lease or otherwise, any other line or lines of telegraph connecting with the line so to be constructed along the line of the said railway, and may undertake the transmission of messages for the public by any such line or lines of telegraph or 40

telephone, and collect tolls for so doing; or may lease such line or lines of telegraph or telephone, or any portion thereof; and, if they think proper to undertake the transmission of messages for hire, they shall be subject to the provisions of the fourteenth, fifteenth and sixteenth sections of chapter sixty-seven of the Consolidated Statutes of Canada. And they may use any improvement that may hereafter be invented (subject to the rights of patentees) for telegraphing or telephoning, and any other means of communication that may be deemed expedient by the Company at any time hereafter.

Subject to Con.
Stat. Can., c. 67,
ss. 14, 15, 16

As to future
inventions

POWERS

10

Application of
42 v., c. 9

17. "The Consolidated Railway Act, 1879," in so far as the provisions of the same are applicable to the undertaking authorized by this charter, and in so far as they are not inconsistent with or contrary to the provisions hereof, and save and except as hereinafter provided, is hereby incorporated herewith.

Exceptions as to
such application

18. As respects the said railway, the seventh section of "The Consolidated Railway Act, 1879," relating to POWERS, and the eighth section thereof relating to PLANS AND SURVEYS, shall be subject to the following provisions:

As to lands of the
Crown required

a. The Company shall have the right to take, use and hold the 20 beach and land below high water mark, in any stream, lake, navigable water, gulf or sea, in so far as the same shall be vested in the Crown and shall not be required by the Crown, to such extent as shall be required by the Company for its railway and other works, and as shall be exhibited by a map or plan thereof deposited in the office of the Minister of Railways. But the provisions of this sub-section shall not apply to any beach or land lying East of Lake Nipissing except with the approval of the Governor in Council.

Plans and book of
reference

b. It shall be sufficient that the map or plan and book of reference for any portion of the line of the railway not being within any district 30 or county for which there is a Clerk of the Peace, be deposited in the office of the Minister of Railways of Canada; and any omission, misstatement or erroneous description of any lands therein may be corrected by the Company, with the consent of the Minister and certified by him; and the Company may then make the railway in accordance with such certified correction.

Deviations from
line on plan

c. The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places, deviations not exceed- 40 ing five miles from the line shown on the map or plan as aforesaid, deposited by the Company, shall be allowed, without any formal correction or certificate; and any further deviation that may be found

expedient may be authorized by order of the Governor in Council, and the Company may then make their railway in accordance with such authorized deviation.

Deposit of plan of
main line, &c.

And of branches

Copies thereof

Registration
thereof

d. The map or plan and book of reference of any part of the main line of the Canadian Pacific Railway made and deposited in accordance with this section, after approval by the Governor in Council, and of any branch of such railway hereafter to be located by the said Company in respect of which the approval of the Governor in Council shall not be necessary, shall avail as if made and deposited as required by the said "Consolidated Railway Act, 1879," for all the purposes of 10 the said Act and of this Act; and any copy of, or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada.

e. It shall be sufficient that a map or profile of any part of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the Minister of Railways.

Company may take
materials from
public lands; and a
greater extent for
stations, &c. than
allowed by 42 V.,
c. 9

Proviso

19. It shall be lawful for the Company to take from any public lands, adjacent to or near the line of the said railway, all stone, timber, gravel and other materials which may be necessary or useful for the 20 construction of the railway; and also to lay out and appropriate to the use of the Company, a greater extent of lands, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharves, harbours and roadway, and for establishing screens against snow, than the breadth and quantity mentioned in "The Consolidated Railway Act, 1879,"—such greater extent taken, in any case being allowed by the Government, and shown on the maps or plans deposited with the Minister of Railways.

Limit of reduction
of tolls by Parlia-
ment under 42 V.,
c. 9, s. 17, extended

Reduction by
Governor in
Council extended
in like manner

20. The limit to the reduction of tolls by the Parliament of Canada provided for by the eleventh sub-section of the 17th section of "The 30 Consolidated Railway Act, 1879," respecting TOLLS, is hereby extended, so that such reduction may be to such an extent that such tolls when reduced shall not produce less than ten per cent. per annum profit on the capital actually expended in the construction of the railway, instead of not less than fifteen per cent per annum profit, as provided by the said sub-section; and so also that such reduction shall not be made unless the net income of the Company, ascertained as described in said sub-section, shall have exceeded ten per cent. per annum instead of fifteen per cent. per annum as provided by the said sub-section. And the exercise by the Governor in Council of the 40 power of reducing the tolls of the Company as provided by the tenth sub-section of said section seventeen is hereby limited to the same extent with relation to the profit of the Company, and to its net revenue, as that to which the power of Parliament to reduce tolls is limited by said sub-section eleven as hereby amended.

Restriction as
to transfers of
stock

21. The first and second sub-sections of section 22, of "The Consolidated Railway Act, 1879," shall not apply to the Canadian Pacific Railway Company; and it is hereby enacted that the transfer of shares in the undertaking shall be made only upon the books of the Company in person or by attorney, and shall not be valid unless so made; and the form and mode of transfer shall be such as shall be, from time to time, regulated by the by-laws of the Company. And the funds of the Company shall not be used in any advance upon the security of any of the shares or stock of the Company.

Advances on, by
company forbidden

Transfer or
transmission to
non-shareholders
subject to veto
of directors until
completion of
contract

22. The third and fourth sub-sections of said section 22 of "The Consolidated Railway Act, 1879," shall be subject to the following provisions, namely,—that if before the completion of the railway and works under the said contract, any transfer should purport to be made of any stock or share in the Company, or any transmission of any share should be effected under the provisions of said sub-section four, to a person not already a shareholder in the Company, and if in the opinion of the board it should not be expedient that the person (not being already a shareholder) to whom such transfer or transmission shall be made or effected should be accepted as a shareholder, the directors may by resolution veto such transfer or transmission; and thereafter, and until after the completion of the said railway and works under the said contract, such person shall not be, or be recognized as a shareholder in the Company; and the original shareholder, or his estate, as the case may be, shall remain subject to all the obligations of a shareholder in the Company, with all the rights conferred upon a shareholder under this Act. But any firm holding paid-up shares in the Company may transfer the whole or any of such shares to any partner in such firm having already an interest as such partner in such shares, without being subject to such veto. And in the event of such veto being exercised, a note shall be taken of the transfer or transmission so vetoed in order that it may be recorded in the books of the Company after the completion of the railway and works as aforesaid; but until such completion, the transfer or transmission so vetoed shall not confer any rights, nor have any effect of any nature or kind whatever as respects the Company.

Proviso: as to
transfer by a firm
to a partner

Note of transfer
to be made and
for what purpose

Certain other pro-
visions of 42 V., c. 9,
not to apply

23. Sub-section sixteen of section nineteen, relating to PRESIDENT AND DIRECTORS, THEIR ELECTION AND DUTIES; sub-section two of section twenty-four, relating to BY-LAWS, NOTICES, &c., sub-sections five and six of section twenty-eight, relating to GENERAL PROVISIONS, and section ninety-seven, relating to RAILWAY FUND, of "The Consolidated Railway Act, 1879," shall not, nor shall any of them apply to the Canadian Pacific Railway or to the Company hereby incorporated.

Company to
afford reasonable
facilities to and
receive the like

24. The said Company shall afford all reasonable facilities to the Ontario and Pacific Junction Railway Company, when their railway

from certain other
railway companies

shall be completed to a point of junction with the Canadian Pacific Railway, and to the Canada Central Railway Company, for the receiving, forwarding and delivering of traffic upon and from the railways of the said Companies, respectively, and for the return of carriages, trucks and other vehicles; and no one of the said Companies shall give or continue any preference or advantage to, or in favour of either of the others, or of any particular description of traffic, in any respect whatsoever; nor shall any one of the said Companies subject any other thereof, or any particular description of traffic, to any prejudice or disadvantage in any respect whatsoever; and any one 10 of the said Companies which shall have any terminus or station near any terminus or station of either of the others, shall afford all reasonable facilities for receiving and forwarding all the traffic arriving by either of the others, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies; and the said Canadian Pacific Railway Company shall receive and carry all freight 20 and passenger traffic shipped to or from any point on the railway of either of the said above named railway companies passing over the Canadian Pacific Railway or any part thereof, at the same mileage rate and subject to the same charges for similar services, without granting or allowing any preference or advantage to the traffic coming from or going upon one of such railways over such traffic coming from or going upon the other of them, reserving, however, to the said Canadian Pacific Railway Company the right of making special rates for purchasers of land, or for immigrants or intending immigrants, which special rates shall not govern or affect the rates of passenger traffic 30 as between the said Company and the said two above named Companies or either of them. And any agreement made between any two of the said companies contrary to the foregoing provisions, shall be unlawful, null and void.

As to rates of
carriage of traffic
in such cases

Reservation as to
purchasers of land,
and emigrants

Contrary agree-
ments void

Company may pur-
chase or acquire by
lease or otherwise
certain other Rail-
ways or amalgam-
ate with them

25. The Company, under the authority of a special general meeting of the shareholders thereof, and as an extension of the railway hereby authorized to be constructed, may purchase or acquire by lease or otherwise, and hold and operate, the Canada Central Railway, or may amalgamate therewith, and may purchase or acquire by lease or otherwise and hold and operate a line or lines of railway from the 40 City of Ottawa to any point at navigable water on the Atlantic seaboard or to any intermediate point, or may acquire running powers over any railway now constructed between Ottawa and any such point or intermediate point: And the Company may purchase or acquire any such railway, subject to such existing mortgages, charges or liens thereon as shall be agreed upon, and shall possess with

And borrow to a
limited amount on
bonds in conse-
quence

regard to any lines of railway so purchased, or acquired, and becoming the property of the Company, the same powers as to the issue of bonds thereon, or on any of them, to an amount not exceeding twenty thousand dollars per mile, and as to the security for such bonds, as are conferred upon the Company by the twenty-eighth section hereof, in respect of bonds to be issued upon the Canadian Pacific Railway. But such issue of bonds shall not affect the right of any holder of mortgages or other charges already existing upon any line of railway so purchased or acquired; and the amount of bonds hereby authorized to be issued upon such line of railway shall be diminished by the 10 amount of such existing mortgages or charges thereon.

Not to affect
prior mortgages

Company may have
docks, &c., and run
vessels on any navi-
gable water their
railway touches

26. The Company shall have power and authority to erect and maintain docks, dockyards, wharves, slips and piers at any point on or in connection with the said Canadian Pacific Railway, and at all the termini thereof on navigable water, for the convenience and accommodation of vessels and elevators; and also to acquire and work elevators, and to acquire, own, hold, charter, work and run steam and other vessels for cargo and passengers upon any navigable water, which the Canadian Pacific Railway may reach or connect with. 20

BY-LAWS

27. The by-laws of the Company may provide for the remuneration of the president and directors of the Company, and of any executive committee of such directors; and for the transfer of stock and shares; the registration and inscription of stock, shares, and bonds and the transfer of registered bonds; and the payment of dividends and interest at any place or places within or beyond the limits of Canada; and for all other matters required by the said contract or by this Act to be regulated by by-laws: but the by-laws of the Company made as provided by law shall in no case have any 30 force or effect after the next general meeting of shareholders which shall be held after the passage of such by-laws, unless they are approved by such meeting.

By-laws may pro-
vide for certain
purposes

Must be confirmed
at next general
meeting

BONDS

28. The Company, under the authority of a special general meeting of the shareholders called for the purpose, may issue mortgage bonds to the extent of ten thousand dollars per mile of the Canadian Pacific Railway for the purposes of the undertaking authorized by the present Act; which issue shall constitute a first mortgage and privilege upon the said railway, constructed or acquired, and to be 40 thereafter constructed or acquired, and upon its property, real and personal, acquired and to be thereafter acquired, including rolling stock and plant, and upon its tolls and revenues (after deduction from such tolls and revenues of working expenses), and upon the franchises

Amount of bonds
limited

Mortgages for
securing the same
on all the property
of the company

Proviso: in case
land grant bonds
have been issued
under section 30

Evidence of mort-
gage and what
conditions the
bonds may contain

Remedies of holders
in default of
payment

Right of voting
may, in such case,
be transferred to
bondholders

Cancellation of
shares deprived of
voting power

Enforcing
conditions

Further provisions
under mortgage
deed

of the Company; the whole as shall be declared and described as so mortgaged in any deed of mortgage as hereinafter provided. Provided always, however, that if the Company shall have issued, or shall intend to issue land grant bonds under the provisions of the thirtieth section hereof, the lands granted and to be granted by the Government to the Company may be excluded from the operation of such mortgage and privilege: and provided also that such mortgage and privilege shall not attach upon any property which the Company are hereby, or by the said contract, authorized to acquire or receive from the Government of Canada until the same shall have been 10 conveyed by the Government to the Company, but shall attach upon such property, if so declared in such deed, as soon as the same shall be conveyed to the Company. And such mortgage and privilege may be evidenced by a deed or deeds of mortgage executed by the Company, with the authority of its shareholders expressed by a resolution passed at such special general meeting; and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds or by any trustee or 20 trustees for them in default of such payment, and the enforcement of such remedies, and may provide for such forfeitures and penalties, in default of such payment, as may be approved by such meeting; and may also contain, with the approval aforesaid, authority to the trustee or trustees, upon such default, as one of such remedies, to take possession of the railway and property mortgaged, and to hold and run the same for the benefit of the bondholders thereof for a time to be limited by such deed, or to sell the said railway and property, after such delay, and upon such terms and conditions as may be stated in such deed: and with like approval any such deed may contain 30 provisions to the effect that upon such default and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the Company, and by the holders of preferred stock therein, or by either of them, shall cease and determine, and shall thereafter appertain to the bondholders, or to them and to the holders of the whole or of any part of the preferred stock of the Company, as shall be declared by such deed: and such deed may also provide for the conditional or absolute cancellation after such sale of any or all of the shares so deprived of voting power, or of any or all of the preferred stock of the Company, or both; and may also, either 40 directly by its terms, or indirectly by reference to the by-laws of the Company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed, under the provisions hereof. And such deed, and the provisions thereof made under the authority hereof, and such other provisions thereof as shall purport (with like approval) to grant such further and other powers and privileges to such trustee or trustees and to such bondholders, as

Provision in case of
change of owner-
ship, &c., of Rail-
way, in such case

Increase of borrow-
ing power if no land
grant bonds are
issued

Provision if such
bonds are issued
before completion
of railway

Provisions as to
issue of land grant
mortgage bonds

Evidence of mort-
gage and conditions

Name of and how
dealt with

Issue of bonds in
place of land grant
bonds under agree-

are not contrary to law or to the provisions of this Act, shall be valid and binding. But if any change in the ownership or possession of the said railway and property shall, at any time, take place under the provisions hereof, or of any such deed, or in any other manner, the said railway and property shall continue to be held and operated under the provisions hereof, and of "The Consolidated Railway Act, 1879," as hereby modified. And if the Company does not avail itself of the power of issuing bonds secured upon the land grant alone as hereinafter provided, the issue of bonds hereby authorized may be increased to any amount not exceeding twenty thousand dollars per 10 mile of the said Canadian Pacific Railway.

29. If any bond issue be made by the Company under the last preceding section before the said railway is completed according to the said contract, a proportion of the proceeds of such bonds or a proportion of such bonds if they be not sold, corresponding to the proportion of the work contracted for then remaining incomplete, shall be received by the Government, and shall be held, dealt with and, from time to time, paid over by the Government to the Company upon the same conditions, in the same manner and according to the same proportions as the proceeds of the bonds, the issue of which is 20 contemplated by sub-section *d* of Clause 9 of the said contract, and by the thirty-first section hereof.

30. The Company may also issue mortgage bonds to the extent of twenty-five million dollars upon the lands granted in aid of the said railway and of the undertaking authorized by this Act; such issue to be made only upon similar authority to that required by this Act for the issue of bonds upon the railway; and when so made such bonds shall constitute a first mortgage upon such lands, and shall attach upon them when they shall be granted, if they are not actually granted at the time of the issue of such bonds. And such mortgage 30 may be evidenced by a deed or deeds of mortgage to be executed under like authority to the deed securing the issue of bonds on the railway; and such deed or deeds under like authority may contain similar conditions and may confer upon the trustee or trustees named thereunder and upon the holders of the bonds secured thereby, remedies, authority, power and privileges and may provide for forfeitures and penalties, similar to those which may be inserted and provided for under the provisions of this Act in any deed securing the issue of bonds on the railway, together with such other provisions and condi- 40 tions not inconsistent with law or with this Act as shall be so authorized. And such bonds may be styled Land Grant Bonds, and they and the proceeds thereof shall be dealt with in the manner provided in the said contract.

31. The Company may, in the place and stead of the said land grant bonds, issue bonds under the twenty-eighth section hereof to

ment with Govern-
ment

To include fran-
chise as well as
property of
company

Section 28 to apply

Facilities for issue
of mortgage bonds
as to seal and
signatures

"Working ex-
penses defined"

Currency on which
bonds may be issued

Price and con-
ditions of sale

such amount as they shall agree with the Government to issue, with the interest guaranteed by the Government as provided for in the said contract; such bonds to constitute a mortgage upon the property of the Company and its franchises acquired and to be thereafter acquired—including the main line of the Canadian Pacific Railway, and the branches thereof hereinbefore described, with the plant and rolling stock thereof acquired and to be thereafter acquired, but exclusive of such other branches thereof and of such personal property as shall be excluded by the deed of mortgage to be executed as security for such issue. And the provisions of the said twenty-eighth section shall apply to such issue of bonds, and to the security which may be given for the payment thereof, and they and the proceeds thereof shall be dealt with as hereby and by the said contract provided. 10

32. It shall not be necessary to affix the seal of the Company to any mortgage bond issued under the authority of this Act; and every such bond issued without such seal shall have the same force and effect, and be held, treated and dealt with by all courts of law and of equity as if it were sealed with the seal of the company. And if it is provided by the mortgage deed executed to secure the issue of any bonds, that any of the signatures to such bonds or to the coupons thereto appended may be engraved, stamped or lithographed thereon, such engraved, stamped or lithographed signatures shall be valid and binding on the Company. 20

33. The phrase "working expenses" shall mean and include all expenses of maintenance of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and moveable plant used in the working thereof, and also all such tolls, rents or annual sums as may be paid in respect of the hire of engines, carriages or wagons let to the Company; also, all rent, charges, or interest on the purchase money of lands belonging to the Company, purchased but not paid for, or not fully paid for; and also all expenses of and incidental to working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also all salaries and wages of persons employed in and about the working of the railway and traffic, and all office and management expenses, including directors' fees, agency, legal and other like expenses. 30

34. The bonds authorized by this Act to be issued upon the railway or upon the lands to be granted to the Company, or both, may be so issued in whole or in part in the denomination of dollars, pounds sterling, or francs, or in any or all of them, and the coupons may be for payment in denominations similar to those of the bond to which they are attached. And the whole or any of such bonds, may be pledged, negotiated or sold upon such conditions and at such price as the Board of Directors shall, from time to time, determine. And 40

May be exchanged
for inscribed
stock, &c.

provision may be made by the by-laws of the Company, that after the issue of any bond, the same may be surrendered to the Company by the holder thereof, and the Company may, in exchange therefor, issue to such holder inscribed stock of the Company,—which inscribed stock may be registered or inscribed at the chief place of business of the Company or elsewhere, in such manner, with such rights, liens, privileges and preferences, at such place, and upon such conditions, as shall be provided by the by-laws of the Company.

Bonds need not
be registered

35. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage or privilege, purporting to appertain to or be created by any bond issued or mortgage deed executed under the provisions of this Act, that such bond or deed should be enregistered in any manner, or in any place whatever. But every such mortgage deed shall be deposited in the office of the Secretary of State,—of which deposit notice shall be given in the Canada Gazette. And in like manner any agreement entered into by the Company, under section thirty-six of this Act, shall also be deposited in the said office. And a copy of any such mortgage deed, or agreement, certified to be a true copy by the Secretary of State or his deputy, shall be received as prima facie evidence of the original in all courts of justice, without proof of the signatures or seal upon such original.

Mortgage deed
how deposited

And agreements
under s. 36

Certified copies

Agreement with
bondholders, &c.
for restricting
issues

36. If, at any time, any agreement be made by the Company with any persons intending to become bondholders of the Company, or be contained in any mortgage deed executed under the authority of this Act, restricting the issue of bonds by the Company, under the powers conferred by this Act, or defining or limiting the mode of exercising such powers, the Company, after the deposit thereof with the Secretary of State as hereinbefore provided, shall not act upon such powers otherwise than as defined, restricted and limited by such agreement. And no bond thereafter issued by the Company, and no order, resolution or proceeding thereafter made, passed or had by the Company, or by the Board of Directors, contrary to the terms of such agreement, shall be valid or effectual.

Effect thereof

Company may
issue guaranteed
or preferred stock
to a limited
amount

37. The Company may, from time to time, issue guaranteed or preferred stock, at such price, to such amount, not exceeding ten thousand dollars per mile, and upon such conditions as to the preferences and privileges appertaining thereto, or to different issues or classes thereof, and otherwise, as shall be authorized by the majority in value of the shareholders present in person or represented by proxy at any annual meeting or at any special general meeting thereof called for the purpose,—notice of the intention to propose such issue at such meeting being given in the notice calling such meeting. But the guarantee or preference accorded to such stock shall not interfere with the lien, mortgage and privilege attaching to bonds issued under the authority of this Act. And the holders of

Not to affect
privileges of bond-
holders

Voting

such preferred stock shall have such power of voting at meetings of shareholders, as shall be conferred upon them by the by-laws of the Company.

EXECUTION OF AGREEMENTS

Contracts, bills,
&c., by its agents
to bind the
company

Proof thereof

Non-liability of
such agents

Proviso: as to notes

38. Every contract, agreement, engagement, scrip certificate or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in 10 no case shall it be necessary to have the seal of the Company affixed to any such bill, note, cheque, contract, agreement, engagement, bargain or scrip certificate, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the Company be subjected individually to any liability whatsoever, to any third party therefor: Provided always, that nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note 20 of a bank, or to engage in the business of banking or insurance.

GENERAL PROVISIONS

Reports to
Government

39. The Company shall, from time to time, furnish such reports of the progress of the work, with such details and plans of the work, as the Government may require.

Publication of
notices

40. As respects places not within any Province, any notice required by "The Consolidated Railway Act, 1879," to be given in the "Official Gazette" of a Province, may be given in the Canada Gazette.

Form of deeds,
&c., to the company

41. Deeds and conveyances of lands to the Company for the 30 purposes of this Act, (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form following, that is to say:

Form

"Know all men by these presents, that I, A.B., in consideration of paid to me by the Canadian Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said The Canadian Pacific Railway Company, their successors and assigns, all that tract or parcel of land (describe the land) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever. 40

or in any other form to the like effect. And every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same the obligation of guaranteeing the Company and its assigns against all dower and claim for dower and against all hypothecs and mortgages and against all liens and charges 10 whatsoever and also that he has a good, valid and transferable title thereto.

Chapter 21

(Assented to 25th May, 1881.)

Whereas, the maintenance and the introduction and establishment of manufactories in this Province would tend greatly to develop its productive resources and increase its prosperity; therefore, 20

I. For the purpose of encouraging the maintenance and the introduction and establishment of manufactories of all kinds within its limits, it shall be lawful for any incorporated city, town or municipality, through its municipal council, to exempt from all taxes, assessments and municipal imposts whatsoever, for a period or space of time not exceeding twenty years, any manufactory which any individual, commercial firm or corporation have established, or may undertake to establish, within the limits of such municipality, and such exemption shall extend, not only to the buildings and grounds used for such manufactory, but also to the moveables and machines employed in such manufactory.

II. Any person or persons having established or desiring to establish a manufactory in a city, town or municipality, and wishing to be exempted from all taxes, assessments and municipal imposts whatsoever, as heretofore stated, shall apply to the council of such city, town or municipality, and state the nature of the manufacture, its locality, the extent of the site, the approximate number of persons

employed or to be employed therein, or whether he or they use or intend to use steam, water or any other motive power, and the council may make a by-law for the purpose, which by-law must be brought before the council at at least two different meetings thereof, and when the by-law is agreed to, it shall be equivalent to a contract in favor of the proprietor or proprietors of the manufactory therein mentioned, his or their heirs and assigns, for all the time specified in such by-law.

Council may
repeal exemption.

III. Whenever, during the period or space of time stipulated in any by-law made under this Act, any person or persons exempted 10 from all taxes, assessments and municipal imposts, shall have ceased to manufacture, bona fide, during six consecutive months, it shall be lawful for the council to repeal such by-law, after a notice of at least thirty days left at the manufactory of any such person or persons.

Interpretation.

IV. The word "manufactory" in this Act shall also apply to any railway rolling stock, and workshops and ship-building yards.

Statutes of Manitoba, 45 Vict. (1882)

Chapter 36

Charter of
Winnipeg

Charter of the City of Winnipeg, Manitoba, consolidated
from "The Act of Incorporation of the City of 20
Winnipeg."

(Assented to 30th May, 1882.)

Preamble.

Whereas the Mayor and Council of the City of Winnipeg have by their petition prayed that the Act of incorporation of the said city be further amended, and that the said Act and amendments thereto be consolidated;

And whereas it is expedient to grant the prayer of said petition,

The Legislative Assembly of Manitoba enacts as follows:

That the following be and the same is the consolidated Act of Incorporation of the said Mayor and Council of the said City of 30
Winnipeg.

Corporate name
with certain
privileges and
responsibilities.

1. From and after the passing of this Act the inhabitants of the said city of Winnipeg as hereinafter described, and their successors shall be and are hereby declared to be a body politic and corporate in fact and in law, by the name of "The Mayor and Council of the City of Winnipeg," and separated from the County of Selkirk for all municipal purposes, and by the same name they and their successors

shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits of law whatsoever, and shall have a common seal with power to alter and modify the same at their will and pleasure, and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or movable, for the use of the said city, of becoming parties to any contracts or agreements in the management of the affairs of the said city; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities for the payment of, or 10 securing the payment of, any sum of money borrowed or loaned, or for the executing or guaranteeing the execution of any duty, right or thing whatsoever. And for the payment or securing the payment of any money borrowed, of paying loans made or debts owing by the said "The Mayor and Council of the City of Winnipeg," or of taking up bonds that may become due, or for the purpose of making a loan or loans, or for any other legitimate and sufficient purpose whatsoever, the said, "The Mayor and Council" may grant and issue bonds for the sum or sums of money therein to be specified, under the provisions hereinafter set forth, payable at such time and times 20 after the granting and issuing thereof, and in such place and places in this Province, in the Dominion of Canada, in the United States of America, in any part of Great Britain or elsewhere, and either in the currency of the Dominion or in sterling money of Great Britain, or in the currency of the country where the same may be respectively made payable, as by the said mayor and council may be thought advantageous or expedient. Provided always that the said council shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking 30 issued in contravention of this section shall be void. Provided, always, that nothing herein contained shall be construed to authorize the said council to issue notes or bills of exchange payable to bearer, or to act as vouchers, or to issue notes to circulate as those of a Bank.

II. The said City of Winnipeg shall be bounded as follows:

CITY LIMITS

Boundaries.

Commencing at a point in the centre of the Red River where the line between lots two and three of the parish of Kildonan would strike if produced easterly thereto; thence westerly along the said line between lots 2 and 3 to the north-east corner of section 24, 40 township 11, range 2, east of the principal meridian; thence westerly along the north side of the road allowance, to a point opposite the north-west corner of the north-east quarter of section 24, of the before mentioned township and range; thence southerly along the western line of the aforesaid quarter-section to the south-west corner

thereof; and thence in the same direction along the east line of the south-west quarter of the same section to the south-east corner thereof; thence due south along the west side of the Government road allowance to its intersection with the north side of the road allowance on the four mile limit of the lots fronting on the Assiniboine River; thence westerly along the north side of the last mentioned road allowance to a point where the westerly side of the Government road allowance between lots 41 and 42 of the parish of St. James would strike if produced northerly; thence southerly along the west side of the last mentioned road allowance to the centre of the Assiniboine 10 River; thence westerly along the centre of the Assiniboine River to where it intersects the parish line between St. Boniface and St. Charles; thence along the said parish boundary southerly to the two-mile limit of lots lying on the south side of the Assiniboine River; thence easterly along the south side of the road allowance on the two-mile limit of the Assiniboine lots to its intersection with the west side of the road allowance on the two-mile limit of lots bordering on the Red River; thence southerly along the west side of the last mentioned road allowance to its intersection with the line between lots 13 and 17 of the Parish of St. Boniface; thence easterly along the 20 last mentioned line to the divisional line between lots 13 and 16; thence southerly along the last mentioned divisional line to the centre of the Red River, and thence following the centre of the Red River to the place of beginning.

Division
into wards.

The said City of Winnipeg shall be divided into six wards to be numbered respectively "one," "two," "three," "four," "five," and "six."

WARD NO. 1

Composition
of wards.
No. 1

Commencing in the centre of the Red River where the centre of the Assiniboine River intersects it, thence westerly along the centre 30 of the Assiniboine River to its intersection with the parish line between St. Boniface and St. Charles, thence along the said parish boundary southerly to the two-mile limit of lots lying on the south side of the Assiniboine River, thence easterly along the south side of the road allowance on the two mile limit of the Assiniboine lots to its intersection with the west side of the road allowance on the two-mile limit of lots bordering on the Red River, thence southerly along the west side of the last mentioned road allowance to its intersection with the line between lots 13 and 17 of the parish of St. Boniface, thence easterly along the last mentioned line to the divi- 40 sional line between lots 13 and 16, thence southerly along the last mentioned divisional line to the centre of the Red River and thence following the centre of the Red River to the place of beginning.

WARD NO. 2

No. 2

Commencing in the centre of the Red River where the centre line of Water street would strike if produced easterly thereto, thence westerly along the centre of Water street to the centre of Main street, thence northerly along the centre of Main street to its intersection with the centre of Queen street, thence westerly along the centre of Queen street to its intersection with the centre of Boundary street, thence northerly along the centre of Boundary street to its intersection with the centre of Lavinia street, thence westerly along the centre of Lavinia street produced to the city limits on the west side 10 of the road allowance between lots 41 and 42 of the Parish of St. James, thence southerly along the city limits to the centre of the Assiniboine and thence following the centre of the Assiniboine and Red Rivers to the place of beginning.

WARD NO. 3

No. 3

Commencing in the centre of the Red River where the centre of Bannatyne street would strike if produced easterly thereto, thence following the centre of Bannatyne street westerly to Princess street, thence southerly along the centre of Princess street to its intersection with the centre of Notre Dame street west, thence westerly along the 20 centre of Notre Dame street west to its intersection with the centre of the Manitoba South-Western Railway track, thence westerly along the last mentioned railway track to the city limits on the west side of the road allowance between lots 41 and 42 of the Parish of St. James, thence southerly along the city limits to its intersection with the centre of Lavinia street, produced westerly; thence easterly along the centre of Lavinia street, produced to its intersection with the centre of Boundary street, thence southerly along the centre of Boundary street to its intersection with the centre of Queen street, thence along the centre of Queen street easterly to the centre of Main 30 street to its intersection with the centre of Water street, thence easterly along the centre of Water street to the centre of the Red River and thence along the centre of the Red River to the place of beginning.

WARD NO. 4

No. 4

Commencing in the centre of the Red River where the centre of Alexander street would strike if produced easterly thereto, thence westerly along the centre of Alexander street produced to the city limits, thence southerly following the western limits of the city to its intersection with the Manitoba South-Western railway track, 40 thence easterly along the before mentioned railway track to its intersection with Notre Dame street West, thence easterly along the centre of Notre Dame street west to its intersection with the centre of Princess street, thence northerly along the centre of Princess street

to its intersection with the centre of Bannatyne street, and thence following the centre of Bannatyne street to the centre of the Red River, thence along the centre of the Red River to the place of beginning.

WARD NO. 5

No. 5

Commencing in the centre of the Red River, where the centre of Burrows Avenue would strike if produced easterly thereto; thence westerly along the centre of Burrows Avenue produced to the western limit of the city, thence southerly along the western limit of the city to its intersection with the centre of Alexander street produced; thence along the centre of Alexander street produced, thence easterly to the centre of the Red River and thence along the centre of the Red River to the place of beginning.

WARD NO. 6

No. 6.

Commencing at a point in the centre of the Red River where the line between lots two and three of the Parish of Kildonan would strike if produced easterly thereto, thence westerly along the said line between lots 2 and 3 to the north-east corner of section 24, township 11, range 2 east of the principal meridian, thence westerly along the north side of the road allowance to a point opposite the north-west corner of the north-east quarter of section 24 of the before mentioned township and range, thence southerly along the western line of the aforesaid quarter section to the south-west corner thereof, and thence in the same direction along the east line of the south-west quarter of the same section to its intersection with the centre of Burrows Avenue produced, thence easterly along the centre of Burrows Avenue produced to the centre of the Red River, and thence along the centre of the Red River to the place of beginning.

All property
liable to
taxation.

XXII. All land and personal property in the city shall be liable to taxation, subject to the following exemptions, that is to say: 30

(None relevant)

BY-LAW REQUIRING ASSENT OF ELECTORS

Proceedings
where by-law
requires assent
of electors.

LXXIII. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

1. The council shall by a by-law fix the day, hour, and places for taking the votes of the electors on the by-law to be submitted to them at the places at which the election of the members of the council is held; and shall also name returning officers to take the 40

votes at such places and such day shall not be less than three nor more than four weeks after the first publication of the proposed by-law as herein provided for.

Publication
of By-law.

2. The council shall for at least one month before the final passing of the proposed by-law, publish a copy thereof in some newspaper published weekly or oftener in the city.

Notice of
taking into
consideration.

3. Appended to each copy so published shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication in the newspaper, 10 stating the date of the first publication, and naming the hour, day and place or places, fixed for taking the votes of the electors.

Poll.

4. At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner as nearly as may be as at an election.

Return of
poll books.

5. The deputy returning officers shall, on the day after the closing of the poll, return their poll-books verified to the clerk of the council.

Certificates
as to approval
or rejection.

6. The clerk of the council shall add up the number of votes for and against the same, and shall certify to the council, under his hand, whether the majority have approved or disapproved of the 20 by-law; and shall keep the same with the poll-book among the records of his office.

By-laws for
contracting debts.

LXXIV. The council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money, or otherwise, and for levying rates for payment of such debts on the rateable property of the city for any purpose within the jurisdiction of the council; but no such by-law shall be valid which is not in accordance with the following restrictions and provisions.

When to take
effect.

1. The by-law shall name a day in the financial year in which the same is passed, when the by-law shall take effect, and the whole of 30 the debts and the obligations to be issued therefor shall be made payable in thirty years at furthest from the day on which such by-law takes effect.

To provide a
yearly rate.

2. The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest; such special rate shall be sufficient according to the amount of rateable property appearing by the last revised assessment roll, to discharge the debt and interest when respectively payable.

Recitals.

3. The by-law shall recite: 1—The amount of the debt which such 40 new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; 2—The total amount

Amount and
object of debt.

Amount to be raised annually.
Value of rateable property.
Special rate for interest and sinking fund.

required by this Act to be raised annually by special rate for paying the new debt and interest; 3—The amount of the whole rateable property of the city, according to the last revised assessment rolls; and 4—The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act.

By-law to raise money outside of ordinary expenditure must have assent of electors.

LXXV. Every by-law for raising upon the credit of the city any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the city in the manner provided 10 for in this Act, except as is herein or otherwise provided.

CI. The council may pass by-laws:

Encouraging manufactures.

18. For encouraging manufactures within the limits of the city, by exempting from taxes in whole or in part for a period of one or more years, such industrial establishments as are now, or may hereafter be carried on in said city, and which in the public interests may by said council seem advisable.

RAILWAYS

Assisting railways or bridge companies.

CXVII. The council may pass by-laws for subscribing for any number of shares in the capital stock of, or for lending to or guar- 20 anteeing the payment of any sum of money borrowed by any incorporated Railway or Bridge Company.

Guaranteeing debentures.

2. For endorsing or guaranteeing the payment of any debentures to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole rateable property of the city, a sum sufficient to discharge the debt or engagement so contracted.

Issuing debentures.

3. For issuing for the like purpose debentures, payable at such times and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest as the council may think meet. 30

Bonuses.

4. For granting bonuses to any railway or bridge company in aid of such railway or bridge, and for issuing debentures in the same manner as in the preceding sub-section provided, for raising money to meet such bonuses.

Red River bridge.

5. For issuing debentures in like manner as in preceding sub-section 3 provided for raising or borrowing money to build and construct a bridge across the Red River for Railway and ordinary traffic purposes, or either, and for the building and construction, and rebuilding if necessary, of the same at such place or point within the city limits

to a point on the opposite bank of the river as the corporation may deem advisable.

Approval by
ratepayers.

Provided always, that all or any by-laws above mentioned, passed for the purposes aforesaid, shall be submitted to the ratepayers as provided for in this Act.

Permitting railroad
along streets.

6. For sanctioning and permitting the track of any railroad to be laid in or along any street or public ground, and to regulate the use of locomotive engines and of steam or any other motive power, on any or every portion of any railroad within the city and to prescribe and regulate the speed of cars upon any and every part of the said railroad within the city and to exact by by-laws in pursuance of the powers hereby granted, a penalty of not more than four hundred dollars upon the proprietors or corporations owning any such railroad or their servants, for each and every violation of such by-law and for collecting said penalty in manner provided for the collection of ordinary penalties.

Regulating speed
of locomotives,
engines, etc.,
within city.

Exacting penalty
for breach of
By-law.

City to have a
director on any
railway to which
bonus is granted.

7. In case the city grant a bonus to any company, in pursuance of sub-sections one, two, three, or four of this section, the council shall be entitled to appoint the mayor or an alderman a director of such company, and such company shall accept such person as a director, and he shall be entitled to all the rights and privileges of the other directors of such company.

In case of submis-
sion of by-law
before new assess-
ment, city clerk
to obtain certain
information from
other clerks.

CLXII. In case any by-law be submitted to a vote of the ratepayers before an assessment is made by the city of the property lying between the limits of the city as they existed prior to the passing of this Act and the limits as defined by this Act, the clerk of the city shall, prior to taking the vote upon such by-law, obtain from the clerks of the different municipalities wherein any of such properties may have been situated, a statement in writing showing in whose names the properties respectively have been assessed by the last revised assessment roll for such municipality and for what amount respectively and whether as freehold, leasehold or otherwise, and it shall be the duty of such clerk to furnish such statements when so required by the clerk of the city.

Names of voters
within added
limits to be
placed on list
or separate list
prepared.

CLXIII. The clerk of the city shall from such statements add to the list of voters (entitled to vote on such by-law) in the different polling subdivisions of the city, wherein any of such property may be situated the names of such of the freeholders shown upon such statements as would be entitled to vote upon such by-law if they had been assessed for a like amount on the last revised assessment roll for the city of Winnipeg, and in case an entirely new polling sub-division shall be formed lying between such limits then to prepare a list of the freeholders who would have been entitled to vote if assessed as

aforesaid, and such persons so named upon such lists shall be entitled to vote upon any such by-law.

INTERPRETATION CLAUSE

Meaning of
certain words.

CLXXI. Unless otherwise declared or indicated by the context, wherever any of the following words occur in this Act, the meanings hereinafter expressed shall attach to the same, namely:

Property.

5. The term "property" includes both real and personal property.

Statutes of Manitoba, 46 and 47 Vict. (1883)

Chapter 4

An Act respecting the taxation of, and suits against
Railway Companies.

10

(Assented to 7th July, 1883.)

Preamble.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:

R.R. Co. to send
municipalities
an official
statement.

1. Every railway company shall annually transmit, on or before the first day of February, to the clerk of every municipality or corporation having power to tax the land occupied by a railway roadway, if any such there be, situated in such municipality or corporation, a statement to be signed by some authorized official of the company, showing:

20

Assessable and
taxable land
and valuation
thereof.

(1) The quantity of land occupied by the roadway and liable to be assessed and taxed, and the actual value thereof according to the average value of agricultural lands in the locality.

Quantity of such
in actual use
and value thereof.

(2) The land liable to assessment and taxation, in actual use and occupation by the company in connection with the running and operation of said railway other than the roadway, and the value of such land according to the average value aforesaid.

Clerk to send
such statement
to assessor.

Assessor to send
his assessment
thereof to Co.

2. The clerk of such municipality shall communicate such statement to the assessor, who shall deliver at, or transmit by post to the nearest station or office of the company, a notice addressed to the company stating the total amount at which he has assessed the above mentioned land of the company, showing the amount for each description of land and its valuation respectively; and the property so

30

Roadway to be
assessed as
agricultural lands.

Superstructure
thereon not to
be taxed.

Exception.

Proviso.

occupied by the railway roadway and in actual use and occupation in connection with the operation and working of the railway, as aforesaid, shall not be assessed at any greater value than the average value of agricultural lands in the municipality in which the lands aforesaid are situated as given in the last revised assessment roll; and the superstructure on the said above mentioned land, except station houses and freight sheds, shall not be liable to be, and shall not be assessed or taxed by any municipality or corporation whatever in the Province having power to assess or levy a tax on any property.

3. Provided, and it is hereby expressly enacted that this Act or 10 any part thereof is not to be regarded or construed as an acknowledgment of want of authority or waiver of right by this Province to tax any or all railways or railway property in this Province, or as affecting the power of any municipality to exempt the property of a railway company from taxation.

Statutes of Manitoba, 46 and 47 Vict. (1883)

Chapter 64

An Act to amend the several Acts of incorporation of the City of Winnipeg, and to legalize certain by-laws of the City of Winnipeg and the debentures issued 20 thereunder.

(Assented to 7th July, 1883.)

Preamble.

Whereas the Mayor and Council of the City of Winnipeg have by their petition prayed that the Act of incorporation of the said City be further amended;

And whereas, it is expedient to grant the prayer of said petition;

And whereas, the mayor and council of the City of Winnipeg have passed the following by-laws: By-law No. 199, intituled, A by-law to authorize the issue of debentures for the sum of eighty thousand and three hundred dollars for the purpose of purchasing certain 30 bridges over or across the Assiniboine river within the city of Winnipeg; By-law No. 212, intituled, A by-law to authorize the issue of debentures to raise the sum of five thousand pounds sterling, to expend in improvements as required by sub-section seven and eight of section number one hundred and sixty-five of the consolidated Act of incorporation of the city of Winnipeg; By-law No. 148 to authorize the issue of debentures granting by way of bonus to the Canadian Pacific Railway Company the sum of two hundred thousand

dollars in consideration of several undertakings on the part of such company; and By-law No. 195 amending By-law No. 148 and extending the line (sic) for the completion of the undertakings expressed in By-law No. 148 by the Canadian Pacific Railway Company.

And whereas, it is deemed expedient to set at rest all doubts that may exist as to the validity of any or all the above in part recited by-laws and the debentures issued thereunder, and to legalize and confirm the same, and each of them respectively.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

10

By-laws 169,
211, 212, 148, 195,
as amending 148
declared valid.

6. That By-law numbered one hundred and ninety-nine passed by the mayor and council of the city of Winnipeg and intituled: "A by-law to raise one million dollars by debentures for permanent improvements in the city of Winnipeg"; By-law No. 211, intituled: "A by-law to authorize the issue of debentures for the sum of eighty thousand and three hundred dollars for the purpose of purchasing certain bridges over or across the Assiniboine river within the city of Winnipeg"; By-law No. 212, intituled: "A by-law to authorize the issue of debentures to raise the sum of five thousand pounds sterling to expend in improvements as required by sub-sections seven and 20 eight of section number one hundred and sixty-five of the consolidated Act of incorporation of the City of Winnipeg"; By-law No. 148 to authorize the issue of debentures granting by way of bonus to the Canadian Pacific Railway Company the sum of two hundred thousand dollars in consideration of certain undertakings on the part of the said Company; and By-law 195 amending By-law No. 148 and extending the time for the completion of the undertakings expressed in By-law No. 148 by the Canadian Pacific Railway Company and all debentures and coupons for interest issued under each and every of the said by-laws, be and the same are hereby declared legal, 30 binding and valid upon the said the Mayor and Council of the City of Winnipeg, and the said the Mayor and Council shall pay the said debentures and coupons and each and every thereof according to the tenor thereof, when they and each of them shall respectively become due and payable.

Statutes of Manitoba, 47 Vict. (1884)

Chapter 78

An Act to consolidate and amend the several Acts
of Incorporation of the City of Winnipeg

(Assented to 29th April, 1884.)

Preamble.

Whereas, the Mayor and Council of the City of Winnipeg have, by their petition, prayed that the several Acts of incorporation of the City of Winnipeg be further amended, and that the said Acts and amendments thereto be consolidated:

And whereas, it is expedient to grant the prayer of the said petition: 10

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

"The City of
Winnipeg" incorpo-
rated, and de-
clared separate
from county of
Selkirk.

1. From and after the passing of this Act the inhabitants of the said City of Winnipeg as hereinafter described, and their successors shall be, and are hereby declared to be a body politic and corporate in fact and in law, by the name of "The City of Winnipeg," and separated from the county of Selkirk as fully as if the same were a separate county, and the city of Winnipeg shall from the time of the passage of this Act be separated, and the same is hereby separated from the county of Selkirk for municipal purposes only, and the said 20 corporation, by the same name shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law or in equity whatsoever, and shall have a common seal with power to alter and modify the same at their will and pleasure, and shall be in law capable of receiving by donation, acquiring, holding and disposing of and conveying any property, real or movable, for the use of the said city, of becoming parties to any contracts or agreements in the management of the affairs of the said city, of giving or accepting any notes, bills of exchange, bonds, obligations, or other 30 instruments or securities for the payment of, or securing the payment of any sum of money borrowed or loaned, or executing or guaranteeing the execution of any duty, right or thing whatsoever, and for the payment or securing the payment of any money borrowed, or of paying loans made or debts owing by the said "The city of Winnipeg," or of taking up bonds that may become due, or of making a loan or loans, or any other legitimate and sufficient purpose whatsoever; and for any of the purposes aforesaid the said corporation may grant and issue bonds for the sum or sums of money therein to be specified, under the provisions hereinafter set forth, payable at 40 such time and times after the granting and issuing thereof, and in such place or places in this Province, in the Dominion of Canada, in the United States of America, in any part of Great Britain or else-

City to have
powers of a
corporation.

Issue of bonds.

where, and either in the currency of the Dominion or in sterling money of Great Britain, or in the currency of the country where the same may be respectively made payable, as by the said corporation may be thought advantageous or expedient. Provided always that the said corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void. Provided always, that nothing herein contained shall be construed to authorize the said corporation to issue notes or bills of exchange payable to bearer, or to issue notes to circulate as those of a Bank. 10

No bond or note
to be issued for
less than \$100.

Notes not to be
circulated.

"The Mayor and
Council of the
City of Winnipeg"
merged into and
continued under
the name of "The
City of Winnipeg."

And provided, further, that the corporation of "The mayor and council of the city of Winnipeg" shall not be deemed to be dissolved by this Act, but the same shall always be deemed to be the same corporation as that known hereunder as "The City of Winnipeg"; and provided, further, that "The mayor and council of the city of Winnipeg" or "The city of Winnipeg" shall not be, by virtue of this Act, relieved from any duty, obligation, liability, or indebtedness, heretofore or now owing, existing or due to any county, municipality, corporation, person or persons by reason of or by virtue of any Act, Statute, Law, contract or proceeding heretofore passed, existing, or in force; and provided also, that the change of name of the said corporation shall not affect or cause the abatement of any action or proceeding to which "The mayor and council of the city of Winnipeg" are parties, but the same shall be continued as if this Act had not been passed, and any judgment, order, or proceeding therein shall have the same effect in favor of or against the corporation by the name of "The city of Winnipeg" as if such had been heretofore the name of such corporation, and the corporation had always been a party to such action, suit, or proceeding by the name of "The city of Winnipeg"; and the said corporation of "The city of Winnipeg" under the name of "The city of Winnipeg" shall be entitled to all the rights and privileges, property and assets belonging to the corporation under the name of "The mayor and council of the city of Winnipeg" at the time of the passage of this Act, except as varied thereby, and it is further enacted that the separation mentioned in this section of this Act from the county of Selkirk is upon the express condition that the said corporation of the city of Winnipeg shall, within one month from the passage of this Act, pay or cause to be paid to the county council of the county of Selkirk, or their successors, the claim of said county council against the corporation of the city of Winnipeg, now in suit in the Court of Queen's Bench, with costs of suit, to be taxed by the proper officer in that behalf. 30 40

City to pay to
County of Selkirk
claim now in suit.

2. The said city of Winnipeg shall be bounded as follows:

CITY LIMITS

Boundaries of city.

Commencing at a point in the centre of the Red River where the line between lots two and three of the parish of Kildonan would strike if produced easterly thereto; thence westerly along the said line between lots 2 and 3 to the north-east corner of section 24, township 11, range 2, east of the principal meridian; thence westerly along the north side of the road allowance, to a point opposite the north-west corner of the north-east quarter of section 24, of the before-mentioned township, and range; thence southerly along the western line of the aforesaid quarter-section to the south-west corner thereof; and thence in the same direction along the east line of the south-west quarter of the same section to the south-east corner thereof; thence due south along the west side of the Government road allowance to its intersection with the north side of the road allowance on the four mile limit of the lots fronting on the Assiniboine River; thence westerly along the north side of the last mentioned road allowance to a point where the westerly side of the Government road allowance between lots 41 and 42 of the parish of St. James would strike if produced northerly thereto; thence southerly along the west side of the last mentioned road allowance to the centre of the Assiniboine River; thence westerly along the centre of the Assiniboine River to its intersection with the parish line between St. Boniface and St. Charles produced northerly thereto; thence along the said parish boundary southerly to the two-mile limit of lots lying on the south side of the Assiniboine River; thence easterly along the south side of the road allowance on the two-mile limit of the Assiniboine lots to its intersection with the west side of the road allowance on the two-mile limit of lots bordering on the Red River; thence southerly along the west side of the last mentioned road allowance to its intersection with the line between lots 13 and 17 of the parish of St. Boniface; thence easterly along the last mentioned line to the divisional line between lots 13 and 16; thence southerly along the last mentioned divisional line to the centre of the Red River, and thence following the centre of the Red River to the place of beginning.

EXEMPTIONS

Exemptions.

35. All land and personal property in the city shall be liable to taxation, subject to the following exemptions, that is to say:

(None relevant)

Statutes of Manitoba, 49 Vict. (1886)

Chapter 52

**An Act to consolidate and amend the laws relating to
Municipal Corporations.**

(Assented to 28th May, 1886.)

Her Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

6. The City of Winnipeg shall be bounded as follows:

City of Winnipeg.

Commencing at a point in the centre of the Red River where the line between lots two and three of the parish of Kildonan would strike, if produced easterly thereto; thence westerly along the said line between lots 2 and 3 to the north-east corner of section 24, township 11, range 2, east of the principal meridian; thence westerly along the north side of the road allowance, to a point opposite the north-west corner of the north-east quarter of section 24 of the before-mentioned township and range; thence southerly along the western line of the aforesaid quarter-section to the south-west corner thereof; and thence in the same direction along the east line of the south-west quarter of the same section to the south-east corner thereof; thence due south along the west side of the Government road allowance to its intersection with the north side of the road allowance on the four-mile limit of the lots fronting on the Assiniboine River; thence westerly along the north side of the last-mentioned road allowance to a point where the westerly side of the Government road allowance between lots 41 and 42 of the parish of St. James would strike, if produced northerly thereto; thence southerly along the west side of the last-mentioned road allowance to the centre of the Assiniboine River; thence westerly along the centre of Assiniboine River to its intersection with the parish line between St. Boniface and St. Charles produced northerly thereto; thence along the said parish boundary southerly to the two-mile limit of lots lying on the south side of the Assiniboine River; thence easterly along the south side of the road allowance on the two-mile limit of the Assiniboine lots to its intersection with the west side of the road allowance on the two-mile limit of lots bordering on the Red River; thence southerly along the west side of the last-mentioned road allowance to its intersection with the line between lots 13 and 17 of the parish of St. Boniface; thence easterly along the last-mentioned line to the divisional line between lots 13 and 16; thence southerly along the last-mentioned divisional line to the centre of the Red River, and thence following the centre of the Red River to the place of beginning, and the land, territory

and property lying within the said limits shall form the territorial extent of the said City of Winnipeg.

Existing
corporations
continued.

49. The inhabitants of every city, town and rural municipality incorporated at the time this Act takes effect shall continue to be a body corporate, with the municipal boundaries of every such corporation respectively then established.

Winnipeg and
Brandon

52. The corporations of "The Mayor and Council of the City of Winnipeg," "The Mayor and Council of the City of Brandon," and "The Corporation of the City of Brandon," hitherto existing, shall not be deemed to be dissolved, but the same shall always be deemed to be the same corporations as "The City of Winnipeg" and "The City of Brandon," respectively; and it is hereby declared and provided that neither "The Mayor and Council of the City of Winnipeg," nor "The Mayor and Council of the City of Brandon," nor "The Corporation of the City of Brandon" shall be relieved by virtue of this Act from any duty, obligation, liability, or indebtedness heretofore or now owing, existing, or due by them or any of them to any county, municipality, corporation, person or persons by reason of or by virtue of any act, statute, law, contract, or proceeding heretofore passed, existing, or in force; and provided also that the changes of name of the said corporations shall not effect or cause the abatement of any action or proceeding to which "The Mayor and Council of the City of Winnipeg," "The Mayor and Council of the City of Brandon," or "The Corporation of the City of Brandon" are parties, but the same shall be continued as if this Act had not been passed, and any judgment, order, or proceeding therein shall have the same effect in favor of or against the corporations by the names of "The City of Winnipeg" and "The City of Brandon" respectively, as if such had been heretofore the names of such corporations respectively, and the corporations had always been parties to such action, suit, or proceeding by the names of "The City of Winnipeg" and "The City of Brandon" respectively; and the said "The City of Winnipeg" shall be entitled to all the rights and privileges, property and assets belonging to the corporation under the name of "The Mayor and Council of the City of Winnipeg" at the time of the passing of this Act; and the said "The City of Brandon" shall be entitled to all the rights, privileges, property and assets belonging to the corporations under the names of "The Mayor and Council of the City of Brandon" and "The Corporation of the City of Brandon."

512. All lands in the rural municipalities of the Province, and all lands and personal property in the cities and towns thereof, shall be liable to taxation, subject to the following exemptions:

By-law exemptions

(8) All lands legally exempted from taxation by a by-law of the municipal corporation:

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CITY OF WINNIPEG, LEGALIZATION OF BY-LAWS.

By-laws prior to
29th June, 1884,
legalized.

741. From and after the passing of this Act all existing By-laws heretofore passed by the mayor and council of the city of Winnipeg prior to the 29th of June, 1884, when the charter of that year became law, shall in all courts of law or in any other place or at any other time, all rates struck for the collection of taxes together with percentages in regard to the same be held to apply to the said city, including the limits thereof extended by the said charter of 1884, and all existing 10 by-laws passed by the mayor and council of the said city prior to the said 29th day of June, 1884, or by the council of the said city since that time in regard to assessments shall be and shall be held to be valid and binding, and the same are hereby ratified and confirmed, and all assessments heretofore made way by of frontage tax or other assessment in the said city, and all by-laws passed in pursuance thereof shall be valid and binding upon all lands and persons affected thereby, and applicable to the whole city, including the extended boundaries now named in the said charter of 1884. This section in no way to interfere with litigation, if any, now pending. 20

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Pending suits.

REPEAL

Acts repealed.

747. The following acts and parts of acts are repealed and this Act is substituted for them, that is to say:

. . . the act passed in the 45th year of Her Majesty's reign, as chapter 36, intituled "The Act of Incorporation of the City of Winnipeg," or "The Consolidated Act of Incorporation of the City of Winnipeg," and the acts amending the same; the act passed in the 47th year of Her Majesty's reign, as chapter 78, intituled "The Winnipeg Incorporation Act, 1884," and the acts amending the same; . . . sections 1, 2, and 3 of chapter 4 of the acts passed in 30 the 46th and 47th years of Her Majesty's reign; . . . provided always that all enactments repealed by any of said acts shall remain repealed; and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced and all proceedings and things lawfully commenced under them may be continued and completed under this Act; and anything heretofore done under any provisions in any of the said repealed acts which is repealed without alteration in this Act may be alleged or referred to as having been done under the act in which such provision was made or under this Act." 40

Statutes of Manitoba, 50 Vict. (1887)**Chapter 30****An Act respecting the Taxation of Railways**

(Assented to 10th June, 1887.)

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:

Sec. 747 of
Cap. 52, 49 Vict.
amended.

1. Section seven hundred and forty-seven (747) of chapter fifty-two (52) of the Acts passed in the 49th year of Her Majesty's reign is hereby amended by striking out of the seventeenth, eighteenth and nineteenth lines thereof the following words: "Sections 1, 2 and 3 of chapter 4 of the Acts passed in the 46th and 47th years of Her Majesty's reign."

Secs. 1, 2 and 3
of Cap. 4, 46 and
47 Vict. re-enacted.

2. The said sections one (1), two (2) and three (3) of said chapter four of the said Act passed in the 46th and 47th years of Her Majesty's reign are hereby re-enacted and restored with the same force and effect as if the said sections had never been repealed and as if the said sections had always been in force since the said Act chapter four was passed.

Statutes of Manitoba, 53 Vict. (1890)**Chapter 51**

20

An Act Respecting Municipal Institutions

(Assented to 31st March, 1890.)

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:

1. This Act may be cited as "The Municipal Act."

3. The inhabitants of every city, town, village and rural municipality incorporated at the time this Act takes effect, shall continue to be a body corporate, with the boundaries respectively as then established, or as altered by this Act or any Act of the Legislature of Manitoba.

Acts repealed.

475. The following Acts and parts of Acts are repealed except as is herein otherwise provided, and this Act is substituted for them, that is to say: Chapter 5 of 44 Victoria and Chapters 24 and 52 of 49 Victoria; Chapter 8 of 51 Victoria; Chapter 27 of 51 Victoria, except

Section 23; Chapters 9 and 45 of 52 Victoria; Provided always, that all enactments repealed by any of said Acts shall remain repealed; and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them may be continued and completed under this Act; and anything heretofore done under any provisions of any of the said repealed Acts which is repeated without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made or under this Act. 10

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Statutes of Manitoba, 53 Vict. (1890)

Chapter 53

An Act Respecting Assessment and Collection of Taxes.

(Assented to 31st March, 1890.)

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:

1. This Act may be cited as "The Assessment Act."

.

2. Where the words following occur in this Act or the schedules thereto they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears: 20

.

"Property."

(3) "Property" shall include both real and personal property as hereinafter defined.

.

3. All lands and personal property shall be liable to taxation, subject to the following exemptions:

.

By-law
exemptions.

(7) All lands legally exempted from taxation by a by-law of the municipal corporation:

Revised Statutes of Manitoba (1892)

Chapter 101

(In force 20th April, 1892)

An Act Respecting Assessment and the Collection of Taxes

Her Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

1. This Act may be cited as "The Assessment Act."

"Property."

2. In this Act, unless the context otherwise requires:

(a) The expression "property" includes both real and personal property as hereinafter defined.

10

TAXABLE PROPERTY AND EXEMPTIONS

3. All lands and personal property shall be liable to taxation, subject to the following exemptions:

By-law
exemptions.

(g) All land legally exempted from taxation by a by-law of the municipal corporation;

Certain railway
property.

(o) So much of the property of a railway company as is exempted under the forty-fifth section of this Act;

RAILWAY AND OTHER COMPANIES

Return of property
of railway, tram-
way and other
companies.

43. Every railway or tramway company, possessing property, real or personal, in a municipality, shall transmit to the clerk of such 20 municipality, on or before the first day of January in each year, a return, certified to by the president, secretary, superintendent or treasurer, or by a director, showing the actual value and extent of all such property in the municipality, and mentioning all exemptions claimed by such company.

Assessable and
taxable land
and valuation
thereof.

44. Such return, in case of a railway company, shall further show,

(a) The quantity of land occupied by the roadway and liable to be assessed and taxed, and the actual value thereof according to the average value of agricultural lands in the locality;

Quantity of such
in actual use and
value thereof.

(b) The land liable to assessment and taxation, in actual use and 30 occupation by the company in connection with the running and operation of said railway, other than the roadway, and the value of such land according to the average value aforesaid.

45. The clerk of such municipality shall in due time for the making

Clerk to send such statement to assessor.

Assessor to send his assessment thereof to company.

Roadway to be assessed as agricultural lands.

Superstructure thereon not to be taxed.
Exception.

Proviso.

of the assessment roll, communicate such return to the assessor, who shall deliver at, or transmit by post to, the nearest station or office of the company a notice addressed to the company stating the total amount at which he has assessed the above mentioned land of the company and showing the amount for each description of land and its valuation respectively; and the property so occupied by the railway roadway and in actual use and occupation in connection with the operation and working of the railway, as aforesaid, shall not be assessed at any greater value than the average value of agricultural lands in the municipality in which the lands aforesaid are situated as 10 given in the last revised assessment roll; and the superstructure on the said above mentioned land, except station houses and freight sheds, shall not be liable to be, and shall not be, assessed or taxed by any municipality or corporation whatever in the Province having power to assess or levy a tax on any property.

46. Provided, and it is hereby expressly enacted, that the last preceding section or any part thereof is not to be regarded or construed as an acknowledgment of want of authority or waiver of right by this Province to tax any or all railways or railway property in this Province, or as affecting the power of any municipality to exempt 20 the property of a railway company from taxation.

Statutes of Manitoba, 56 Vict. (1893)

Chapter 24

An Act to amend "The Assessment Act."

(Assented to March 11th, 1893.)

Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Manitoba enacts as follows:

Personalty in Winnipeg exempted from taxation.

3. Hereafter no personal estate or personal property in the City of Winnipeg shall be liable to taxation under "The Assessment Act," nor shall be assessed by the Assessor of the said city for taxation 30 purposes.

Business tax.

8. Every person, firm, partnership, company or corporate body that carries on business in any way in the said city as merchant, trader, manufacturer, banker, broker, money changer, lawyer, physician, dentist, photographer, auctioneer, grocer, baker, butcher,

huckster, mechanic, pawnbroker, livery stable keeper, tanner, land agent, commission agent, ticket agent, ticket seller, telegraph agent, telephone agent, inspector of any kind, agent of any kind, or who carries on an insurance business of any kind, or acts as agent for any of the above mentioned businesses, or who carries on any other business, trade, occupation, manufactory, art or profession not above detailed, shall be assessed for a sum by way of capitalization of the rental value of the premises which he so occupies in carrying on any of the businesses, professions, employments or callings above mentioned, or which he uses for an office for such business, profession, 10 employment or calling and both thereof, to the end and intent that all persons and corporations occupying premises not solely used as a residence for the person or corporation so occupying the same shall be liable to taxation for a sum equivalent to the capitalized rental value of the premises so occupied:

Mode of
computing
amount of
business tax.

(a) In arriving at the amount to which such person shall be assessed as above mentioned, the Assessor shall capitalize the annual rental value and fix the amount at such sum that the rate fixed by the said city in the year last preceding, for all the purposes of the said city, including school tax, will produce a 20 sum which shall equal ten per centum of the yearly rental value of the premises so occupied at the time of the assessment, subject, however, to the following provisions:

(b) In all cases where the rental value of premises shall exceed 75 cents per square foot of the floor surface of the building, or part of building, occupied by the person so assessed, the Assessor in fixing the amount of capitalization above mentioned shall fix the sum of \$3.75 per square foot for such floor surface; and in estimating the floor surface for the assessment above mentioned the Assessor shall compute the measurement from 30 the inside of the walls of the building or apartment so occupied, measuring the entire superficial floor area within and each of the floors thereof so occupied; cellars used, however by the party so assessed under the premises so occupied, having no outside entrance for ingress and egress of customers, shall not be included in this measurement, except when the floor area thereof exceeds the floor area above described. In case of such excess the floor area of the cellar to the extent of such excess shall also be assessed at the rate aforesaid against the occupant, to the end and intent that the occupant of the premises whether he uses 40 such cellar in connection with his premises or not shall not be assessed upon a capitalization of rental which shall exceed \$3.75 per annum for each square foot of the floor surface of the premises occupied by him, not measuring such cellar except in case of excess cellar space as above provided for.

(c) In all cases where the rental value of the premises shall be less than 30 cents per square foot of the floor surface of the building or part of building occupied by the person so assessed, the Assessor in fixing the amount of capitalization above mentioned shall fix the same at the sum of \$1.50 per square foot for such floor surface and in estimating the floor surface for the assessment above mentioned the Assessor shall compute the measurement from the inside of the walls of the building or apartment so occupied, measuring the superficial floor area within and each of the floors thereof so occupied; cellars used, 10 however, by the party so assessed under the premises so occupied having no outside entrance for ingress and egress of customers shall not be included in this measurement, to the end and intent that the occupant of the premises, whether he uses such cellar in connection with his premises or not, shall not be assessed upon a capitalization of rent which shall be less than \$1.50 per annum for each square foot of the floor surface of the premises occupied by him, not measuring such cellar.

(d) Persons using and occupying premises for the following purposes shall be assessed in the manner provided in paragraph 20 (a) of this Section, and paragraphs (b) and (c) shall not, nor shall either thereof, apply to any such persons, viz.:

I. Offices and warehouses of auctioneers who are licensed as such by the said city.

II. Manufacturers whose establishments so assessed are chiefly and principally employed in manufacture or in mechanical labor.

III. Livery stable, and feed and sale stable keepers and stables of street car companies, transportation companies' stables and all other stables liable to taxation under this Act. 30

IV. Persons occupying floors of buildings above the ground floor, who do not in connection with such occupation use or occupy any portion of the ground floor on, or about on, the street level.

V. Occupants of wood, coal, lumber, brick or stone yards or any other yard used for storage or for carrying on any business or any cattle or stock yards and all buildings on the same premises used in connection therewith.

VI. Ice Houses and storehouses for ice and offices in connection therewith. 40

VII. Skating, curling and other rinks whether enclosed or not.

VIII. Warehouses and other premises used solely to warehouse goods where the goods are not open to inspection by customers and where the chief office or place of business of the occupant is not in the building so assessed.

(e) The occupant of every licensed hotel shall be assessed for a gross sum by way of rental capitalization which shall be equal to \$3.75 per square foot for all the floor space occupied by the bar-room, billiard-room and drinking rooms or stalls used as such in connection with the bar and billiard rooms, and in computing this space the Assessor shall measure from the inside walls of the entire portion of the building so occupied and include all closets, halls and spaces within such walls, and except as aforesaid no licensed hotel shall be assessed by way of capitalization of rental.

Restriction of operation of this section.

This Section shall not apply to any opera house, theatre, public hall, place of public amusement, place used for public meetings only or any hall or place of meeting for secret, political, friendly or other societies or bodies of people, or to any temperance hotel or boarding house.

Occupant of building assessable although also assessable for realty.

9. Every occupant of any building liable to taxation as set forth in this Act shall be liable for such assessment although he be the owner of the premises and liable to taxation as the owner of the real estate and the buildings.

Effect and modes of collecting taxes authorized by this Act.

18. All personal property of every nature and kind in and upon the premises for which the occupant has been assessed by way of capitalization of rental shall be liable for the taxes due by such occupant while the occupant is so in possession of the said premises, and the taxes shall be a first charge thereon and shall take priority over every other lien or claim thereto, and may be seized while so upon the premises distrained upon, and sold as provided by "The Assessment Act" for the distress and sale of personal property for non-payment of arrears of taxes and the goods and personal property of the party so assessed as herein provided, wherever they may be found within the said city, shall be liable to be seized, distrained upon and sold for arrears of taxes as is provided by Section 120 and the following section of "The Assessment Act."

Occupant tax not a charge on realty.

19. Nothing in this Act contained shall be construed to make the above tax levied upon such occupants a charge upon the real estate or building so occupied, but such tax is levied in lieu of a tax upon personal property.

Sections 3 to 25 hereof apply only to City of Winnipeg.

26. Sections 3 to 25 both inclusive of this Act shall only apply to the City of Winnipeg, and any other provisions of "The Assessment Act" inconsistent with said sections shall not hereafter apply to the City of Winnipeg.

Statutes of Manitoba, 63-64 Vict. (1900)

Chapter 57

An Act respecting the Taxation of the Earnings of Railroad
Companies, for the Purpose of Supplementing the
Revenues of the Crown in the Province of Manitoba.

(Assented to July 5th, 1900.)

Her Majesty, by and with the advice and consent of the Legislative
Assembly of the Province of Manitoba, enacts as follows:

1. This Act may be cited as "The Railway Taxation Act."

Application
of Act.

2. The provisions of this Act shall apply to any common carrier or 10
carriers engaged in the transportation of passengers or property
wholly or partly by railroad, being within the Province of Manitoba;
provided, however, that nothing in this Act shall apply to street
railways, whatever the motive power thereof may be.

Meaning of
"Railroad
Company."

3. The expression "Railroad company" or "Company" when used
in this Act shall mean every railroad company owning or operating
a railroad in the Province of Manitoba, whether the head office is
situated in Manitoba or elsewhere, and which transacts business in
Manitoba, and shall embrace and include every company operating
a railroad in Manitoba, whether as an original enterprise or under-20
taking, or under a lease, contract or agreement or otherwise how-
soever.

"Railroad."

4. The expression "Railroad" when used in this Act shall include
all tracks, bridges, switches, sidings, spurs, used or operated in
connection with any railroad, and also the road in use by any company
operating a railroad, whether owned or operated as an original enter-
prise or undertaking, or operated under a contract, agreement or lease
or otherwise howsoever.

Tax on gross
earnings.

5. (1) In order to supplement the Revenues of the Crown in the
Province of Manitoba every railroad company at present owning or 30
operating, or which may hereafter own or operate, any line or lines
of railroad within the said Province shall annually pay to the Crown
in this Province a part or portion of the gross earnings of such railway
companies in the Province of Manitoba as follows:

2% before 1903.

In and for the years 1900, 1901 and 1902, two per cent. of the gross
earnings of such companies.

3% in 1903 and
afterwards.

In each and every year after the year 1902 such sums as may be
determined by the Lieutenant-Governor-in-Council, not to exceed,
however, three per cent. of the gross earnings of such companies.

Owners and
operators both
liable.

(2) Both the company or companies owning the line or lines, 40
or such part thereof, and the company or companies operating or

working the said line or lines, or part or parts of a line or lines as aforesaid, shall jointly and severally be liable for the payment of such tax.

When the tax payable for 1900 and for subsequent years.

(3) The said tax shall, for the year 1900, be payable on the first day of August of said year, based on the gross earnings of each respective railroad company for the year 1899, and for each year thereafter succeeding the said year 1900 shall be payable on the first day of April, based on the gross earnings receipts for the year preceding the date of payment as aforesaid; provided, however, that for the year 1900 one-half of the gross earnings tax for the year 1899 shall only 10 be payable as aforesaid.

Statement of earnings to be made by companies.

(4) At or before the time of payment of said tax each railroad company shall deliver to the Provincial Treasurer a statement showing fully and completely the gross earnings of the line or lines or part or parts of line or lines of railroad in the Province owned or operated during the year, upon which the said tax is paid.

Prior exemptions not to be affected.

17. Nothing contained in this Act shall take away or lessen any exemption from taxation heretofore granted any railway company by or under any Act of the Legislature of Manitoba.

Railroad companies to be exempt from all other taxes except as to certain lands.

18. Every railroad company coming within and paying taxes under 20 the provisions of this Act or any Act or Acts amending this Act and the property of every nature and kind of every such railroad company except the land subsidy to which such company is or may be entitled from the Dominion Government, and any land held by it for sale, shall, during the continuance of this Act or any Act or Acts amending this Act, be free and exempt from all assessments and taxation of every nature and kind within the Province of Manitoba by whomsoever made or imposed, except such as are made and imposed under the provisions of this Act or any Act or Acts amending this Act, and no person or body corporate or politic having power to make assess- 30 ments or impose taxation of any kind shall during the continuance of this Act or any Act or Acts amending this Act make any assessments or impose any taxation of any kind of or upon any such railroad company or any property of such railroad company except the land subsidy to which such Company is or may be entitled from the Dominion Government and any land held by it for sale as aforesaid.

(Note: This Act was consolidated with no changes as Chapter 166 in the Revised Statutes of Manitoba 1902.)

Statutes of Manitoba, 1-2 Ed. VII (1902)

Chapter 77

An Act to provide for a Charter for the City of Winnipeg and to
repeal all Acts and parts of Acts in conflict therewith.

(Assented to March 1st, 1902.)

Whereas the Mayor and Council of the City of Winnipeg have
applied for a Charter for the said City;

And whereas it is expedient that a Charter be granted to the said
City;

Therefore,

10

His Majesty, by and with the advice and consent of the Legislative
Assembly of the Province of Manitoba, enacts as follows:

TITLE

Short title.

1. This Act may be cited as "The Winnipeg Charter."

INTERPRETATION

2. Where and whenever the words following occur in this Act,
they shall be construed in the manner hereinafter mentioned, unless
a contrary intention appears or the interpretation which such pro-
vision would give to any word, expression or clause is inconsistent
with the section or clause in which it occurs.

20

"Lands,"
"Real estate,"
"Real property,"
"Property."

(i) The expressions "land," "lands," "real estate" and "real
property," respectively, include lands, tenements and hereditaments
and all rights thereto and interests therein, and the expression
"property" includes both real and personal property unless where it is
otherwise expressed.

"Personal estate,"
"Personal
property."

(j) The expressions "personal estate" and "personal property,"
respectively, include all goods, chattels, shares in incorporated com-
panies, dividends from bank stock, money, notes, accounts and debts
and other property except land and real estate.

INCORPORATION

30

City of Winnipeg
incorporated.

3. The inhabitants of the City of Winnipeg heretofore incorporated
as a municipality by Chapter VII of the Statutes of the Province of
Manitoba, passed in the 37th year of the reign of Her late Majesty,
Queen Victoria, intituled "An Act to Incorporate the City of Winni-
peg," and by various subsequent statutes continued as a municipal

Powers of same.	corporation, shall continue to be a body corporate with the name of "The City of Winnipeg," and shall have all the rights and be subject to all the liabilities of a corporation, and especially shall have full power to acquire, hold and alienate both real and personal estate for all municipal purposes; and by the same name it and its successors shall have perpetual succession, and it shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law, and in equity whatsoever; and it shall have a common seal, with power to alter and modify the same at its will and pleasure; and it shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or movable, for the use of the said City, and of becoming a party to any contracts or agreements in the management of the affairs of the said City, and with the municipal boundaries hereinafter in this Act defined, by metes and bounds, that is to say:	10
Common seal.		
Boundaries of City.	<p>Firstly: Commencing at a point in the centre line of the Red River, where the line between lots numbered two and three of the Parish of Kildonan would strike if produced in a straight line easterly thereto; thence westerly along said production to and along the said line between lots numbered two and three to the easterly limit of Hearn street; thence northerly along the easterly limit of Hearn street to the northeast corner of the road allowance adjacent to the north-east corner of section numbered twenty-four in township numbered eleven, in range numbered two, east of the principal meridian; thence westerly along the north side of the said road allowance to a point due north of the northwest corner of said quarter section; thence southerly in a straight line to and along the western limit of the aforesaid quarter section to the southwest corner thereof; and continuing thence due south along the west side of the Government road allowance, to its intersection with the north side of the road allowance on the four-mile limit of the lots fronting on the Assiniboine River; thence westerly along the north side of the last mentioned road allowance to a point where the westerly side of the Government road allowance between lots numbered forty-one and forty-two of the Parish of St. James would strike, if produced northerly thereto; thence southerly, in a straight line to and along the west side of the last mentioned road allowance and the same produced in a straight line to the centre line of the Assiniboine River; thence westerly along the centre line of the Assiniboine River to its intersection with the parish line between St. Boniface and St. Charles produced northerly thereto; thence southerly in a straight line to and along the said parish boundary to the south side of the road allowance at the two-mile limit of lots fronting on the south side of the Assiniboine River, thence easterly along the south side of the road allowance at the two-mile limit of lots fronting on the south side of the Assiniboine River to its</p>	<p>20</p> <p>30</p> <p>40</p>

intersection with the west side of the road allowance at the two-mile limit of lots fronting on the Red River; thence southerly along the west side of the last mentioned road allowance to its intersection with the line between lots numbered thirteen and seventeen of the Parish of St. Boniface produced westerly thereto; thence easterly in a straight line to and along the last mentioned parish lot line to the divisional line between lots numbered thirteen and sixteen of said Parish of St. Boniface; thence southerly along the last mentioned divisional line and the production thereof in a straight line to the centre line of the Red River; and thence in a general northerly direction following 10 along the centre line of the Red River, to the place of beginning; and, secondly: the southwest quarter of Section fourteen, in Township eleven, in Range two, east of the principal meridian in the Province of Manitoba; and the land, territory and property lying within said limits shall form the territorial extent of the said City of Winnipeg.

6. The Mayor, and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of the City, when this Act takes effect, shall be deemed the Mayor, and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of the City of Winnipeg, as continued under or altered by 20 this Act, subject to the provisions of this Act.

TAXABLE PROPERTY AND EXEMPTIONS

Taxable property—
exemptions.

281. All lands shall be liable to taxation, subject to the following exemptions:

Crown lands.

(a) Lands belonging to His Majesty, or held in trust for his use, or for the public use of the Dominion or this Province of Manitoba;

Lands vested
in City.

(b) Lands vested in or held in trust for the City;

Public schools
and certain other
educational
institutions.

(c) Every public school established or continued under "The Public Schools Act," every public hospital and every educational institution engaging in preparing pupils for the examinations of and 30 affiliated with the University of Manitoba, with in each case the land requisite for the use thereof, not exceeding four acres in any one instance;

Property of
agricultural
societies.

(d) All the buildings, with their appurtenances, and all the land necessary thereto, which buildings and land are actually occupied by and belong to any incorporated agricultural or horticultural society and are used solely for the purpose or benefit of such society;

Cemeteries.

(e) Every public burying ground not exceeding twenty acres;

By-law
exemptions.

(f) All land legally exempted from taxation by a by-law of the City;

Churches.	(g) Buildings, commonly called churches, erected or used for the regular stated places of worship of any religious denomination and the land in connection therewith not exceeding two acres in extent.
Exceptions.	(h) Where any land mentioned in this section or any of the first five sub-sections is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable.
Provincial and other lands liable to local improvement taxes.	(i) The lands mentioned in sub-sections (c) and (g) of this section shall be liable to special assessments for local improvements, in the manner provided in this Act in ordinary cases of local improvement 10 assessment, but that no lands held by His Majesty for the use of the Province of Manitoba and no public schools shall be sold for arrears of taxes.
Capitalized rental value. Who liable to tax as business tax.	<p style="text-align: center;">.</p> <p>303. Every person who and every firm, partnership, company or corporate body that carries on business in any way in the City as merchant, trader, manufacturer, banker, broker, money changer, lawyer, physician, dentist, photographer, auctioneer, grocer, baker, butcher, huckster, mechanic, pawnbroker, livery stable keeper, tanner, land agent, commission agent, ticket agent, ticket seller, telegraph agent, telephone agent, inspector of any kind, agent of any kind, or 20 who carries on an insurance business of any kind or acts as agent for any of the above mentioned businesses, or who carries on any other business, trade, occupation, manufactory, art or profession not above detailed, shall be assessed for a sum by way of capitalization of the rental value of the premises which he so occupies in carrying on any of the businesses, professions, employments or callings above mentioned, or which he uses for an office for such business, profession, employment or calling and both thereof, to the end and intent that all persons, firms and corporations occupying premises not solely used as a residence for the person, firm or corporation so occupying the 30 same, shall be liable to taxation for a sum equivalent to the capitalized rental value of the premises so occupied.</p> <p style="text-align: center;">.</p>
Personal property liable for taxes.	313. All personal property of every nature and kind in and upon the premises for which the occupant has been assessed by way of capitalization of rental shall be liable for the taxes due by such occupant while the occupant is so in possession of the said premises, and the taxes shall be a first charge thereon and shall take priority over every other lien or claim thereto, and may be seized while so upon the premises distrained upon, and sold as provided by this Act for the distress and sale of personal property for non-payment of 40 arrears of taxes, and the goods and personal property of the party so assessed as herein provided, wherever they may be found within the City, shall be liable to be seized, distrained upon and sold for arrears
Priority of lien.	
Distress.	

of taxes as is provided by section 369 and the following sections of this Act.

Business tax not
a lien upon real
estate.

314. Nothing in this Act contained shall be construed to make the above tax levied upon such occupants a charge upon the real estate or building so occupied, but such tax is levied in lieu of a tax upon personal property.

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GENERAL JURISDICTION OF THE COUNCIL

472. The jurisdiction of the Council shall be confined to the City, except where authority beyond the same is expressly given; and the powers of the Council shall be exercised by by-law when not otherwise 10 authorized or provided for.

Statutes of Canada, 2 Ed. VII (1902)

Chapter 52

An Act respecting the Canadian Pacific Railway Company

(Assented to 15th May, 1902.)

Preamble.

Whereas the Canadian Pacific Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 20

Short Title.

1. This Act may be cited as The Canadian Pacific Railway Act, 1902.

Interpretation.

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

Line of railway
described.

3. The Company may construct or acquire and may operate a railway in the province of Quebec from a point at or near Piles Junction on the North Shore Railway or from a point on the Piles branch of that railway, thence in a north-westerly direction to Shawenegan Falls, and thence in a north-easterly direction to Grand'Mere. 30

Time for con-
struction limited.

4. The said railway shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted for its construction shall cease as to so much thereof as is not commenced and completed within such periods respectively.

- Bond issue. 5. The Company may issue bonds which shall be a first lien and charge and be secured exclusively upon the said railway in the same way and with the same effect as if it were a branch railway within the meaning of section 1 of chapter 51 of the statutes of 1888, and the said section shall apply accordingly; or, in lieu of such bonds, the Company may issue consolidated debenture stock, the holders of which shall have equal rights in all respects and rank *pari passu* with holders of such consolidated debenture stock as the Company has been, before the passing of this Act, authorized to issue; provided that the capital of such bonds or consolidated debenture stock shall 10 not exceed the rate of twenty-five thousand dollars per mile of such railway constructed or under contract to be constructed.
- 1888, c. 51.
- Debenture stock.
- Time extended for construction of railway authorized by 1900, c. 55. 6. The Company shall commence within two years and complete within five years from the passing of this Act the railway which it was authorized by chapter 55 of the statutes of 1900 to construct from a point on the Company's railway at or near New Westminster, thence to Vancouver by such route as may be found most direct and feasible; otherwise the powers of construction hereby granted shall cease and be null and void with respect to so much of the said railway as shall not be commenced and completed within such periods res- 20 pectively.
- Power to hold land, buildings, etc. 7. The Company may purchase, rent, hold and enjoy, as well in Canada as in such other places as are deemed expedient for the purposes of the Company, and either in the name of the Company or in the name of trustees for the Company, such lands, wharfs, docks, warehouses, offices, elevators and other buildings as it may find necessary and convenient for its purposes, and sell or dispose thereof for the purposes of the Company, and may take, hold and dispose of shares in any companies having for one of their objects the purchase, renting, taking, holding and enjoying of lands, wharfs, 30 docks, warehouses, offices, elevators and other buildings, in Canada or elsewhere, to be used for the purposes of the Company or its steamship connections.
- Shares in land and building companies.
- Hotels and restaurants. 8. The Company may, for the purposes of its railway and steamships and in connection with its business, build, purchase, acquire or lease for hotels and restaurants, such buildings as it deems advisable and at such points or places along any of its lines of railway and lines operated by it or at points or places of call of any of its steamships, and may purchase, lease and hold the land necessary for such purposes, and may carry on business in connection therewith for the 40 comfort and convenience of the travelling public, and may lay out and manage parks and pleasure grounds upon the property of the Company and lease the same from or give a lease thereof to any person, or contract with any person for their use, on such terms as the Company deems expedient.

Mining and
smelting.

Iron and steel
manufacture.

Lumber.

9. The Company may, in order to utilize its land grant and the land grants of other railway companies owned or controlled by the Company, in so far as they are available for mining and lumbering operations, engage in general mining, smelting and reduction, the manufacture and sale of iron and steel and lumber and timber manufacturing operations upon such lands or in connection therewith, and may sell and dispose of the products thereof, and may also make such agreements with actual or intended settlers upon such lands as it deems expedient for promoting the settlement and cultivation thereof, including the advancing of moneys for such purposes 10 and upon the security of the lands settled upon respectively.

Electricity.

10. The Company may, in connection with its business or for the purposes of its undertakings, acquire or construct and operate such buildings and works as are necessary for generating and transmitting electricity, and sell or otherwise dispose of surplus power so generated and not required for operating its railways and other works.

Irrigation.

11. The Company may excavate, construct, maintain and operate irrigation ditches or canals upon its lands for supplying water for irrigating any portion of such lands and for supplying water for irrigation, water-power or other purposes to municipalities, cities or 20 towns, and to individuals, corporations or companies holding lands contiguous to the lands of the Company, and, for the purposes aforesaid, generally exercise the powers of an irrigation company.

1881, c. 1,
schedule A.

12. Section 6 of schedule A of chapter 1 of the statutes of 1881 is repealed, and the following is substituted therefor:

New s. 6.
Election of
directors.
Qualification.

“6. The directors of the Company shall be elected by ballot at the shareholders’ meeting and shall each hold at least two hundred and fifty shares of the stock of the Company. They shall be subject to the same conditions as the directors appointed by or under the authority of the last preceding section. The number of directors 30 shall be such, not exceeding fifteen, as shall be fixed by by-law, and may be altered from time to time in like manner. They shall remain in office for the period or respective periods fixed by by-law approved of by the shareholders, but the terms of office of at least one-fourth of the directors shall expire each year, and such retiring directors shall be eligible for re-election.”

Number, and
term of office.

Statutes of Manitoba, 9 Ed. VII (1909)**Chapter 73**

An Act to amend "The Railway Taxation Act."

(Assented to March 10th, 1909.)

His Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

S. 18 amended.

1. Section 18 of chapter 166 of the Revised Statutes of Manitoba, 1902, being "The Railway Taxation Act," is hereby amended by adding after the word "sale" in the sixth line thereof the following words, "and all lands and property held by the company not in actual use in the operation of the railway."

2. This Act shall come into force on the day it is assented to.

Statutes of Manitoba, 9 Ed. VII (1909)**Chapter 78**

An Act to amend the Winnipeg Charter.

(Assented to March 10th, 1909.)

His Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

.

20. The said Charter is amended by adding thereto the following section: 20

Persons and
companies who
are to pay
business tax.

282A. Every person who, and every firm, partnership, company or corporate body that carries on business in any way in the city, whether he resides there or not, as merchant, contractor, trader, manufacturer, warehouseman, tilemaker, artificial stonemaker, the business of an abattoir or meat packer, banker, broker, bank, loan company, mortgage company, trust company, insurance company, money lender, barber, money changer, lawyer, conveyancer, physician, surgeon, veterinary surgeon, farrier, undertaker, dentist, photographer, sign painter, auctioneer, grocer, caterer, butcher, baker, huckster, tailor, mechanic, carpenter, blacksmith, repairer, plumber, pawnbroker, keeper of livery stable, sale stables, feed stables, automobile livery, hotels, saloons, Turkish or other baths, laundry work (using power other than manual labor), tanner, land agent, commission agent, ticket agent, detective agent, advertising agent, collecting agent, ticket seller, telegraph agent, telephone agent, fuel dealer, dealer in

To be levied on
annual rental
values of premises
occupied.

Certain businesses
subject to license
exempt from
business tax.

Special provisions
as to business
tax on hotels.

Rate of business
tax to be $6\frac{2}{3}$
per cent.

Proviso as to
railway companies
and their agents.

building materials, inspector of any kind, agent of any kind, or who carries on an insurance business of any kind, or acts as agent for any of the above mentioned businesses, or who carries on any other business, trade, occupation, manufactory, art or profession not above mentioned, shall be assessed for a sum equal to the annual rental value of the premises, whether buildings or lands or both, which he so occupies in carrying on any of the businesses, professions, employments or callings above mentioned, or which he uses for an office for such business, profession, employment or calling and both thereof, to the end and intent that all persons, firms and corporations occupying premises not solely used as a residence for the person, firm or corporation so occupying the same, shall be liable to assessment for a sum equivalent to the annual rental value of the premises so occupied. The assessment made under this section shall be known as "business assessment," and the tax levied on this assessment shall be known as "business tax." This section shall not be deemed to include and shall not include theatres, opera houses, public halls, places of public amusement, places used for public meetings only, or any halls or places of meeting for political, friendly or other societies or bodies of people or any temperance hotel or boarding house, eating house, restaurant, bowling alleys, boot blacking and boot shining establishments, ice warehouses, laundries using manual power chiefly, hospitals of all kinds, business colleges, music halls, dance halls, shooting galleries, skating rinks and dairies, which are subject to license by the city.

(2) Subject as herein stated the business assessment of hotels shall be limited to and shall include the ground floor of the hotel building for whatever purposes used. In respect of such ground floor there shall be a business assessment equivalent to annual rental value on the basis of the like value of business properties in the immediate vicinity. Should any other portion of the building be used for the purposes of business other than such as are strictly hotel business, there shall be a business assessment in respect of such portion arrived at on the same basis.

21. The said Charter is further amended by adding thereto the following section:

282B. Each corporation, company, individual or partnership shall pay to the city a business tax to the extent of six and two-thirds per centum of the amount of the business assessment of such corporation, individual or partnership, as shown on the business assessment roll, and each individual in any such partnership shall be liable for such tax; provided that neither this section nor section 35 of the Act, being chapter 48 of the statutes of Manitoba 6 and 7 Edward VII, shall apply to a railway company or to ticket agents, ticket sellers, telegraph agents or railway agents employed by a railway company exclusively

Pro rata division
of business tax in
case of change of
occupancy of
premises.

If premises
vacated before
1st July,
occupant to pay
one half of the
year's business tax.

Liability in case
premises again
occupied before
end of year.

for the business of such railway company if such railway company is liable to pay taxes under "The Railway Taxation Act," or if the property of such company is exempt under any by-laws or by-law of the city; provided that in case it shall at any time before the preparation of the business tax roll be satisfactorily made to appear to the assessment commissioner that any person, subject to business assessment, has given up, sold or disposed of such business to another person who is continuing the same, the assessment commissioner shall, in preparing the business tax roll, charge such person with the business tax pro rata in respect of the number of months during which he had 10 carried on such business (a fraction of a month being taken as a month), and the assessment commissioner shall, upon the same basis of assessment, charge the successor in business in such premises with the remainder of the tax in respect of the year in question. If a person under business assessment permanently vacates the premises before the first day of July, the assessment commissioner shall, on being satisfied of that fact before preparing the business tax roll, enter the business tax against such person in regard to such premises at one-half of the amount of the tax for the year. Upon its appearing 20 to the assessment commissioner that such person has resumed business in the premises, or that any other person has subsequently commenced business therein, he may in either case charge against the party so resuming or commencing business the business tax pro rata for the portion of the remainder of the year in which business is carried on in the premises.

S. 313
amended.

29. Section 313 of the said Charter is hereby amended by striking out of the third line of that section the words "capitalization of rental" and inserting in lieu thereof "business assessment."

Statutes of Manitoba, 1 Geo. V (1911)

Chapter 45

30

An Act to incorporate a Public Live Stock Markets Board.

(Assented to March 24th, 1911.)

Preamble.

Whereas, by an Act passed at the last session of the Legislature, chapter 36, entitled "An Act respecting the Live Stock Industry," provision was made for the payment of fifty thousand dollars (\$50,000) for the purpose of acquiring a site for and assisting in establishing, equipping, operating and maintaining thereon a public market and a public abattoir for the slaughter of cattle and other live stock,

together with a suitable cold storage plant and other matters, and for the purpose of expending such moneys and carrying out the provisions of the Act the Government appointed a board of abattoir commissioners; and, whereas the said board recommended the establishment of a public abattoir as being for the public benefit and in the nature of public utilities, subject to the Government of the Province of Manitoba, and further reported that in connection therewith it was necessary to establish a public market and railway facilities for properly unloading and caring for live stock until disposed of, as incident to the establishment and operation of such 10 public abattoir; and, whereas it is desirable that the railway companies who do and are likely to do the great proportion of the business in carrying and transporting live stock in the West should be induced to become parties to and interested in the establishment and operation of such market and railway facilities; and, whereas it is desirous to prevent unjust discrimination and unreasonable tolls and charges in connection with the said markets and facilities,

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Names of
incorporators.

1. Robert A. C. Manning, of the City of Winnipeg, in Manitoba, 20 barrister-at-law; Stephen Benson, of the Town of Neepawa, in Manitoba, farmer, and James Morrow, reeve of the Municipality of Louise, and those who shall become shareholders as hereinafter provided, are hereby created and constituted a body politic and corporate under the name of "The Public Markets, Limited" (hereinafter referred to as "the corporation").

Name of
corporation.

Railway
companies,
being shareholders,
to appoint the
directors.

8. The directors of the corporation shall be appointed annually by the railway companies which are shareholders as hereinafter provided, and the number of directors which such railway company shall be entitled to appoint shall be fixed by the Lieutenant-Governor- 30 in-Council, having regard to the number of shares held by such company; each director so appointed shall hold office for one year, or until a successor has been appointed by the railway company entitled to appoint. A shareholder appointing a director or directors may at any time cancel the appointment of any such director or directors appointed by it, and may appoint any director or directors in the place of such director or directors whose appointment is so cancelled.

Tenure of office.

Cancellation of
appointment of
director by rail-
way company.

Arrangement
between the
Government and
the railway com-
panies as to control
and operation by
directors appointed
by them.

10. The Lieutenant-Governor-in-Council is empowered to enter into or make any arrangement or contract with any or all of the 40 railway companies doing business in Western Canada for the taking of shares in the capital stock of the corporation, the number of shares so to be taken by each railway company, the number of

Provision in case
railway company
does not come in
at first.

Execution of the
agreement on the
part of the
Government.

Capital to be
held exclusively
by the railway
companies.

Government
representative to
attend all
meetings.

When he may vote.

Access to books
and report thereon.

Anything done
under this Act by
the C.P.R. or any
other railway
company not to
cause a forfeiture

directors which one railway company shall be entitled to appoint on the board of directors, and in respect to such other terms, matters and things as the Lieutenant-Governor-in-Council may deem expedient, and, should any such railway company not be willing at the time of the organization of the corporation to become a shareholder, then to arrange, at the time of the allotment of the stock to the company or companies willing to come in, for the number of shares to be allotted to such other railway company when such company expresses its willingness to become a shareholder and the right of representation upon the board of directors, and any such railway company may subsequently become a shareholder upon agreement therefor between the said company, the then shareholders and the Lieutenant-Governor-in-Council and upon the passing of an order by the Lieutenant-Governor-in-Council, fixing the terms as arranged, and the Lieutenant-Governor-in-Council is empowered to arrange with any such company or companies such other terms, matters and things as to the Lieutenant-Governor-in-Council may seem expedient. Any agreement or contract entered into or made by the Lieutenant-Governor-in-Council shall be on behalf of and in the name of His Majesty the King in the right of the Province of Manitoba acting by the Minister of Public Works, and shall be sealed with the great seal of the Province of Manitoba and signed by the Minister of Public Works, the acting Minister of Public Works or such officer as may be from time to time designated by the Lieutenant-Governor-in-Council. The capital stock of the said corporation shall be held exclusively by the railway company or railway companies entering into any such arrangement or agreement with the Lieutenant-Governor-in-Council under this section.

13. The Lieutenant-Governor-in-Council shall be entitled to appoint one representative, who shall be a member of the corporation, but not a shareholder. Such Government representative shall have the right to be present at all meetings of the corporation and directors, but shall not have the right to vote therein or thereat, except upon a vote being taken which results in an equal division of the directors, in which case the representative of the Government shall have the right to give a casting vote.

14. The representatives of the Government shall at all times have access to the books of the corporation and the right to report to the Government from time to time concerning the affairs of the corporation.

23. Anything done under, in pursuance of or in connection with the provisions of this Act by the Canadian Pacific Railway Company, or by any other railway company, or the taking and holding by the

of any rights,
exemption or privi-
leges secured
under By-laws
No. 168 and 195
of the City of
Winnipeg, or be
constituted as a
breach thereof.

said company of any share or shares or interest directly or indirectly in the corporation hereby created, or the construction, maintenance or operation of any railway facilities, terminals or of any stock yard, stock markets or the like in or near the City of St. Boniface by the said railway company, or any railway company, alone or in conjunction with others, in relation to or in connection with anything in this Act contained or by this Act authorized, shall not injure, affect, prejudice or cause any forfeiture or impairment of any benefit, right, exemption or privilege of the Canadian Pacific Railway Company under by-laws numbers 148 and 195 of the City of Winnipeg, 10 or either of them, or of any railway company, or be construed to be any breach, violation or non-observance of any provision or condition, or of any obligation or duty under the said by-laws, or either of them, or under any contract or by-law or otherwise howsoever.

Statutes of Manitoba, 8 Geo. V (1918)

Chapter 120

An Act to consolidate and amend "The Winnipeg Charter."

(Assented to March 6th, 1918.)

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba enacts as follows: 20

INTERPRETATION

Interpretation.

2. Where and whenever the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears or the interpretation which such provision would give to any word, expression or clause is inconsistent with the section or clause in which it occurs—

"Land," "real
estate," "real
property,"
"property."

(h) the expressions "land," "lands," "real estate" and "real property," respectively, include lands, tenements and hereditaments and all rights or easements affecting the same, and interests therein, and the expression "property" includes both real and personal 30 property, unless where it is otherwise expressed;

"Personal estate,"
"personal
property."

(i) the expressions "personal estate" and "personal property," respectively, include all goods, chattels, shares in incorporated

companies, dividends from bank stock, money, notes, accounts and debts and other property, except land and real estate;

INCORPORATION

"Incorporation."

3. The inhabitants of the City of Winnipeg heretofore incorporated as a municipality by chapter 7 of the Statutes of the Province of Manitoba passed in the thirty-seventh year of the reign of Her late Majesty Queen Victoria, intituled "An Act to incorporate the City of Winnipeg," and by various subsequent statutes continued as a municipal corporation, shall continue to be a body corporate with the name of "The City of Winnipeg," and shall have all the rights 10 and be subject to all the liabilities of a corporation, and especially shall have full power to acquire, hold and alienate both real and personal estate for all municipal purposes; and by the same name it and its successors shall have perpetual succession, and it shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law, and in equity whatsoever; and it shall have a common seal, with power to alter and modify the same at its will and pleasure; and it shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or personal, for the 20 use of the said city, and of becoming a party to any contracts or agreements in the management of the affairs of the said city, and with the municipal boundaries hereinafter in this Act defined by metes and bounds, that is to say:

"Powers of the city."

"Seal."

"Boundaries of the city."

Firstly, commencing at a point in the centre line of the Red River where the northern limit of lot four of the Parish of Kildonan will strike when produced in a straight line easterly thereto; thence westerly in a straight line to and along said northern limit of lot four to the western limit of McGregor street; thence southerly along said western limit of McGregor street to the line between lots three and 30 four of the Parish of Kildonan; thence westerly along said line between lots three and four and the straight production thereof to the western limit of the road allowance in rear of the outer two miles of said lots; thence southerly along the western limit of said road allowance to the northern limit of the road allowance along the northern side of the north-east quarter of section 24, in township 11 and range 2, east of the principal meridian; thence westerly along the northern limit of said road allowance to a point due north of the north-west corner of said quarter section; thence southerly in a straight line to and along the western limit of aforesaid quarter 40 section to the south-west corner thereof and continuing thence southerly along the western limit of the government road allowance, known as Keewatin street, to its intersection with the northern limit

of the road allowance on the four-mile limit of the lots in the Parish of St. James; thence westerly along the northern limit of the last mentioned road allowance to the point where the western limit of the government road allowance between lots forty-one and forty-two of the Parish of St. James will strike when produced in a straight line northerly thereto; thence southerly in a straight line to and along the western limit of the last mentioned road allowance and the same produced in a straight line to the centre line of the Assiniboine River; thence westerly along the centre line of the Assiniboine River to its intersection with the straight production 10 northerly of the western limit of the land covered by a survey, plan of which is registered in the Winnipeg Land Titles Office as No. 1374; thence southerly in a straight line to and along said western limit of land and the straight production thereof to the southern limit of the road allowance at the two-mile limit of lots fronting on the south side of the Assiniboine River; thence easterly along the southern limit of said road allowance to its intersection with the western limit of the road allowance at the two-mile limit of lots fronting on the west side of the Red River; thence southerly along the western limit of the last mentioned road allowance to its inter- 20 section with the line between lots thirteen and seventeen of the Parish of St. Boniface produced in a straight line westerly thereto; thence easterly in a straight line to and along the last mentioned parish lot line to the divisional line between lots thirteen and sixteen of said Parish of St. Boniface; thence southerly along the last mentioned divisional line and the straight production thereof to the centre line of the Red River; thence in a general northerly direction along the centre line of the Red River down stream to its intersection with the southerly limit of lot seventy-one of the Parish of St. Boniface produced in a straight line westerly thereto; thence easterly in a straight 30 line to and along the southern limit of said lot seventy-one and the straight production thereof to the eastern limit of the road allowance between the inner and outer two miles of said Parish of St. Boniface; thence northerly following the eastern limit of said road allowance to its intersection with the straight production easterly of the northern limit of lot forty-six of the Parish of St. John; thence westerly in a straight line to and along said northern limit and the straight production thereof to the centre line of the Red River; thence in a general northerly direction following the centre line of the Red River down stream to the place of beginning; 40

Secondly, the south-west quarter of section 14, in township 11 and range 2 east of the principal meridian, in the Province of Manitoba;

Thirdly, all those portions of lots twelve to twenty-four, both inclusive, according to the Dominion Government survey of the

Parish of St. Charles, in the Province of Manitoba, which lie to the north of a line drawn parallel with the Dominion Government base line crossing said lots and rectangularly distant southerly 1,815 feet therefrom.

Fourthly, in the Province of Manitoba and being composed of all those portions of River lots seventeen to twenty-four (17-24), inclusive, according to the Dominion Government survey of the Parish of Kildonan, which lie to the east of the eastern limit of the main highway crossing said lots, which highway is shown on a plan of same filed in the Winnipeg Land Titles Office as No. 545, excepting out of 10 said portion of lot twenty-two (22) that portion thereof taken for the right-of-way of the Canadian Pacific Railway.

Present officers,
contracts, etc.
continued.

8. The mayor, controllers and members of the council, and the board of control, board of valuation and revision, officers, by-laws, contracts, property, assets and liabilities of the city, when this Act takes effect, shall be deemed the mayor, controllers and members of the council, and the board of control, board of valuation and revision, officers, by-laws, contracts, property, assets and liabilities of the City of Winnipeg as continued under or altered by this Act, subject to the provisions of this Act.

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TAXABLE PROPERTY AND EXEMPTIONS

Lands exempted
from taxation.

278. All lands shall be liable to taxation, subject to the following exemptions:

Dominion or
Provincial lands

(1) lands belonging to His Majesty or held in trust for his use, or for the public use of the Dominion or this Province of Manitoba;

City lands.

(2) lands vested in or held in trust for the city;

Public schools.

(3) every public school established or continued under "The Public Schools Act," every public hospital, and every educational institution engaged in preparing pupils for the examinations of and affiliated with the University of Manitoba, with, in each case, the 30 land requisite for the use thereof, not exceeding four acres in any one instance, as also all buildings which are permanently and solely used for the purpose of schools founded and carried on with a charitable object, where no charge is made for the care or teaching of pupils therein, together with the lands occupied by such buildings, and such vacant adjoining land as is occupied for the reasonable purposes of such school;

Real estate of
Agricultural
Societies.

(4) all the buildings, with their appurtenances, and all the land necessary thereto, which buildings and land are actually occupied by

and belong to any incorporated agricultural or horticultural society, and are used solely for the purpose or benefit of such society;

Public burying ground.

(5) every public burying ground not exceeding twenty acres;

Churches.

(6) no assessment or taxation shall be imposed by the city in respect of buildings commonly called churches, which are used exclusively for the regular stated places of worship of any religious denomination and for church purposes, or in respect of any buildings upon the church site exclusively used for Sunday school and other similar church purposes;

Portion of building used for church purposes.

(7) in case of a portion of a building being used exclusively for church purposes that portion of the building shall be exempt;

Meaning of church purposes.

(8) church purposes in this section shall include the holding of lectures, entertainments, bazaars and kindred uses under the auspices of and for the benefit of the church only;

Public meetings not to impose liability.

(9) the holding of public meetings for the discussion of public matters in a church, or any part of it, shall not impose liability to taxation;

Land not to exceed 2 acres under (6), (8) and (9).

(10) the lands used as sites for buildings coming within sub-sections (6), (8) and (9) of this section to the extent of not exceeding two acres for each church, shall be exempt from general municipal and school taxation;

By by-law.

(11) all land legally exempted from taxation by a by-law of the city, to the extent to which the same is so exempted;

Occupant may be assessed.

(12) where any land mentioned in any of the first five sub-sections of this section is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable;

Liable to special assessments.

(13) the lands mentioned in sub-section (3) of this section shall be liable to special assessments for local improvements, in the manner provided in this Act in ordinary cases of local improvement assessment, but no lands held by His Majesty for the use of the Province of Manitoba and no public schools shall be sold for arrears of taxes;

No exemptions for special assessments.

(14) nothing in this section contained shall be deemed to affect the liability of the lands mentioned in sub-section (10) of this section in respect of special assessments for local improvements as in other cases under this Act.

Council may pass by-laws to exempt charitable institutions, Y.M.C.A. and Y.W.C.A.

279. The council may pass by-laws to exempt from taxation any building used exclusively as a charitable institution with the land in connection therewith, not exceeding two acres, and also the properties of the Young Men's Christian Association and the Young

Women's Christian Association to the extent of the value of such part or parts of such properties as shall be used for religious or associational purposes.

Persons, etc. liable
to business tax.

281. (1) Every person who, and every firm, partnership, company or corporate body that carries on business in any way in the city, whether he resides there or not, as merchant, contractor, trader, manufacturer, warehouseman, tilemaker, artificial stonemaker, the business of an abattoir or meat packer, banker, broker, bank, loan company, mortgage company, trust company, insurance company, money lender, barber, money changer, lawyer, conveyancer, physi- 10
cian, surgeon, veterinary surgeon, farrier, undertaker, dentist, photographer, sign painter, auctioneer, grocer, caterer, butcher, baker, huckster, tailor, mechanic, carpenter, blacksmith, repairer, plumber, pawnbroker, keeper of livery stable, sale stables, feed stables, automobile livery, hotels, saloons, Turkish or other baths, laundry work (using power other than manual labor), tanner, land agent, commission agent, ticket agent, detective agent, advertising agent, collecting agent, ticket seller, telegraph agent, telephone agent, fuel dealer, dealer in building materials, inspector of any kind, agent of any kind, or who carries on an insurance business of 20
any kind, or acts as agent for any of the above mentioned businesses, or who carries on any other business, trade, occupation, manufactory, art or profession not above mentioned, shall be assessed for a sum equal to the annual rental value of the premises, whether buildings or lands or both, which he so occupies in carrying on any of the businesses, professions, employments or callings above mentioned, or which he uses for an office for such business, profession, employment or calling and both thereof, to the end and intent that all persons, firms and corporations occupying premises not solely used as a residence for the person, firm or corporation so occupying the same, 30
shall be liable to assessment for a sum equivalent to the annual rental value of the premises so occupied. The assessment made under this section shall be known as "business assessment," and the tax levied on this assessment shall be known as "business tax." This section shall not be deemed to include and shall not include theatres, opera houses, public halls, places of public amusement, places used for public meetings only, or any halls or places of meeting for political, friendly or other societies or bodies of people or boarding house, eating house, restaurant, bowling alleys, boot blacking and boot shining establishments, ice warehouses, laundries using manual power 40
chiefly, hospitals of all kinds, business colleges, music halls, dance halls, shooting galleries, skating rinks and dairies, which are subject to license by the city.

Places not deemed
to be included in
this section.

Amount of tax
and liability of
persons.

282. Each corporation, company, individual or partnership shall pay to the city a business tax to the extent of six and two-thirds per centum of the amount of the business assessment of such corporation, individual or partnership, as shown on the business assessment roll, and each individual in any such partnership shall be liable for such tax; provided that neither this section, nor section 35 of the Act, being chapter 48 of the statutes of Manitoba 6 and 7, Edward 7, shall apply to a railway company or to ticket agents, ticket sellers, telegraph agents or railway agents employed by a railway company exclusively for the business of such railway company if such railway company is liable to pay taxes under "The Railway Taxation Act," or if the property of such company is exempt under any by-laws or by-law of the city; provided that in case it shall at any time before the preparation of the business tax roll be satisfactorily made to appear to the assessment commissioner that any person, subject to business assessment, has given up, sold or disposed of such business to another person who is continuing the same, the assessment commissioner shall, in preparing the business tax roll, charge such person with the business tax pro rata in respect of the number of months during which he had carried on such business (a fraction of a month being taken as a month), and the assessment commissioner shall, upon the same basis of assessment, charge the successor in business in such premises with the remainder of the tax in respect of the year in question. If a person under business assessment permanently vacates the premises before the first day of July, the assessment commissioner shall, on being satisfied of that fact before preparing the business tax roll, enter the business tax against such person in regard to such premises at one-half of the amount of the tax for the year. Upon its appearing to the assessment commissioner that such person has resumed business in the premises, or that any other person has subsequently commenced business therein, he may in either case charge against the party so resuming or commencing business the business tax pro rata for the portion of the remainder of the year in which business is carried on in the premises.

When person
vacates before
July 1st.

All personal
property liable
for taxes due.

Taxes to be
first charge.

May be seized and
sold for arrears.

307. All personal property of every nature and kind in and upon the premises for which the occupant has been assessed by way of business assessment shall be liable for the taxes due by such occupant while the occupant is so in possession of the said premises, and the taxes shall be a first charge thereon and shall take priority over every other lien or claim thereto, and may be seized while so upon the premises distrained upon, and sold as provided by this Act for the distress and sale of personal property for non-payment of arrears of taxes, and the goods and personal property of the party so assessed as herein provided wherever they may be found within the city, shall

be liable to be seized, distrained upon and sold for arrears of taxes as is provided by section 36 and the following sections of this Act.

Business tax not to be a charge upon land or buildings.

308. Nothing in this Act contained shall be construed to make the above levied tax upon such occupants a charge upon the land or building so occupied, but such tax is levied in lieu of a tax upon personal property.

Statutes of Manitoba, 4 Geo. VI (1940)

Chapter 81

An Act to consolidate and revise the Winnipeg Charter

(Assented to March 19th, 1940) 10

His Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

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INTERPRETATION

Definitions:

2. (1) Wherever used in this Act, except where the context otherwise requires,

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"land," "real estate," "real property," "property,"

(p) the expressions "land," "lands," "real estate" and "real property," respectively, include lands, tenements and hereditaments and all rights or easements affecting the same, and interests therein, and include all buildings thereon, and the expression "property" includes both real and personal property;

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"person,"

(y) the word "person" includes firm, partnership, association, corporation or company;

"personal estate," "personal property,"

(z) the expressions "personal estate" and "personal property," respectively, include all goods, chattels, shares in incorporated companies, dividends from bank stock, money, notes, accounts and debts and other property, except land and real estate;

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REALTY AND BUSINESS ASSESSMENT

Lands exempted
from taxation
Dominion or
Provincial lands.

271. (1) All lands shall be liable to taxation, subject to the following exemptions:

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By by-law

(h) all land legally exempted from taxation by a by-law of the city or by statute, to the extent to which the same is so exempted.

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Council may pass
by-laws to exempt
charitable institu-
tions, Y.M.C.A.,
Y.W.C.A., G.W.
Veterans, A. & N.
V., and the Re-
turned Soldiers'
Associations.

272. Subject to section 240 of "The Public Schools Act," the council may pass by-laws to exempt from taxation any building used exclusively as a charitable institution with the land in connection therewith, not exceeding two acres, and also the properties of the Young Men's Christian Association and the Young Women's Chris- 10
tian Association, and of the Great War Veterans, the Army and Navy Veterans and the Returned Soldiers Associations, to the extent of the value of such part or parts of such properties as shall be used for religious or associational purposes.

Note:

In 1940, by Statutes of Manitoba, 4 Geo. VI (1940), Chapter 82, the above Section was amended as follows:

3. Section 272 of the Act is amended by striking out the words "the Great War Veterans, the Army and Navy Veterans and the Returned Soldiers Associations" in the seventh and eighth lines 20
thereof and substituting therefor the words "any war veterans' or returned soldiers' association."

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What real property
shall include.

277. In assessing lands with buildings thereon, the buildings shall be assessed to the owner of the land, whether owned by him or not; and buildings, when the same are upon some street, park or exempted lands, and are not themselves exempt, shall be assessed against the owner thereof at the same proportion of the full value as applies to buildings on taxable land.

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When leasehold
interest assessed.

283. (1) A leasehold interest in land shall be taxable in every case where by reason of any claim for exemption the estate in fee simple is 30
not assessed, and the terms "land" and "real property" in all sections in this Act referring to assessment and taxation shall be deemed to include any such leasehold interest.

Value of assessment
of leasehold
interest.

(2) Such leasehold interest shall be assessed at the value at which the estate in fee simple, out of which the leasehold interest has been created would be assessed if treated as taxable under this Act.

In assessing
leasehold expiry
date to be
considered.

(3) In assessing any such leasehold interest for the year in which under the terms of the tenancy such interest expires, the assessment commissioner may upon satisfactory proof thereof being given to him take into account the fact of such expiry and make due allowance therefor, in the assessment.

BUSINESS ASSESSMENT

Interpretation
of terms.

290. In this Part the expression

(a) "business" includes a trade, occupation, calling, manufactory, art or profession;

(b) "premises" means land or building or both. 10

Persons assessable
for business tax.

291. (1) Excepting as otherwise hereinafter provided every person carrying on any business in the city whether he resides therein or not shall be assessed for a sum equal to the annual rental value of the premises which he occupies in carrying on, or uses for the purpose of, such business, or uses in any way excepting solely for residential purposes. Such assessment shall be known as "business assessment" and the tax levied on this assessment shall be known as "business tax."

Meaning of
"person."

(2) The word "person" used in this section shall have the meaning assigned to it in section 2 hereof notwithstanding anything 20 to the contrary which might be otherwise inferred from the use of the terms "resides" and "residential purposes" in the first subsection hereof.

Annual rental
value and
assessment.

292. (1) Annual rental value for the purposes of this Act, shall be deemed to include the cost of providing heat and other services necessary for comfortable use or occupancy, whether the same be provided by the occupant or owner.

Basis of
rental value.

(2) In assessing annual rental value, the assessment commissioner shall take all factors into account so that as far as possible premises similar in size, suitability, advantage of location, and the 30 like, shall be equally assessed. The intent and purpose of this section is that all persons subject to business tax shall be assessed at a fair rental value of the premises occupied or used, based in general upon rents being actually paid for similar premises.

Filling stations.

293. (1) The business assessment in respect of gasoline filling stations may be against either the occupant thereof or the person the sale of whose products is the principal business carried on by the occupant.

Hotels.

(2) The business assessment in respect of any hotel shall be a sum equal to seventy-five per cent of the annual rental value thereof. 40

Method of assessing
in certain cases.

(3) In assessing any premises in respect of the use or occupancy thereof for the purpose of maintaining or operating advertising signs, bill boards and other similar devices, the annual rental value of the premises shall be deemed to be an amount based on the following rates according to the area of the face of each sign or board:

Poster panels.....	10 cents per sq. ft.
Painted panels.....	16 cents per sq. ft.
Electrically-operated self-illuminating signs....	50 cents per sq. ft.

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Exemptions.

295. (1) No business assessment or business tax shall be made or levied in respect of any of the businesses herein enumerated in any 10 year during which or any part of which such business is licensed by the city, but such exemption shall apply only to the premises in respect of which such license is issued. The businesses exempted as aforesaid are the keeping or operating of any of the following: theatres, opera houses, public halls, places of public amusement, places used for public meetings only, halls or places of meeting for political, friendly, or other societies or bodies of people, boarding houses, bowling alleys, hospitals of all kinds, business colleges, music halls, dance halls, shooting galleries, skating rinks, and dairies.

(2) No business assessment or business tax shall be made or 20 levied in respect of a railway company, or a ticket agent, ticket seller, telegraph agent, or railway agent, employed by a railway company exclusively for the business of such company, if such company is liable to pay taxes under "The Railway Taxation Act" or if the property of such company is exempt under any by-law of the city.

(3) None of the companies paying realty tax in respect of property fixed or placed in any street and required to be treated as land as hereinbefore provided, shall be assessed for business tax in respect of any premises used by it solely for the generation, transformation or distribution of power, electricity or gas. All such 30 companies shall, however, be liable to assessment for business tax for the offices and other premises occupied by them.

(4) No assessment for business tax shall be made in any year in respect of space used exclusively for the storage of any taxicab, or any truck or dray kept for hire or the stabling of any horse or team kept for hire, for which a license fee has been paid to the city for a period covering the whole or part of such year.

License fee
in lieu of
business tax.

(5) No business assessment or business tax shall be made or levied in any year in respect of premises used for carrying on the business of keeping drays for hire or horses used for hire in hauling 40 goods or materials or other similar work, provided license fees have been paid for such drays or horses for a period covering the whole or

part of such year, and provided the premises are not also used for some other business for which a business tax may be levied.

Liability for
business tax.

296. No person shall be exempt from assessment for business tax in respect of any premises on the ground that he is the owner of the premises and liable to taxation as such.

BUSINESS TAX RATES

Business tax.

297. (1) For the purpose of levying the business tax hereinbefore referred to, the assessment commissioner shall classify in accordance with the classifications hereinafter set forth, the business of each person carrying on business in any premises in the city, according to the principal business carried on by him therein, and every such person shall in each year pay to the city a business tax based on the assessed annual rental value of the premises occupied or used by him for the purposes of such business and at such rate per centum of said value as is applicable to the class in which such business falls, as shewn on the business assessment roll, the rates within each class varying according to the assessment where hereinafter indicated. The said classes and the respective rates applicable thereto shall be as follows:

(G) Proprietor or Conductor of Hotel (including any premises where rooms are rented by the day and there is accommodation for ten or more roomers or guests).....	7½%	20
Tourist Camp.....	7½%	
(L) Proprietor or Conductor of Express Freight or Passenger Transportation Service not otherwise exempt (by rail, motor vehicle, aeroplane or other conveyance, not including taxicabs).....	12½%	
Telegraph Service.....	12½%	

Adjustment of
business tax where
premises occupied
for part of year.

299. If in any year, after the business assessment for such year has been made, but before completion of the business tax roll, the assessment commissioner is satisfied that a person assessed for business tax in respect of any premises has ceased to carry on business therein, the assessment commissioner in preparing the business tax roll, shall charge such person with a portion only of the business tax, such portion being computed pro rata according to the portion of the year during which such business was so carried on; provided further that if any person assessed in respect of any premises ceases to carry on business therein after the business tax roll for the current year has been completed, the tax collector, if satisfied of such fact, shall adjust the business tax in respect of such premises on the pro rata basis above set forth, and collect the proper amount of tax as so adjusted.

If the taxes have been paid the taxpayer shall be entitled to a refund of the overpayment.

Adjustment of business assessment where business commenced after first of year.

299A. (1) Any person who commences business in any premises on or after the first of January in any year but before the completion of the business assessment roll for that year may be assessed in the said roll in respect of the premises, in which case the roll shall show the annual rental value of the premises as for a full year's occupancy and also an amount representing the part of such annual rental value proportionate to the part of the year remaining after the date of commencement of business.

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(2) The business tax for such year in respect of the premises shall be calculated on the said proportionate assessment but the rate to be applied shall be the rate applicable to the full year's rental value.

LICENCE IN LIEU OF BUSINESS TAX

Licence where rental value cannot be determined.

300. (2) Provided that where, owing to the nature of the occupancy or other cause, it is, in the opinion of the assessment commissioner, impossible to determine the annual rental value of any premises occupied for business purposes, or where the annual rental value does not, in the opinion of such officer, exceed one hundred dollars, it shall not be necessary to assess or levy any business tax in respect of such premises.

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NOTICE OF ASSESSMENT

Notice to be given of new or increased assessment.

306. (1) In every instance in which the assessment in respect of any property or any assessment for the purposes of business tax is in any year increased from what it was in the year immediately preceding, or is a new assessment, the assessment commissioner shall send by mail or leave with the person assessed or his agent a notice of assessment in the appropriate form contained in the schedules to this Act, or to the like effect. Except in such cases it shall not be necessary to send notice of assessment, but this shall not exclude or limit the right of appeal to the board of revision in any case.

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Not to limit right of appeal.

Consolidation not new assessment.

(2) If in any year two or more parcels of land owned by one person but previously assessed separately be consolidated and assessed at a sum equal to or less than the total of the separate assessments in respect of such parcels in the year immediately preceding, such consolidated assessment shall not be regarded as a new assessment within the meaning of this section.

Date of notice to be entered in rolls.

(3) The assessment commissioner shall enter in the respective assessment rolls the date on which he has mailed or delivered each notice of assessment required to be sent by him.

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RIGHT OF APPEAL TO BOARD OF REVISION

Any person may
apply for revision
of any assessment.

Application to be
in writing.

312. Any person, whether assessed or not assessed, may apply to the board of revision by way of appeal for a revision of either of the assessment rolls, whether it be to increase or reduce his own assessment or the assessment of any other person, or to have entered, reduced or struck off any property of his own or any other person, or to have properly described properties which have been inserted under a wrong description, or to have correct names put in instead of wrong names, and whether the error complained of be of omission or commission. Such application must be in writing, addressed to the board and must be left with the secretary of the board or such other person as may be directed for that purpose seven clear days, including Sunday, before the sitting of the board to hear appeals, and must state the ground and nature of the complaint, describing the property which is the subject of the complaint and the address of the person making the complaint. The assessment commissioner shall furnish to the board full details of all appeals in sufficient time to enable it to visit the property and make a study of the same before the appeal is heard.

Business tax roll.

343. The assessment commissioner shall forthwith after the completion of the business assessment roll prepare a business tax roll, in which he shall, in addition to other information, insert the names of every person assessed for business tax and a description of the premises in respect of which such person is assessed, as shown in the said business assessment roll, and shall carry out in a separate column the amount of taxes chargeable at the proper rate as fixed by this Act on each assessment, and the sum so shown shall be and create a debt due by the party so mentioned in the roll to the city, and that sum shall be the business tax payable by the party assessed.

Business tax roll,
separate roll,

345. The business tax roll shall in all respects be a separate roll from the general tax roll.

COLLECTION OF REALTY AND BUSINESS TAXES

Tax rolls to be
given to collector.

348. When each of the said tax rolls is completed it shall be given to and remain in the hands of the tax collector for collection and the collector shall forthwith proceed to collect the taxes as shewn on said rolls.

Tax prepayment
receipts.

353. The city may make regulations to provide for the issue and sale of tax prepayment receipts in such amounts, at such times, and at such discounts as the council shall prescribe; provided however that

such receipts may not be sold in any year after the due date of the realty taxes for such year, and shall be accepted at their respective face values and as payments on account of taxes for the current year only; provided further that the purchaser of any such receipt may indicate by endorsement thereon the property to the taxes on which he desires the sum represented by the receipt to be applied, and the collector shall not apply the same to the taxes on any other property.

Penalty added to taxes due and unpaid on certain date.

355. (1) Upon all taxes remaining due and unpaid on the date or dates respectively fixed by by-law or by-laws of the council for the year in which such taxes were levied, there shall be added, at the **10** beginning of each month thereafter, as a penalty, an additional sum amounting to one-half of one per cent. of such taxes. This section shall apply to all taxes, including business tax and those levied by special rate, such as frontage tax for street improvement, or otherwise.

Penalty applies notwithstanding appeal.

(2) Notwithstanding any appeal from any assessment set forth in the assessment rolls, the penalty provided for herein shall apply to all unpaid realty or business taxes whether paid before or after the final disposition of said appeal; and in the event of any reduction in the assessment resulting from such appeal, the tax collector, in adjusting the taxes pursuant to section 335 of this Act, **20** shall allow the taxpayer interest on any excess taxes paid at the same rate as is provided for in this section as a penalty.

What collector or commissioner of finance may do when land on which taxes are due has been subdivided.

357. If satisfactory proof be adduced to the collector (or to the commissioner of finance if proceedings to sell the land have been commenced) that any parcel of land on which taxes are due has been divided or sub-divided, he may receive the proportionate amount of tax chargeable upon any of the divisions or sub-divisions and leave the other divisions or sub-divisions chargeable with the remainder; and the collector or the commissioner of finance, as the case may be, may in his records divide any piece or parcel of land in arrears for taxes **30** into as many parts as the necessities of the case may require.

Incidents of taxes where plan has been cancelled.

358. Where any plan sub-dividing any land or any portion thereof has been or may hereafter be cancelled, in whole or in part, the land which, prior to the cancelling of the plan comprised any lot or lots, block or blocks, and the adjoining one-half of any street or streets, lane or lanes, bounding and immediately adjoining the same, shall be and is liable for and chargeable with the total amount of the arrears of taxes charged against the said lot or lots, block or blocks, so included in the area of such lands affected by such cancellation, and the same may be sold for non-payment of taxes held by the city. **40**

Accrued taxes,
special lien.

359. (1) The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege or encumbrance of any party except the Crown, and shall not require registration to preserve it.

(2) No judicial proceeding, change of ownership, or other act or thing shall defeat such lien.

Lien for
business tax.

360. (1) The city shall have a first lien or charge upon all the personal property of every person liable to the city for business tax, and the city may levy such tax with costs by distress and sale of the goods and chattels or the interest therein of the person who ought to pay the same wherever the same may be found within the city.

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Taxes together with
penalties for default
may be sued for.

364. Taxes, whether business or general, together with penalties for default in payment as provided for by this Act, may be recovered with costs in any court of competent jurisdiction in the Province as a debt due to the city from any person by whom the same are payable, or in whose name the same are assessed, in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified by the collector as a true copy, shall be sufficient evidence of debt.

Evidence of debt.

What property may
be levied on.
Exceptions.

365. Any taxes may be recovered and may be levied on any real or personal property, excepting therefrom that mentioned in subsections (a), (b), (d) and (h) of section 29 of "The Executions Act."

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May levy with
distress and sale for
taxes.

369. (1) In case a person neglects to pay his general taxes for thirty days or his business tax forthwith, after the mailing to such person or his agent of the notice required by this Act, the city shall have the right to levy the same with costs by distress and sale of the goods and chattels or the interest therein of the person who ought to pay the same; subject, however, to the exemption mention in section 365.

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Business tax not
charge on land.

(3) The business tax shall not be a charge upon the land or building occupied, but such tax is levied in lieu of a tax upon personal property.

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By-laws to
remain valid.

754. Notwithstanding the passing of this Act, all by-laws validly passed pursuant to the powers contained in the Winnipeg Charter, 1918, shall, except as they may be amended, remain valid until repealed.

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SCHEDULE H—SECTION 306
CITY OF WINNIPEG—NOTICE OF BUSINESS ASSESSMENT
FOR 19.....

NO. ON ROLL	NAME OF PARTY ASSESSED	PREMISES ASSESSED STREET NO. ETC.	CLASS OF BUSINESS	ANNUAL RENTAL VALUE	CLASS	RATE	REF. NO.

(The Board of Revision will fix a date, notice of which will be given by publication in a newspaper of the City of Winnipeg, for hearing of appeals from the assessment. Notice of appeal in writing must be given to the Secretary, seven clear days, including Sunday, before the sitting of the Board.

WINNIPEG

Assessment Commissioner

REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS

Under the provisions of the Act respecting the registration of Births, Marriages and Deaths, all Births, Marriages and Deaths, must be registered with the Division Registrar of the Municipality in which they occur.

Notice of a Birth must be sent forthwith to the Division Registrar by the attending physician or midwife. Births must be registered by the father or mother, or, in case of their death or inability, by the guardian or by the occupier of the house in which the child was born, within ten days from date of birth. 10

Clergymen must register marriages at which they officiate within fifteen days thereafter.

Deaths must be registered by the occupant of the house in which they occur or by every person present at the death where it occurs other than in a house, and the cause of death must be certified to by the physician last in attendance before the body is buried.

Clergymen performing services over the body without receiving certificate that the death has been registered, must secure on the prescribed form all the particulars relating to such death, together with the medical certificate over the signature of the proper informant, and transmit it immediately after the service to the proper Division Registrar. 20

Refusal or neglect to make these reports within a specified time will subject defaulters to a penalty of twenty-five dollars and costs.

Forms on which to enter particulars for registration can be obtained from all Municipal Clerks and Postmasters. After being filled up they will be conveyed to any Division Registrar free of postage.

(Note: The foregoing appears on the reverse side of Schedule H on page 92.)

Statutes of Manitoba, 5-6 Geo. VI (1942)

Chapter 1

An Act to authorize and implement an Agreement between
the Dominion and the Province and to suspend Certain
Acts imposing Taxes.

(Assented to March 30th, 1942)

Preamble.

Whereas among the taxes levied and license fees required to be paid by Acts of this Legislature are those taxes and license fees levied and required by the provisions of "The Income Taxation Act," "The Corporations Taxation Act," "The Railway Taxation 10 Act" and "The Grain Dealers' License Act";

And whereas, in order to meet the immense costs of carrying on the present war, the Government of Canada has found it necessary to increase steeply the rates of federal income and corporation taxes, thereby rendering likely a diminution of return from corresponding provincial taxes;

And whereas it is desirable that the province should co-operate in every possible way with the Dominion in the raising of the funds essential for the prosecution of the war;

And whereas, therefore, it is expedient that, during the war and 20 for a certain readjustment period thereafter, the Dominion only should impose such taxes and the province should agree to forego temporarily its right to impose and collect the same; and accept proposals made by the Dominion by which, in consideration of the abandonment by the province for the duration of the war of the field of income and corporation taxation, certain compensating revenues and guarantees will be made available to the province by the Dominion;

And whereas a form of agreement has been submitted by the Dominion to the province for approval and it is proposed to embody 30 it in a memorandum of agreement to be executed on behalf of both governments;

And whereas the implementation of such memorandum of agreement on the part of the province necessitates the suspension of certain statutes of the province,

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

8. . . .

(2) "The Grain Dealers' License Act," being chapter 90 of the Revised Statutes of Manitoba, 1940, "The Corporations Taxation 40

Suspension of
c. 90, c. 208
and c. 210 of
R.S.M. 1940.

Act," being chapter 208 of the Revised Statutes of Manitoba, 1940, and "The Railway Taxation Act," being chapter 210 of the Revised Statutes of Manitoba, 1940, are hereby suspended except in so far as necessary in order to ensure the due collection of license fees or taxes imposed by those Acts or any of them and which became due and payable on or before the first day of September, 1941.

(3) The exemption from taxation provided for in Section 17 of "The Railway Taxation Act" shall continue during the term of the agreement set forth in Schedule A to the extent to which said exemption would have applied if the province had continued to collect 10 from railway companies the tax imposed by the said Act.

(5) The suspension effected by subsections (1) and (2) shall not be deemed to be a repeal of the Acts therein mentioned but those Acts shall, except as herein provided, be inoperative until such time as the suspension herein enacted is repealed by an Act of the Legislature.

Statutes of Manitoba, 11 Geo. VI (1947)

Chapter 56

An Act to suspend The Succession Duty Act, to amend The
Taxation Suspension Act, and to authorize the execu- 20
tion of an Agreement between the Government of
Canada and the Government of Manitoba.

(Assented to April 26th, 1947)

Preamble.

Whereas, in view of the prospective termination of the wartime taxation agreement between the Government of Canada and the Government of Manitoba, of which a copy appears in Schedule A to The Taxation Suspension Act, and the consequent prospect of a return to the pre-war dual system of direct taxation, the Government of Manitoba has negotiated an agreement with the Government of Canada for the purposes, on the terms, and containing the covenants, stated in the copy thereof set out in Schedule A to this Act; 30

And whereas it is expedient to authorize the execution of the said agreement, and to take such further measures as are necessary to implement the terms thereof;

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Cap. 1 of S.M.
1941-42 amended.

4. Subsection (3) of Section 8 of The Taxation Suspension Act, being chapter 1 of the Statutes of Manitoba, 1941-42, is amended by adding at the end thereof the following words: "but the said exemption shall be suspended on, from and after, the termination of the said agreement."

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Statutes of Manitoba, 12 Geo. VI (1948)

Chapter 92

An Act to amend The Winnipeg Charter, 1940. (1)

(Assented to April 22nd, 1948)

His Majesty, by and with the advice and consent of the Legislative 10
Assembly of Manitoba, enacts as follows:

Subsec. (1) of sec.
2 amended.

1. Subsection (1) of section 2 of The Winnipeg Charter, 1940, being chapter 81 of the Statutes of Manitoba, 1940, as amended by chapter 68 of the Statutes of Manitoba, 1944, and chapter 95 of the Statutes of Manitoba, 1946, is further amended by adding thereto immediately after paragraph (u) thereof, the following paragraph:

"occupier."

(u1) "occupier" used in relation to Crown or tax exempt land includes any person who is in occupation of the land or who is using the same or who is entitled to occupy or use the same, and whose right is referred to herein as the "interest of the occupier." 20

Sec. 2 amended.

2. Section 2 of the Act, as amended by chapter 68 of the Statutes of Manitoba, 1944, and by chapter 95 of the Statutes of Manitoba, 1946, is further amended by adding thereto the following subsection:

"land," "real
property,"
"building."

(8) The terms "land" and "real property" and "building" in all sections of this Act referring to assessment and taxation shall be deemed to include the interest of a lessee or occupier in the land.

Para. (h) of subsec.
(1) of sec. 271 re-
pealed and
substituted.

3. Paragraph (h) of subsection (1) of section 271 of the Act is repealed and the following is substituted therefor: 30

By by-law.

(h) all land exempted from taxation by a by-law of the city passed pursuant to the provisions of this Act, to the extent to which the same is so exempted.

Sec. 277 amended.

4. Section 277 of the Act is amended

(a) by numbering the present section as subsection (1); and

(b) by adding thereto the following subsections:

Land of a railway
company held
under lease.

(2) where any land of a railway company is held under lease, permit, or license, by any person, or where buildings upon land which is held under lease, permit, or license from, and which is part of the station grounds, roadway, or other land of, a railway company, are owned or occupied or used by a person other than the railway company, whether the buildings are affixed to the land or not, and whether the tenant, permittee, or licensee, has any interest therein or not, the land or the buildings, together with the land forming the site thereof or occupied therewith, shall be assessed to the tenant, permittee, or licensee, as if he were the owner thereof.

Name of tenant
to be placed
on roll.

(3) The name of every such tenant, permittee, or licensee, if assessed shall be placed upon the assessment roll as owner of the land or buildings, and the land forming the site thereof or occupied therewith.

Sec. 283 repealed
and substituted.

5. Section 283 of the Act is repealed and the following is substituted therefor:

When leasehold
interest or interest
of occupier
assessed.

283. (1) Where, by reason of any right of or claim for exemption, the estate of the owner is not assessed, a leasehold interest in the land or the interest of the occupier shall be taxable and shall be assessed in the name of the lessee or occupier.

Value of assessment
of leasehold interest
or interest of
occupier.

(2) The interest of a lessee or the right or interest of an occupier shall be assessed at the value at which the estate of the owner would be assessed if taxable.

In assessing
interests expiry
date to be
considered.

(3) In assessing the interest of a lessee or the interest of an occupier for the year in which under the terms of the tenancy the interest expires, or for the year in which any right of use or occupation expires, the assessment commissioner may, upon satisfactory proof thereof being given to him, take into account the fact of the expiry and make due allowance therefor in the assessment.

Section not to apply
to city owned land.

(4) This section shall not apply to any leasehold interest in land owned by the city.

Taxes payable by
lessee or occupier.

(5) The taxes so levied or assessed shall be due and payable by the lessee or occupier as the case may be.

Assessment of lessee
or occupier.

(6) Where land or a building is leased to, or used by, or occupied by, a person other than the owner, the land or the building, together with the land forming the site thereof or occupied therewith, may be assessed in the name of the lessee or in the name of the person using or occupying the same.

Subsec. (2) of sec.
295 repealed.

6. Subsection (2) of section 295 of the Act is repealed.

Sec. 297 amended.

7. Section 297 of the Act, as amended by chapter 82 of the Statutes of Manitoba, 1940, (First Session) is amended by striking out the words "not otherwise exempt" in the second line of Class L thereof.

Reservation as to
application of this
Act.

8. Section 364 of the Act is amended by adding, after the word "payable" in the fifth line thereof, the words "or in whose name the same are assessed."

9. Nothing in this Act shall

(a) injure, affect, prejudice, or cause the forfeiture or impairment of, the benefit, right, exemption, or privilege, if any, of 10 the Canadian Pacific Railway Company under

(i) by-laws numbered respectively 148 and 195 or any other by-law of the City of Winnipeg; or

(ii) a contract or contracts, if any, entered into between the City of Winnipeg and the Canadian Pacific Railway Company; or

(b) be or be considered to be, a repeal of any of the provisions of chapter 64 of the Statutes of Manitoba 46-47 Victoria:

Provided that subsection (7) of section 2 of The Winnipeg Charter, 1940, shall not apply to a by-law that repeals a by-law. 20

Act retroactive to
1st Jan., 1948.

10. This Act shall come into force on assent but shall be retroactive and shall be deemed to have been in force on, from, and after, the first day of January, 1948.

PART II—ORDERS-IN-COUNCIL

Order-in-Council P.C. 359

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 11th May, 1877.

P.C. 359

On a Report, dated 28th April, 1877, from the Honourable the Minister of Public Works, stating that under the contract entered into with the contractors for Section No. 14 of the Canadian Pacific Railway the Government are required to furnish the rails to be used in the laying of the track.

That the weight of rails necessary for that purpose is stated by the Chief Engineer of the Canadian Pacific Railway to be nearly 11,000 tons, and he adds that there are 918 tons already on the spot, ready for use, at Selkirk, leaving say 10,082 tons still to be supplied.

That it is necessary to provide for the transport of this quantity of rails from Winnipeg to Selkirk during the present season.

That it has been ascertained that the probable cost of their transportation by water, between the points named, would be \$30,000 and that to enable the service to be performed at even this cost the work would have to be done within the next five or six weeks before the water of the river subsides.

That it is suggested that under these circumstances it is expedient to extend the Pembina and Winnipeg Branch Railway—which at present terminates at Winnipeg to Selkirk, a distance of 20 miles.

That the Chief Engineer represents that Mr. Whitehead, Contractor, has offered to do the grading of this extension line at the rate for grading mentioned in his contract, viz: 22 cents per cubic yard—and to lay the track at the rate given in his present Pacific Railway Contract—viz: \$290 per mile; and the Chief Engineer, by reducing the grades on the profiles, in some places about a foot, so as to decrease the number of yards of embankment to about 8,000 yards per mile, is able to furnish the following estimate of the cost of this 20 miles of railway, viz:

Grading—20 miles @ 8,000 cubic yards—		
160,000 cubic yards at 22c.....		\$35,200
Ties 45,000 40c.....		18,000
Tracklaying 20 miles @ \$290.....		5,800
Bridging Streams.....		1,000
		<hr/>
		\$60,000

It will be seen, the Minister observes, that the whole cost of laying the track, grading, etc. as above, is only \$30,000 more than the cost of transportation of the rails by the cheapest means available from Winnipeg to Selkirk.

It further appears that by opening up this line of railway at once a deposit of gravel suitable for ballast would be rendered available for early use on Section 14, on which Section the impression is there is no such material to be found.

That the line, it is pointed out, would also be useful for getting rolling-stock taken to Selkirk when it is required for the main line 10 of the Pacific.

In view of these considerations the Minister is of the same opinion as the Chief Engineer that it is advisable to proceed at once with the construction of this extension of the Pembina Branch Railway from Winnipeg to Selkirk—and he accordingly recommends that he be authorized to issue instructions to Mr. Fleming, Chief Engineer, to direct the Contractor, (Mr. Whitehead), to carry out the work at the prices mentioned, viz: grading 22 cents per cubic yard, such price being the amount as per contract for the construction of the Branch from the main line to the boundary near Pembina; Ties 40 cents, 20 Tracklaying \$290 per mile, such prices being those specified in the contract for ties on the main line between Selkirk and Keewatin on Contracts 14 and 15; Bridging \$1,000—the whole cost not to exceed \$60,000.

The Minister observes that it is not intended this road should remain in what the Engineer terms a condition of “sub-grade,” as in that state it would not be so efficient, though it would answer the purpose for which it would be required for some years to come, viz: the transportation of material etc.

The Committee submit the above recommendation for Your 30 Excellency’s approval.

“A. M. HILL”
Asst. Clerk of the Privy Council

Order-in-Council P.C. 486

Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on the 1st June, 1877.

P.C. 486

On a Memorandum dated 21st May, 1877, from the Honorable the Minister of Public Works, recommending that the line of the Canadian Pacific Railway as laid down in a Map prepared by Mr. Sandford Fleming, Chief Engineer, of the said Railway, a copy of which accompanies said Memorandum, shall be determined, as 10 required by Section 1 of the Canadian Pacific Railway Act of 1874, and which line may be briefly described as follows:

Commencing at Fort William on the Kaministiquia River, following a North-Westerly direction to the North of Lac-des-Milles-lacs, and crossing the Winnipeg River at Keewatin; thence to a point on the Red River named Selkirk, as shown on the map; thence in a direct line to a point near Swan River named Northcote; thence South-Westerly to Livingston; thence in a nearly due west direction, to the crossing of the South branch of the Saskatchewan; thence in a North-Westerly direction to the neighborhood of Fort Edmonton; thence by 20 the McLeod and Athabaska Rivers to Jasper House and Henry House; and thence to Tete Jaune Cache.

That in the event of Bute Inlet being selected as the Western terminus of the said Railway the line will follow the valley of the Fraser River from Tete Jaune Cache to the neighborhood of Fort George; thence from the crossing of the Stewart River at the junction with the Chilaccot River, ascend the valley of the Chilaccot River to a point near its source; thence in a direct line to the Nazco River, and ascending the valley of the Nazco River to the Chischo River towards Tatla Lake and Tatlayaca Lake, and the East branch of the Homat-30 tico River; and descend the valley of the Homattico to the waters of the Pacific at Bute Inlet.

That in the event of the Dean Channel route being adopted, the above line will be followed from Tete Jaune Cache to near where it strikes the Nazco River; whence it will follow generally the line of the Blackwater River to Thracla Lake; thence descend the valley of the Salmon River to the waters of the Pacific at Dean Channel.

The Minister further recommends that the sections referred to in the second clause of the Canadian Pacific Railway Act of 1874, shall be defined as follows: The first section to begin at a point near the 40 South of Lake Nipissing and to extend to the neighborhood of Fort William at the upper or Western end of Lake Superior; the second section to commence in the neighborhood of Fort William, and to

extend to the crossing of the Red River at Selkirk, in the Province of Manitoba, a distance of about 412 miles; the third section to extend from the said crossing of the Red River at the Western end of the second section, to the boundary line of British Columbia West of Jasper House; the fourth section to extend from the last named point to the Pacific Ocean—the point to be named in a subsequent Order-in-Council after the completion of the surveys now in progress.

The Committee concur in the foregoing recommendations and submit the same for Your Excellency's approval.

Certified,

“W. A. HIMSWORTH,”

10

C.P.C.

Department of Public Works,
Ottawa, May 21st, 1877.

MEMORANDUM

The Undersigned recommends that the line of the Canadian Pacific Railway as laid down on a Map prepared by Mr. Sandford Fleming, Chief Engineer of the said Railway, a copy of which accompanies this memorandum, shall be determined, as required by Section 1 of the Canadian Pacific Railway Act of 1874, and which line may be briefly described as follows:

Commencing at Fort William on the Kaministiquia River, following a north-westerly direction to the north of Lac-des-milles Lacs, crossing the Winnipeg River at Keewatin; thence to a point on the Red River named Selkirk, as shown on the Map; thence in a direct line to a point near Swan River named Northcote; thence south-westerly to Livingston; thence in a nearly due west direction, to the crossing of the south branch of the Saskatchewan; then in a north-westerly direction to the neighbourhood of Fort Edmonton; thence, by the McLeod and Athabaska Rivers to Jasper House and Henry House; and thence to Tete Jaune Cache.

That in the event of Bute Inlet being selected as the Western terminus of the said Railway, the line will follow the valley of the Fraser River from Tete Jaune Cache to the neighbourhood of Fort George; thence from the crossing of the Stewart River at the junction with the Chilaccot River, ascend the valley of the Chilaccot River to a point near its source; thence in a direct line to the Nazco River, and ascending the valley of the Nazco River to the Chiscot River towards Tatla Lake and Tatlayaca Lake, and the east branch of the Homattico River, and descend the valley of the Homattico to the waters of the Pacific at Bute Inlet.

That in the event of the Dean Channel route being adopted, the above line will be followed from Tete Jaune Cache to near where it

strikes the Nazco River; whence it will follow generally the line of the Blackwater River to Thracla Lake; thence descend the valley of the Salmon River to the waters of the Pacific at Dean Channel.

The undersigned further recommends that the sections referred to in the second clause of the Canadian Pacific Railway Act of 1874, shall be defined as follows:—the first section to begin at a point near the south of Lake Nipissing, and to extend to the neighbourhood of Fort William at the upper, or western end of Lake Superior; the second section to commence in the neighbourhood of Fort William, and to extend to the crossing of the Red River at Selkirk, in the Province of 10 Manitoba, a distance of about 412 miles; the third section to extend from the said crossing of the Red River, at the western end of the second section, to the boundary line of British Columbia, west of Jasper House; the fourth section to extend from the last named point to the Pacific Ocean—the point to be named in a subsequent Order-in-Council, after the completion of the surveys now in progress.

Respectfully submitted,

“A. MACKENZIE,”

Minister of Public Works.

Order-in-Council P.C. 1432

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 11th October 1879.

P.C. 1432

On a Memorandum dated 10th October 1879, from the Hon. the Acting Minister of Railways and Canals submitting that the Engineer in Chief of the Canada Pacific Railway Reports that the City Council of Winnipeg has granted a temporary Right of Way from Point Douglas to a common point on the Western side of the City plot near McPhillips Street, and that it becomes necessary to confirm and adopt the location from that point as far as it has been selected as shown between the two points marked A and B on the trace plan accompanying the Engineer-in-Chief's report herewith submitted. 10

The Minister recommends that the location of the Line of the Railway from the point A near McPhillips Street, on the Western side of the City plot of Winnipeg, to the point B on the Fourth Base Line, near the Penitentiary as shown on the accompanying trace plan, be adopted. 20

The Committee submit the above recommendation for Your Excellency's approval.

"A. M. Hill"
Asst. Clerk of the Privy Council

Order-in-Council P.C. 1730.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 22nd December, 1879.

P.C. 1730

On a Memorandum dated 16th December, 1879, from the Honourable the Minister of Railways & Canals, upon the Report of the Engineer-in-Chief of the Canadian Pacific Railway shewing that the Agent employed by the Government for the settlement of the right of way for the Canadian Pacific Railway in Manitoba, has secured 10 the greater portion of such right of way from a point near the Penitentiary marked "B" on the annexed Plan, up to the Western boundary of the Province of Manitoba, and that it has now become desirable to adopt the location of the line for that distance.

The Minister recommends that authority be given for the establishment of the location of the Railway on the line shown on the said Plan and described as follows, viz.:

From point "B" on the fourth base line near the Penitentiary to "C" on section 27, Township 13, Range II east; thence westerly keeping about one and a half miles distant from the Northern limit 20 of the Township numbered 13 to section 27, Range IV west; thence south westerly to Section 6, Township 13, Range V, west; thence westerly keeping about half a mile north of the fourth base line to the western boundary of the Province of Manitoba.

The Committee submit the foregoing recommendation for Your Excellency's approval.

"A. M. HILL"

Asst. Clerk of the Privy Council.

CANADIAN PACIFIC RAILWAY

Office of the Engineer-in-Chief

30

Ottawa, 15th December, 1879.

The Hon. Sir Charles Tupper, K.C.M.G.,
Minister of Railways & Canals.

Sir:

On the 3rd October I submitted a plan of the adopted line of Railway from the Town site of Winnipeg North-Westerly, and suggested that an Order-in-Council be passed establishing it as far as the point B on the Fourth base line, near the Penitentiary.

The right of way agent having reported that he has secured the greater portion of the right of way from the point B to the Western 40

boundary of the Province of Manitoba, it now becomes desirable to formally adopt the location for that distance.

I therefore recommend that an Order-in-Council be passed establishing the location of the Railway on the line shewn on the attached map, viz.: From point B on the Fourth base line near the Penitentiary to C on Sec. 27, Township 13, Range II east; thence westerly keeping about one and half miles distant from the northern limit of the Township numbered 13 to Section 27 Range IV west; thence south westerly to Section 6, Township 13, Range V, west; thence westerly keeping about half a mile north of the Fourth base line to the Western 10 boundary of the Province of Manitoba.

I have the honour to be

Sir,

Your obedient servant

"SANDFORD FLEMING,"

Engineer-in-Chief.

Order-in-Council P.C. 210

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 9th February 1880.

P.C. 210

On a memorandum dated 7th February 1880, from the Honourable the Minister of Railways and Canals submitting with regard to the question of bridging Red River at the City of Winnipeg that he has obtained from Messrs. S. Fleming, Engineer-in-Chief of the Canada Pacific Railway, C. Schrieber, Chief-Engineer of the Government Railways in operation and I. Page, Chief-Engineer of Canals, a joint report expressing their views and opinions, on the proposed enterprise—

That those engineers are of opinion that the attempts to build a bridge over Red River in the vicinity of Winnipeg is an undertaking attended with great risks, and, that if it be determined to build one, the following precautions should be adopted to minimize those risks, viz.

1. The site of the bridge should not be at a bend in the river, where the action of the currents, during floods, would affect the structure. It should therefore be located on a straight portion of the river at a considerable distance from the nearest bend, either up or down the stream.—
2. The character of the bridge should be such as to interfere as little as possible with the navigation of the river—
3. In the case of a clear span bridge, it should be sufficiently high to admit of the craft, usually employed on the river, passing underneath it at all stages of the water—
4. In the case of a bridge consisting of more than one span, the waterway should be increased so as to compensate as fully as practicable for the obstruction caused by the piers—in this case also it should be constructed sufficiently high to admit of the passage of vessels at all stages of navigation, or it should have a swing formed for the same purpose. Under no circumstances should the underside of the bridge be less than five feet over the highest known flood level.—
5. Whenever it be found necessary to raise the approaches to the bridge more than three feet above the general level of the ground they should be made of open work, to admit of free passage of flood water.—

40

Parliament having passed an Act for the construction of a bridge near Winnipeg, he the Minister recommends that he be authorized

to inform the City Council of that City, that the corporation must assume all responsibility, direct and indirect, connected with its construction; that the location and character of the structure must be in conformity with the condition herein set forth as suggested by the engineers of the department, and that the plans and location must first be approved by the Governor-General in Council before any work can be undertaken.

The Committee submit the above recommendations for Your Excellency's approval.

"A. M. Hill" 10
Asst. Clerk of the Privy Council

Order-in-Council P.C. 487

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 16th March 1880.

P.C. 487

On a report dated 15th March 1880 from the Honourable the Minister of Railways and Canals stating that representations have been made to the effect that the immediate erection of a temporary bridge across the Red River at Winnipeg would be an important 20 accommodation to traffic, would conduce to the comfort of settlers arriving in the country, and greatly facilitate the construction of the line of the Canadian Pacific Railway on both the first and second hundred mile sections west from the river.

That the Corporation of the City of Winnipeg as far as they are vested with the power, have given their consent to the erection of a temporary fixed bridge.

That tenders have been invited for its erection, and that the tender of Mr. John Ryan, amounting to seven thousand three hundred and fifty dollars is the lowest received. The Minister recommends that 30 authority be given for the acceptance of the tender of Mr. John Ryan and for the immediate prosecution of the work.

The Committee submit the above recommendation for Your Excellency's approval.

"A. M. Hill"
Asst. Clerk of the Privy Council

Order-in-Council P.C. 528

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 23rd March 1880.

P.C. 528

On a memorandum dated 18th March 1880, from the Honourable the Minister of Railways and Canals reporting that the contract plans of the proposed railway bridge across the Red River at Winnipeg have been received and submitted for the approval of the engineers of his department and that upon the advice of the engineer-in-chief of the Pacific Railway he recommends in relation thereto, as follows:

1. That the location of the proposed bridge be concurred in;
2. That two side piers be increased fifty per cent in width and from six (6) to eight feet (8) in length;
3. That the general form of the pivot, or central pier, be approved of, its length only to be increased to such extent as to make it correspond with the side piers in this respect;
4. That the abutments be changed in form; that they be considerably enlarged, so as to be perfectly secure in the event of the bank in front being scoured away;
5. That the under side of the bridge superstructure be not lower than the highest known flood level, such level according to record appearing to be 769 feet above datum.

The Committee submit the foregoing recommendations for Your Excellency's approval.

"A. M. Hill"
Asst. Clerk of the Privy Council

Order-in-Council P.C. 1052

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 23rd June 1880.

P.C. 1052

On a memorandum dated June 11th 1880 from the Honourable the Minister of Railways and Canals stating that on the 23rd March last an Order-in-Council was passed approving of certain recommendations made with reference to the railway bridge over the Red River at Winnipeg proposed to be constructed by that City; 10

That an application has since been received from the Municipal Council urging modification of the said Order.

That with the view of aiding, so far as possible, the execution of the work, the several modifications suggested have been submitted to the considerations of the engineer of the department specially employed on bridge construction who has reported that the under-mentioned deviations from the said Order may be permitted.

1. That whereas the Order specified that the underside of the bridge superstructure should not be less than 769 feet above datum, the lowest part of the suspended beams of the main spans may be 20 767 feet above datum, the level of the freshet of 1852.
2. That of the central pier instead of being 28 feet long, the minimum length permitted by the Order-in-Council, may be reduced to 24 feet in length.

The Minister recommends that the modifications above specified be agreed to, all other conditions named in the Order-in-Council of March 23rd as to width and length of side piers, form of abutments etc.—being retained without deviation.

The Committee submit the above recommendation for Your Excellency's approval. 30

“A. M. Hill”
Asst. Clerk of the Privy Council

Order-in-Council P.C. 1397

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17th August, 1880.

P.C. 1397

On a memorandum dated 6th August, 1880, from the Honourable the Acting Minister of Railways and Canals, recommending upon the advice of the Engineer-in-Chief of the Pacific Railway that the location of the first hundred mile section of the Pacific Railway west from Red River as established by Order in Council under date 22nd 10 December, 1879, be amended as shown on the annexed plan, and be now located in accordance with the following description, namely:

Commencing at a point marked "B" on the fourth base line near the Penitentiary—From the said point "B" to the point marked "C" on Section 28, Township 13, Range II East; Thence westerly keeping about $1\frac{1}{2}$ miles south of the northern limit of Township 13 to Section 29, Range IV west; thence southwesterly to Section 29, Township 12, Range VII west; thence westerly keeping about $1\frac{1}{2}$ miles south of the fourth base line to the western boundary of the Province of Manitoba.

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The Committee submit the above recommendation for Your Excellency's approval.

"A. M. Hill"

Asst. Clerk of the Privy Council.

Order-in-Council P.C. 1165

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 6th August, 1881.

P.C. 1165

On a memorandum dated 2nd August, 1881, from the Honourable the Minister of Railways and Canals representing that the line of the Canadian Pacific Railway between Winnipeg and Portage la Prairie as constructed by the Government extends from the City of Winnipeg in a northerly direction to near Stonewall, thence westwards to 10 Ossawa thence Southward to Portage la Prairie a distance of about 70 miles.

That the Canadian Pacific Railway Company have by a letter dated the 2nd of June last applied for assent to a proposed relocation of this portion of the line, submitting a plan showing the location as desired, according to which plan the line commences at a point on the present line about one mile west of Winnipeg and takes a generally westerly course running nearly parallel with the Assiniboine River and at a distance from it of from 3 to 4 miles, it then gradually approaches the river, and is close to it for the greater portion of the 20 remaining distance to Portage la Prairie, the total length being about 53½ miles a considerable saving in distance being gained in comparison of the present line.

That by the 13th Section of the contract made with the Company dated the 21st day of October, 1880, confirmed by Act of Parliament on the 15th of February, 1881, they have the right, subject to the approval of the Governor General in Council, to lay out and construct the line as they may see fit between certain terminal points, of which Selkirk, Yellow-Head Pass and Kamloops are named, the intermediate distance being undefined. 30

The Minister while deferring for future consideration the question of the adoption of the entire relocation asked for, advises that the approval of His Excellency the Governor General as required by the contract be given to the relocation of the portion of the line between Portage la Prairie and a certain point in Range 4 Township 13, Sections 13 or 14 shown on the plan submitted by the Company and attached to the Ministers Memorandum, the report of the Chief Engineer showing no objections to exist to such location the alignment being direct and the grades light.

The Committee recommend that the above proposed relocation 40 be approved accordingly.

“A. M. HILL,”

Asst. Clerk of the Privy Council

Order-in-Council P.C. 1227

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 25th August, 1881.

P.C. 1227

On a memorandum dated 18th August 1881, from the Honorable the Acting Minister of Railways and Canals, stating that, whereas by an Order-in-Council passed on the 6th instant authority was given, in accordance with the provisions of the contract held by the Canadian Pacific Railway Company, for the location of a portion of that line extending Eastwards from Portage la Prairie to a point in Range IV, Township 13, Section 13 or 14, he recommends that the approval of His Excellency the Governor General in Council be now given to a further direct extension of the line from the point named in Range IV, Township 13, Section 13 or 14, to a point of junction with the existing line of railway.

The Committee submit the foregoing recommendation for approval.

"A. M. HILL,"

Asst. Clerk of the Privy Council

Order-in-Council P.C. 1458

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P.C. 1458

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 19th November, 1881.

On a Report dated 27th October, 1881 from the Minister of Railways and Canals, representing that by two Orders-in-Council of the 6th and 25th of August last, authority was given for the location of the Canadian Pacific Railway from Portage la Prairie eastwards to a point of junction with the existing line of Railway. That the application of the Company dated the 2nd of June which resulted in the two Orders mentioned had been for approval of a line of location shown on a plan then submitted, by which the main line of the railway from Winnipeg west to Portage la Prairie was relocated bringing it nearer the River Assiniboine.

That by a letter dated the 27th instant the Company have applied for approval of the line westwards from Winnipeg shown on the plan submitted on the 2nd of June, the course of such line extending to a

point of junction with the line authorized by the Orders-in-Council above cited, about twelve (12) miles east of Portage la Prairie, the Company in such letter offering to continue to operate the present line to Stonewall as a branch of the Railway.

That under date the 27th instant the Chief Engineer has reported that as the City of Winnipeg is likely to be a great centre of trade, and it being also designed to establish the general workshops of the railway at that point and assuming that the City is intended to be on the main line of the railway, it would be greatly to the advantage of the traffic both through and local to have the location as direct as 10 possible.

That the line now proposed not only passes over a comparatively dry country with old settlements all the way but is also about 15 miles shorter than the existing line.

The Chief Engineer advises, therefore, that the location, approval of which is now sought, between Winnipeg and the point shown on the plan and described as south of Meadow Lea be adopted as part of the main line—it being provided that the Company continue to operate the line between Winnipeg and Stonewall as a branch.

The Minister concurs in the view of the Chief Engineer and recom- 20 mends that the necessary approval be granted.

The Committee submit the above recommendation for Your Excellency's approval, the Minister of Justice having reported that in his opinion there is no legal objection to the approval of the Governor in Council being given to the location of the line as recommended by the Minister of Railways and Canals. The Committee recommend, however, upon the report of the Minister of Justice that it be made a condition of the approval that the Company enter into an agreement with the Crown binding themselves to operate the line between Winnipeg and Stonewall as a branch, the draft of such agreement to be 30 approved of by the Governor in Council before execution.

The Committee further recommend upon the same report that as claims may be made against the Government by those persons who may have purchased land along the line of Railway as at first located by reason of the change in the line, it be made a condition of the approval that all such claims be dealt with by the Company and settled upon equitable principles, and be referred to the Government for decision in case the Company and the parties fail to agree with respect to the settlement, and that the draft of the agreement embodying this condition be also approved of by the Governor in Council before 40 execution.

"A. M. HILL,"

Asst. Clerk to the Privy Council.

Imperial Order-in-Council

(SEAL)

AT THE COURT AT ST. JAMES'S

The 24th day of July 1901.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY

Lord President	Lord James of Hereford	
Marquess of Cholmondeley	Lord Pauncefote	
Viscount Cromer	Lord Milner	
Lord Chesham	Mr. Cecil Rhodes	10

Whereas there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 13th day of July 1901 humbly recommending that the Petition of The City of Winnipeg praying for special leave to appeal to His Majesty in Council from a Judgment of the Supreme Court of Canada dated the 8th day of October 1900 and given in the matter of a Suit between the Petitioner (Plaintiff) and The Canadian Pacific Railway Company (Defendants) be dismissed and directing that there be paid by the Petitioner to the said Canadian Pacific Railway Company the sum of forty-eight pounds two shillings and six pence sterling for their costs of opposing 20 this Petition:

His Majesty having taken the said Report into consideration was pleased by and with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that this Petition be and the same is hereby dismissed and the Petitioner is to pay to the said Canadian Pacific Railway Company the sum of forty-eight pounds two shillings and six pence sterling for their costs of opposing this Petition. Whereof the Governor-General Lieutenant-Governor or Officer administering the Government of the Dominion of Canada and all other persons whom it may concern are to take notice and govern 30 themselves accordingly.

"A. W. Fitzroy"

Order-in-Council P.C. 182

Certified to be a true copy of a Minute of a Meeting of the Privy Council, approved by His Excellency the Governor-General on the 18th August 1915.

P.C. 182

The Committee of the Privy Council have had before them a report, dated 23rd January 1915, from the Minister of Railways and Canals, representing that application has been made by the Canadian Pacific Railway Company for the conveyance to them by Letters Patent of the section of railway now known as the "Stonewall Branch" a distance of about 20 miles.

That the facts in the matter are as follows:

Under the original scheme for the construction of the Canadian Pacific Railway, the main line was to cross the Red River opposite Selkirk, on the east side, with a branch from Victoria Junction—a point about 16 miles west of the River, and about 2 miles east of what is known now as Stonewall—to Winnipeg.

This scheme was abandoned in favour of a route south from Selkirk to St. Boniface and Winnipeg, thence northerly from Winnipeg, and thence westerly via Stonewall and Ossawa to Portage la Prairie, a distance of 70 miles, thus placing Winnipeg on the main line.

For the construction of the first 100 miles of the distance from Winnipeg, a contract was entered into by the Government on the 19th August, 1879, the whole to be completed by August 19th, 1880. By the end of June of that year, however, only 18 miles of the track had been laid, and on October 1st, the work was taken over by the Government, and carried on by day labour until May 1, 1881, when it was transferred to the Canadian Pacific Railway Company, with whom a subsidy contract and agreement had been made, which was ratified by the Act of 1881, Chapter 1, assented to on the 15th of February, 1881.

By Section 1 of the contract with the Company, the railway was defined as consisting of four sections,—The "Eastern" from Callendar to a point of junction with the line then in course of construction by the Government from Lake Superior to Selkirk on the east side of the Red River, called the "Lake Superior Section"; the line from Selkirk to Kamloops then "partially in course of construction," called the "Central Section"; and the line from Kamloops to Port Moody, then in course of construction, called the "Western Section." 40

By Section 3 of the Contract, the Company were to construct the Eastern and Central Sections.

By Section 13, the Company had the right, subject to the approval of the Governor-in-Council, to locate the railway as they might see fit, provided that the terminal points above mentioned were preserved, and the line was taken by way of the Yellowhead Pass.

By Section 5, the Company were required to pay to the Government the cost incurred by it in constructing the first 100 miles from Winnipeg.

By Section 7, the Company were to receive conveyance of the portions of the railway constructed, or to be constructed by the Government, and these portions, together with the remaining portions, namely, the Central and Eastern Sections, were, on construction, to be the "property of the Company."

By Section 6, the Government undertook to complete the construction of the Lake Superior and the Western Sections, only, and the Central Section which the Company undertook to build was set down in Section 9 of the contract as of an assumed length of 1350 miles. For the first 900 miles of this distance the money subsidy was to be \$10,000 a mile; it comprised the first 100 miles west from Winnipeg which had been built by the Government. The cost of the 100-mile section was finally fixed by an Order-in-Council of March 27, 1883, at \$995,911.64 and was ultimately paid by the Company, by deductions from their subsidy. It covered work, rails, rolling stock, stores, etc., but did not cover lands for right of way.

The only land purchased by the Government and which had been actually paid for by it at the time of the change of location appears to have been land taken from Albert Monkman at or near the said point, Victoria Junction, from which it had been intended to run the proposed branch to Winnipeg from the then projected main line.

This land was the N.W. $\frac{1}{4}$ and the S.W. $\frac{1}{4}$ of Section 28, and the N. $\frac{1}{2}$ and the S. $\frac{1}{2}$ of legal subdivisions 13 and 14 of Section 33, Township 13, Range 2, East 1st Meridian, in all 340 acres, (which land was acquired for the purposes of a *townsite* at the point, in pursuance of the policy of establishing such townsites along the line). The price paid was \$4,000. The deed for this land was dated the 20th of February, 1880.

In the settlement with the Company of the cost of the first 100 miles west from Winnipeg this sum of \$4,000 appears, and the Company accordingly, it seems, claimed the land (presumably as having paid for it) and a patent of it was granted them under date the 28th of February, 1890. Through this land the "Stonewall Branch" runs.

Deeds of the remaining lands taken for the branch were, in some cases, only, obtained, but at much later dates, running from 1884 to 1891.

On November 1, 1881, the Engineer-in-Chief reported that the road was then being operated as far west as Brandon via Stonewall, a distance of 145 miles from Winnipeg.

On the 2nd of June, 1881, the Company made application for consent to a proposed relocation of the line from Winnipeg to Portage la Prairie, the proposed line to extend from a point about one mile west of Winnipeg on the line built by the Government, and taking a generally direct westerly course to Portage la Prairie, a distance of about 53½ miles.

By Orders-in-Council of the 6th and 25th of August and 19th of 10 November, 1881, the said relocation was approved.

The Company, under date the 27th of October, 1881, in renewing their application for approval of the entire relocation had stated that upon such approval being granted, the Company would continue to operate the line to Stonewall as a branch of their railway, and the said Order of the 19th of November, 1881, contained Provisions as follows:

"The Committee recommend, however, upon the report of the Minister of Justice, that it be made a condition of the approval that the Company enter into an agreement with the Crown, binding themselves to operate the line between Winnipeg and 20 Stonewall as a branch, the draft of such agreement to be approved of by the Governor-in-Council before execution.

"The Committee further recommend upon the same report that as claims may be made against the Government by those persons who may have purchased land along the line of railway as at first located by reason of the change in the line, it be made a condition of the approval that all such claims be dealt with by the Company, and settled upon equitable principles, and be referred to the Government for decision in case the Company and the parties fail to agree with respect to the settlement, and 30 that the draft of the agreement embodying this condition be also approved of by the Governor-in-Council before execution."

A copy of this Order was furnished to the Company, and on the 5th of December, 1881, they wrote stating that they declined to undertake the obligation in respect of claims. The Company, however, built their main line from Winnipeg on the new location and were duly paid subsidy for it. They also continued to operate the line to Stonewall, and the matter so rested until 1897, when the Company applied for the issue of a patent to them of certain lands. More recently, the Company have applied as above stated, for Letters 40 Patent vesting in them the said "Stonewall Branch."

That it being a matter of doubt whether statutory powers exist for the conveyance, the question has been submitted to the Department

of Justice for their opinion, and, finally they have advised as set out in the following communication:

Ottawa, 24th December, 1913.

Sir,

Replying to your letter of the 26th September last, with further reference to the claim of the Canadian Pacific Railway Company for a patent for the line of railway between Winnipeg and Stonewall, the trouble about this case seems to arise through the absence of any definite arrangement with the Company about the substitution of the shorter line from Winnipeg to Portage la Prairie, as a part of the 10 main line of the Canadian Pacific Railway, for the roundabout route by way of Stonewall which was stipulated for by the contract.

The Company was permitted by the Order-in-Council of 19th November, 1881, to substitute the shorter line for the Stonewall route upon certain specified conditions with which the Company declined to comply. It might have been supposed that if the Company would not become bound by the stipulated terms the Government would have refused to acquiesce in the obligations devolving upon the Government consequent upon a valid substitution. The Government appears however to have waived the conditions because 20 the Company was permitted to construct the substituted line, and has I presume obtained letters patent therefor in so far as the lands were vested in the Government. The line from Winnipeg to Stonewall has thus become a branch, and has been operated as such by the Company. It is I presume a remunerative branch, and it is not suggested that there is any danger of the Company ceasing to operate it. However, that may be, I do not think that the Government is in a position at this late date, and in view of what has taken place, to insist now upon the conditions of the Order-in-Council of 19th November, 1881. 30

"The Order-in-Council made no provision for indemnity to the Government in respect of cost of construction of the section of railway from Winnipeg to Portage la Prairie, but not withstanding that the Company, as you state, paid the Government \$995,911.64, the cost according to contract of this portion of the railway, upon the assumption I suppose that it was bound to do so under clause 5 of the construction contract, and the sum so paid appears to have included \$4,000.00 paid by the Government for lands acquired in connection with the Stonewall Branch, for which lands the Company has received letters patent. If the Government assume the correlative obligation 40 imposed by section 7 of the contract as applicable to the Stonewall Branch that clause must be accepted as entitling the Company to letters patent, and I do not perceive, considering the loose way in which the whole subject of this substitution appears to have been

dealt with, why a question of title should now be raised which must have formerly been resolved in favour of the Company upon the occasion of the conveyance of the lands which were acquired for \$4,000.00.

"I am inclined to consider that the real effect of the arrangement evidencing the substitution was to abandon the line from Stonewall to Portage la Prairie, and to convert the line from Winnipeg to Stonewall into a branch as to which the lands should be conveyed under clause 7 or clause 14 of the contract.

"I have given the matter my best consideration upon your several 10 letters, and while I realize that the situation is not very plain or satisfactory, I am not, as I have already intimated, disposed to deny the right of the Company, arising out of the contract, the legislation and the facts of the case, to call for a conveyance of the lands necessarily appertaining to the Stonewall Branch, in so far as these are vested in the Government.

"I have not come to this opinion without observing that your department entertains a very persistent view to the contrary, and according to it I suppose the title to the Stonewall Branch would remain in the Crown, although the Company has paid for the con- 20 struction of the branch and is bound to operate it. This would place the Stonewall branch in a position exceptional to all the other lines of the Company. I do not consider the advocacy of such a situation hopeless or unreasonable, but I would not expect it to succeed.

Papers returned.

I have the honour to be,
Sir,

Your obedient servant.

The Assistant Deputy Minister
Dept. of Railways & Canals,
Ottawa.

(Signed) E. L. Newcombe
Deputy Minister of Justice. 30

Sections 7 and 14 of the Company's contract, cited by Deputy Minister of Justice, read as follows:

"7. The Railway constructed under the terms hereof shall be the property of the Company; and pending the completion of the Eastern and Central Sections, the Government shall transfer to the Company the possession and right to work and run the several portions of the Canadian Pacific Railway already constructed or as the same shall be completed. And upon the completion of the Eastern and Central Sections the Government 40 shall convey to the Company, with a suitable number of station buildings and with water service (But without equipment), those portions of the Canadian Pacific Railway constructed or to be constructed by the Government which shall then be completed;

and upon completion of the remainder of the portion of the railway to be constructed by the Government, that portion shall also be conveyed to the Company, and the Canadian Pacific Railway shall become and be thereafter the absolute property of the Company, and the Company shall thereafter and forever efficiently maintain, work and run the Canadian Pacific Railway."

"14. The Company shall have the right, from time to time to lay out, construct, equip, maintain and work branch lines of railway from any point or points along their main line of railway, to any point or points within the territory of the Dominion. 10 Provided always, that before commencing any branch they shall first deposit a map and plan of such branch in the Department of Railways, And the Government shall grant to the Company the lands required for the roadbed of such branches, and for the station, station-grounds, buildings, workshops, yards and other appurtenances requisite for the efficient construction and working of such branches, in so far as such lands are vested in the Government."

The Minister, in view of this opinion, recommends that authority be given for the issue of Letters Patent conveying to the Company 20 the line of Railway extending from Winnipeg to Stonewall, now known as the "Stonewall Branch."

The Minister further recommends that the Order-in-Council of the 19th of November, 1881, be cancelled in so far, only as it calls for entry into an agreement with the Company for the operation of the said Branch, or for the assumption by them of claims arising from the change of location in question.

The Committee concur in the foregoing and submit the same for approval.

"A. M. Hill" 30
Asst. Clerk of the Privy Council

In the Privy Council.

No. 22 of 1952.

ON APPEAL FROM THE SUPREME COURT OF
CANADA.

BETWEEN
THE CITY OF WINNIPEG APPELLANT
AND
THE CANADIAN PACIFIC
RAILWAY COMPANY ... RESPONDENT.

APPENDIX OF LEGISLATION AND
ORDERS-IN-COUNCIL

LAWRENCE JONES & CO.,
Winchester House,
Old Broad Street,
London, E.C.2,
Solicitors for the Appellant.

BLAKE & REDDEN,
17 Victoria Street,
S.W.1,
Solicitors for the Respondent.