

58, 1949

13

1949

In the Privy Council

No. OF 1949

ON APPEAL FROM THE SUPREME COURT
OF CANADA

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,

Appellant,

AND:

THE ATTORNEY-GENERAL OF BRITISH
COLUMBIA,

Respondent,

AND:

THE ATTORNEY-GENERAL OF CANADA AND
THE ATTORNEYS-GENERAL OF ONTARIO,
NOVA SCOTIA, ALBERTA and
SASKATCHEWAN

Intervenants.

APPENDIX OF LEGISLATION

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Intervenants

APPENDIX OF LEGISLATION

Statutes of Canada, 1868, 31 Vict.

Chapter 68.

An Act respecting Railways

20

(Assented to 22nd May, 1868).

APPENDIX

No. 1
*The Railway
Act, 1868.*

1. In citing this Act, it shall be sufficient to use the expression "The Railway Act, 1868." Short title.

POWERS

7. The Company shall have power and authority: Powers.

.....

(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; Erect necessary buildings, wharves, etc.

30

.....

(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; All other matters and things necessary for Railway;

APPENDIX

No. 2

*The Consolidated
Railway Act,
1879.*

Statutes of Canada, 1879, 42 Vict.

Chapter 9

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

(Assented to 15th May, 1879.)

Short title.

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 10
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 construc-
tion 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 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 con-
structed or to be constructed under the authority of any Act passed
by the Parliament of Canada, and shall, so far as they are applicable 20
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.

How any section
may be excepted
from incorporation
with any Special
Act.

3. For the purpose of excepting from incorporation with the
Special Act any of the sections forming Part First of this Act, it
shall be sufficient in the Special Act to enact, that the sections of
this Act proposed to be excepted, referring to them by the words
forming the headings of such sections respectively, shall not be incor-
porated with such Act, and the Special Act shall thereupon be
construed accordingly. 30

.....

PART FIRST

INTERPRETATION

Interpretation of
words "the Special
Act."

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

.....

(4) The expression "the undertaking" shall mean the railway and works, of whatever description, by the Special Act authorized to be executed: "The undertaking."

(5) The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say: In this and the Special Act.

.....

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

.

INCORPORATION

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." Companies established under Special Acts, declared to be bodies corporate, etc.

POWERS

20 7. The Company shall have power and authority,— Powers.

.....

(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 purchase land;

.....

30 (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; To erect necessary buildings, wharves, etc.;

.....

(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; All other matters and things necessary for Railway;

APPENDIX

No. 3

*An Act respecting
The Canadian
Pacific Railway,
1881*

Statutes of Canada, 1881, 44 Vict.

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 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 Northwest Territory and for the preservation 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 out of the same:

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 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 held to be an Act of incorporation within the meaning of the said contract.

APPENDIX
No. 3
*An Act respecting
The Canadian
Pacific Railway,
1881*
—continued

Publication and
effect of charter.

Schedule

No. 4
*Schedule in
Canadian Pacific
Act.*

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 Honourable 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., of London, England, and Kohn, Reinach & Co., of Paris, France,

Witnesses:

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

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

Completed
railway to be
property of
company.

Transfer of
portions
constructed by
Government.

Company to
operate the
railway forever.

APPENDIX

No. 4

Schedule in
Canadian Pacific
Act—continued

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.

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 to the Company, shall apply to the Canadian Pacific Railway.

Exceptions.

10

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,
- “ Per pro. Geo. Stephen.
- “ MORTON, ROSE & CO.,
- “ KOHN, REINACH & CO.,
- “ By P. Du P. Grenfell.

20

Signed in the presence of F. BRAUN, and Seal of the Department hereto affixed by SIR CHARLES TUPPER, in presence of

(Signed) F. BRAUN.

No. 5
Schedule A in
Canadian Pacific
Act

Schedule A, Referred to in the Foregoing Contract

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 name of the “Canadian Pacific Railway Company.”

30

Corporate name.

.....

40

4. All the franchises and powers necessary or useful to the Company to enable them to carry out, perform, enforce, use, and avail 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.

Necessary
franchises and
powers granted.
Proviso.

10

RAILWAY AND TELEGRAPH LINE

Lines and gauge
of railway.

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
20 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.

And of certain
branches thereof.

Commencement
and completion.
Other branches.

Name of railway.

16. The Company may construct, maintain and work a con-
30 tinuous 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 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,
40 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.

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

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

As to future
inventions.

APPENDIX

POWERS

No. 5
*Schedule A in
Canadian Pacific
Act*
—continued

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.

.....

Company may have docks, etc., and run vessels on any navigable water their railway touches.

26. The Company shall have power and authority to erect and maintain docks, dockyards, wharfs, 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.

10

NOTE: On 16th February, 1881, the Government issued an Order-in-Council, reciting the Contract and enacting the terms of the Schedule, which Order-in-Council was duly published in the *Canada Gazette* of 19th February, 1881. Letters Patent were at the same time issued to the Company in the same form.

20

Statutes of Canada, 1883, 46 Vict.

No. 6
*Act to amend
The Consolidated
Railway Act, 1879.*

Chapter 24

An Act further to amend "The Consolidated Railway Act, 1879," and to declare certain lines of Railway to be works for the general advantage of Canada.

(Assented to 25th May, 1883.)

Imperial Act 30,
31 V., c. 3
(B.N.A. Act)
cited.

6. Whereas, it is, in and by "The British North America Act, 1867," among other things in effect enacted, that the exclusive legislative authority of the Parliament of Canada extends to such local works and undertakings as, although wholly situate within a Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more Provinces; and whereas, not only the main lines of the Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and

30

North-Western Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, but also all branch lines or railways connecting with or crossing them or any of them, are works, and each of them is a work, for the general advantage of Canada; and whereas, for the better and more uniform government of all such works, and for the greater safety, convenience and advantage of the public, it is desirable that Parliament should so declare: Therefore, it is hereby declared, that the said lines of railway, namely: the Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and North-Western Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, are works for the general advantage of Canada, and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway, or any one of them, is a work for the general advantage of Canada.

10

APPENDIX
 No. 6
*Act to amend
 The Consolidated
 Railway Act, 1879*
 —continued

Certain railways
 declared to be
 works for the
 general advantage
 of Canada.

Revised Statutes of Canada, 1886

20

Chapter 109

No. 7
*The Railway Act,
 R.S.C. 1886*

An Act respecting Railways.

SHORT TITLE

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

Short title.

.....

APPLICATION OF ACT

3. The provisions of this Act, from section four to section thirty-nine, both inclusive, being Part One of this Act, shall apply to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, in so far as they are applicable to the undertaking, and unless they are expressly varied or excepted therefrom by the special Act, be incorporated with the special Act, form part thereof, and be construed therewith as forming one Act:

Application of
 part one.

30

.....

PART ONE

INTERPRETATION

4. In Part One of this Act, unless the context otherwise requires,—

Interpretation in
 part one.

.....

2. In Part One of this Act and in the special Act, unless the context otherwise requires,—

“The Company.”

(e) The expression “the company” means the company or person authorized by the special Act to construct the railway;

“The railway.”

(f) The expression “the railway” means the railway and the works authorized under the special Act to be constructed.

INCORPORATION

Companies to have corporate powers.

5. Every company incorporated under a special Act shall be a body corporate, under the name declared in the special Act, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the special Act, and which are incident to such corporation, or are expressed or included in “The Interpretation Act.” 10

POWERS

Powers.

6. The company may,—

.....

To purchase land.

(2) Purchase, take and hold, of and from any person, any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also alienate, sell or dispose of the same; 20

.....

To erect buildings, etc.

(6) Erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time alter, repair or enlarge the same, and 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;

.....

To do all things necessary.

(8) Construct and make all other matters and things necessary and convenient for the making, extending and using of the railway, according to the meaning and intent of this Act, and of the special Act; 30

.....

CERTAIN COMPANIES AND RAILWAYS

Certain railways declared to be works for advantage of Canada.

121. The Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and North-Western Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, are hereby declared to be works for the general advantage of Canada, and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada; 40

Statutes of Canada, 1888, 51 Vict.

Chapter 29

An Act respecting Railways

(Assented to 22nd May, 1888.)

APPENDIX
No. 8
The Railway
Act, 1888.

1. This Act may be cited as "The Railway Act." Short title.

INTERPRETATION

2. In this Act and in the special Act incorporating any railway company to which this Act or any part thereof applies, unless the context otherwise requires,— Interpretation.

10 (a) The expression "company" means a railway company, and includes any person having authority to construct or operate a railway; "Company."

.....

(q) The expression "railway" means any railway which the company has authority to construct or operate, and includes all stations, depots, wharves, property, and works connected therewith, and also any railway bridge or other structure which any company is authorized to construct under a special Act; "Railway."

...

20 (t) The expression "Special Act" means any Act under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, and includes all such Acts; "Special Act."

.....

(w) The expression "the undertaking" means the railways and works, of whatsoever description, which the company has authority to construct or operate; "The undertaking."

.....

APPLICATION OF THE ACT

30 3. This Act, subject to any express provisions of the special Act, and to the exception hereinafter mentioned, applies to all persons, companies and railways within the legislative authority of the Parliament of Canada, except Government railways. Application of Act.

.....

INCORPORATION

APPENDIX

No. 8
The Railway
Act, 1888
—continued

Companies to
have corporate
powers.

31. Every company incorporated under a special Act shall be a body corporate, under the name declared in the special Act, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act and of the special Act, and which are incident to such corporation, or are expressed or included in "The Interpretation Act".

GENERAL POWERS

Powers.

90. The company may, subject to the provisions in this and 10 the special Act contained:—

To erect
buildings, etc.

(l) Erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and construct, 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;

Telegraph and
telephone lines.

(m) Construct or acquire electric telegraph and telephone lines for the purposes of its undertaking;

20

To do all things
necessary.

(q) Do all other acts necessary for making, maintaining, altering or repairing, and using the railway.

BY-LAWS, RULES AND REGULATIONS

Company may
make by-laws for
certain purposes.

214. The company may, subject to the provisions and restrictions in this and in the special Act contained, make by-laws, rules or regulations for the following purposes, that is to say:—

Conduct of
officers, etc.

(g) For regulating the conduct of the officers, servants and employees of the company; and—

30

Management.

(h) For providing for the due management of the affairs of the company in all respects whatsoever.

CERTAIN RAILWAYS DECLARED WORKS FOR
GENERAL ADVANTAGE OF CANADA

Certain railways
declared to be
works for
advantage of
Canada.

306. The Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and North-Western Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, are hereby 40

declared to be works for the general advantage of Canada, and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada.

APPENDIX
No. 8
The Railway Act, 1888
—continued

REPEAL

309. This Act shall be substituted for the Revised Statutes, chapter one hundred and nine, which with the Act fifty and fifty-one Victoria, Chapter nineteen, intituled "An Act to amend the Railway Act," is hereby repealed.

Repeal, R.S.C., c. 109; 50-51 V., c. 19.

Statutes of Canada, 1892, 55-56 Vict.

Chapter 27

An Act further to amend the Railway Act

(Assented to 9th July, 1892.)

No. 9
Act to amend The Railway Act

1. The paragraph lettered (q) of section two of The Railway Act, chapter twenty-nine of the Statutes of 1888, is hereby repealed and the following substituted therefor:—

Chapter 29, 1888, section 2, amended. "Railway" interpreted.

20 "(q) The expression 'railway' means any railway which the company has authority to construct or operate, and includes all stations, depots, wharfs, rolling stock, equipment, property, and works connected therewith, and also any railway bridge or other structure which the company is authorized to construct under a special Act;"

Statutes of Canada, 1902, 2 Edw. VII.

Chapter 52

An Act respecting the Canadian Pacific Railway Company

(Assented to 15th May, 1902.)

No. 10
The Canadian Pacific Railway Act, 1902

30 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:—

Preamble.

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

Short title.

APPENDIX
 No. 10
*The Canadian
 Pacific Railway
 Act, 1902*
 —continued

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

.

Interpretation.

Power to hold
 land, buildings,
 etc.

Shares in land
 and building
 companies

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 10
 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, docks, warehouses, offices, elevators and other buildings, in Canada or elsewhere, to be used for the purposes of the Company or its steamship connections.

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 20
 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 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 30
 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 and upon the security of the lands settled upon respectively.

Electricity.

10. The Company may, in connection with its business or 40
 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.

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 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.

APPENDIX
No. 10
The Canadian Pacific Railway Act, 1902
—continued
Irrigation.

Statutes of Canada, 1903, 3 Edw. VII

No. 11
The Railway Act, 1903

Chapter 58

10

An Act to amend and consolidate the law respecting Railways.

(Assented to 24th October, 1903.)

1. This Act may be cited as The Railway Act, 1903.

Short title.

II.—INTERPRETATION

20

2. In this Act, and in the Special Act incorporating any railway company to which this Act, or any part thereof, applies, unless the context otherwise requires,—

Interpretation.

(s) The expression "railway" means any railway which the company has authority to construct or operate, and includes all branches, sidings, stations, depots, wharfs, rolling stock, equipment, stores, property real or personal and works connected therewith, and also any railway bridge, tunnel, or other structure which the company is authorized to construct;

"Railway."

30

(w) The expression "Special Act" means any Act under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, and includes all such Acts; and where such authority is derived from any letters patent granted under any Act, such letters patent shall be deemed to form part of such Act;

"Special Act."

APPENDIX

No. 11
The Railway Act, 1903
—continued

Application of Act.

III.—APPLICATION OF ACT

3. This Act shall apply to all persons, companies and railways (other than Government railways) within the legislative authority of the Parliament of Canada, and shall be incorporated and construed, as one Act, with the Special Act, subject as herein provided.

INCORPORATION

Companies to have corporate powers

51. Every company incorporated under a special Act shall be a body corporate, under the name declared in the Special Act, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the Special Act, and which are incident to such corporation, or are expressed or included in The Interpretation Act. **10**

GENERAL POWERS

Powers of the company in respect of the undertaking.

118. The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained:—

Construct buildings, equipment, etc.

(g) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharfs, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock, and other apparatus necessary for the accommodation and use of the traffic and business of the railway; **20**

X.—BY-LAWS, RULES AND REGULATIONS

Company's by-laws respecting —

243. The company may, subject to the provisions and restrictions in this and in the Special Act contained, make by-laws, rules or regulations respecting— **30**

Conduct.

(g) the employment and conduct of the officers and employees of the company; and—

Management.

(h) the due management of the affairs of the company.

Revised Statutes of Canada, 1906.

Chapter 37

An Act respecting Railways

APPENDIX
 No. 12
The Railway Act, R.S.C. 1906

1. This Act may be cited as the Railway Act.

Short title.

INTERPRETATION

2. In this Act, and in any Special Act as hereinafter defined, Definitions.
 in so far as this Act applies, unless the context otherwise requires,—

(4) 'company'

10 (a) means a railway company, and includes every such com- 'Company.'
 pany and any person having authority to construct or
 operate a railway,

(15) 'lands' means the lands, the acquiring, taking or using of 'Lands.'
 which is authorized by this or the Special Act, and includes real
 property, messuages, lands, tenements and hereditaments of any
 tenure;

20 (21) 'railway' means any railway which the company has 'Railway.'
 authority to construct or operate, and includes all branches, sidings,
 stations, depots, wharfs, rolling stock, equipment, stores, property
 real or personal and works connected therewith, and also any rail-
 way bridge, tunnel, or other structure which the company is author-
 ized to construct;

(28) 'Special Act' means any Act under which the company 'Special Act.'
 has authority to construct or operate a railway, or which is enacted
 with special reference to such railway, and includes

(a) all such Acts,

30 (33) 'the undertaking' means the railway and works, of what- 'Undertaking.'
 soever description, which the company has authority to construct
 or operate;

40 3. This Act shall, subject to the provisions thereof, be construed Special Act to
 as incorporate with the Special Act, and, unless otherwise expressly override.
 provided in this Act, where the provisions of this Act, and of any
 Special Act passed by the Parliament of Canada, relate to the same
 subject-matter, the provisions of the Special Act shall, in so far as is
 necessary to give effect to such Special Act, be taken to override the
 provisions of this Act.

APPENDIX

APPLICATION

No. 12
The Railway
Act, R.S.C. 1906
—continued

5. This Act shall, subject as herein provided, apply to all persons, companies and railways, other than Government railways, within the legislative authority of the Parliament of Canada.

To what persons
and railways
applicable.

.....

GENERAL POWERS

Of company.

151. The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained,—

.....

Acquire property.

(c) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance and operation of the railway, and also alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway; 10

Dispose of
property not
required.

.....

Buildings,
equipment, etc.

(g) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharfs, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock, and other apparatus necessary for the accommodation and use of the traffic and business of the railway; 20

.....

Other necessary
acts.

(q) do all other acts necessary for the construction, maintenance and operation of the railway.

.....

BY-LAWS, RULES AND REGULATIONS

Company may
make.

307. The company may, subject to the provisions and restrictions in this and in the Special Act contained, make by-laws, rules or regulations respecting,—

.....

Officers and
employees.

(g) the employment and conduct of the officers and employees of the company; and, 30

Management.

(h) the due management of the affairs of the company.



Statutes of Canada, 1919, 9-10 Geo. V.

Chapter 68

An Act to consolidate and amend the Railway Act.

(Assented to 7th July, 1919.)

APPENDIX
No. 13
The Railway
Act, 1919

1. This Act may be cited as The Railway Act, 1919.

Short title.

INTERPRETATION

DEFINITIONS

2. In this Act, and in any Special Act as hereinafter defined, in so far as this Act applies, unless the context otherwise requires,—

Definitions.

10

(4) "company" includes a person, and where not otherwise stated or implied means "railway company", unless immediately preceded by "any", "every" or "all", in which case it means every kind of company which the context will permit of; and "railway company" or "company" when it means or includes "railway company,"—

"Company" and "Railway Company".

20

(15) "lands" means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and any easement, servitude, right, privilege or interest in, to, upon, under, over or in respect of the same;

"Lands."

30

(21) "railway" means any railway which the company has authority to construct or operate, and includes all branches, extensions, sidings, stations, depots, wharves, rolling stock, equipment, stores, property real or personal and works connected therewith, and also any railway bridge, tunnel or other structure which the company is authorized to construct; and, except where the context is inapplicable, includes street railway and tramway;

"Railway."

(28) "Special Act", when used with reference to a railway, means any Act under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, whether heretofore or hereafter passed, and includes,—

"Special Act."

APPENDIX

No. 13

The Railway Act, 1919
—continued

1903, c. 71.

- (a) all such Acts,
- (b) with respect to the Grand Trunk Pacific Railway Company, The National Transcontinental Railway Act, and any amendments thereto, and any scheduled agreements therein referred to, and
- (c) any letters patent, constituting a company's authority to construct or operate a railway, granted under any Act, and the Act under which such letters patent were granted or confirmed;

... ..

10

"Undertaking."

(35) "the undertaking" means the railway and works, of whatsoever description, which the company has authority to construct or operate;

.. . . .

CONSTRUING WITH SPECIAL ACTS

General rules as to construing.

3. Except as in this Act otherwise provided,—

- (a) this Act shall be construed as incorporate with the Special Act; and
- (b) where the provisions of this Act and of any Special Act passed by the Parliament of Canada relate to the same subject-matter the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to over-ride the provisions of this Act.

.. . . .

APPLICATION OF ACT

To what persons, companies and railways applicable.

5. This Act shall, subject as herein provided, apply to all persons, railway companies and railways, within the legislative authority of the Parliament of Canada, whether heretofore or hereafter, and howsoever, incorporated or authorized, except Government railways, to which however it shall apply to such extent as is specified in any Act referring or relating thereto.

6. The provisions of this Act shall, without limiting the effect of the last preceding section, extend and apply to,—

Application to —

.. . . .

Railways deemed to be works for general advantage of Canada.

- (c) every railway or portion thereof, whether constructed under the authority of the Parliament of Canada or not, now or

hereafter owned, controlled, leased, or operated by a company wholly or partly within the legislative authority of the Parliament of Canada, or by a company operating a railway wholly or partly within the legislative authority of the Parliament of Canada, whether such ownership, control, or first mentioned operation is acquired or exercised by purchase, lease, agreement or other means whatsoever, and whether acquired or exercised under authority of the Parliament of Canada, or of the legislature of any province, or otherwise howsoever; and every railway or portion thereof, now or hereafter so owned, controlled, leased or operated shall be deemed and is hereby declared to be a work for the general advantage of Canada.

APPENDIX
 No. 13
The Railway Act, 1919
 —continued

10

INCORPORATION

72. Every railway company incorporated under a Special Act shall be a body corporate, under the name declared therein, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the Special Act, and which are incident to such corporation, or are expressed or included in the Interpretation Act.

General powers.
 R.S., c. 1.

20

GENERAL POWERS

162. (1) The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained,—

Powers of company.

30

(c) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance and operation of the railway, and also alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway;

Acquire property.

Dispose of property not required.

40

(g) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharves, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock, and other apparatus necessary for the accommodation and use of the traffic and business of the railway;

Buildings, equipment, etc.

APPENDIX
No. 13
*The Railway
Act, 1919*
—continued

Alter and
substitute
other works.
Other necessary
acts.

Regulations of
Board.

Hours of duty.

Company may
make by-laws.

Officers and
employees.

Management.

(p) from time to time alter, repair or discontinue the works hereinbefore mentioned, or any of them, and substitute others in their stead; and,

(q) do all other acts necessary for the construction, maintenance and operation of the railway.

.....

ORDERS AND REGULATIONS OF BOARD

287. (1) The Board may make orders and regulations,—

.....

(j) limiting or regulating the hours of duty of any employees 10 or class or classes of employees, with a view to the safety of the public and of employees;

.....

BY-LAWS, RULES AND REGULATIONS OF COMPANY

290. The company may, subject to the provisions and restrictions in this and in the Special Act contained, and subject to any orders or regulations of the Board made under sections two hundred and eighty-seven and two hundred and eighty-eight, make by-laws, rules or regulations respecting,—

.....

20

(g) the employment and conduct of the officers and employees of the company; and,

(h) the due management of the affairs of the company.

Revised Statutes of Canada, 1927

Chapter 170

An Act respecting Railways

Short title.

1. This Act may be cited as the Railway Act.

INTERPRETATION

DEFINITIONS

Definitions.

2. In this Act, and in any Special Act as hereinafter defined, 30 in so far as this Act applies, unless the context otherwise requires,—

.....

No. 14
*The Railway
Act, R.S.C. 1927*

(4) "company" includes a person, and where not otherwise stated or implied means "railway company," unless immediately preceded by "any", "every" or "all", in which case it means every kind of company which the context will permit of; and "railway company" or "company" when it means or includes "railway company,"

APPENDIX
No. 14
The Railway Act, R.S.C. 1927
—continued
"Company"
and
"Railway Company".

(15) "lands" means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and any easement, servitude, right, privilege or interest in, to, upon, under, over or in respect of the same;

"Lands."

(21) "railway" means any railway which the company has authority to construct or operate, and includes all branches, extensions, sidings, stations, depots, wharves, rolling stock, equipment, stores, property real or personal and works connected therewith, and also any railway bridge, tunnel or other structure which the company is authorized to construct; and, except where the context is inapplicable, includes street railway and tramway;

"Railway."

(28) "Special Act", when used with reference to a railway, means any Act under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, whether heretofore or hereafter passed, and includes

"Special Act."

(a) all such Acts,

(b) with respect to the Grand Trunk Pacific Railway Company, the National Transcontinental Railway Act, and any amendments thereto, and any scheduled agreements therein referred to, and

1903, c. 71.

30

(c) any letters patent, constituting a company's authority to construct or operate a railway, granted under any Act, and the Act under which such letters patent were granted or confirmed;

(35) "the undertaking" means the railway and works, of whatsoever description, which the company has authority to construct or operate;

"Undertaking."

APPENDIX

No. 14
The Railway Act, R.S.C. 1927
 —continued

General rules as
 to construing.

CONSTRUING WITH SPECIAL ACTS

3. Except as in this Act otherwise provided,
- (a) this Act shall be construed as incorporate with the Special Act; and
 - (b) where the provisions of this Act and of any Special Act passed by the Parliament of Canada relate to the same subject-matter the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to over-ride the provisions of this Act.

.....

10

APPLICATION OF ACT

To what persons,
 companies and
 railways
 applicable.

5. This Act shall, subject as herein provided, apply to all persons, railway companies and railways, within the legislative authority of the Parliament of Canada, whether heretofore or hereafter, and howsoever, incorporated or authorized, except Government railways, to which however it shall apply to such extent as is specified in any Act referring or relating thereto.

Application to —

6. The provisions of this Act shall, without limiting the effect of the last preceding section, extend and apply to

Foreign
 companies.

(a) every railway company incorporated elsewhere than in 20
 Canada and owning, controlling, operating or running
 trains or rolling stock upon or over any line or lines of rail-
 way in Canada either owned, controlled, leased or operated
 by such company or companies, whether in either case such
 ownership, control, or operation is acquired by purchase,
 lease, agreement or by any other means whatsoever;

Companies
 running trains
 into Canada.

(b) every railway company operating or running trains from
 any point in the United States to any point in Canada;

Railways deemed
 to be works for
 general advantage
 of Canada.

(c) every railway or portion thereof, whether constructed under
 the authority of the Parliament of Canada or not, now or 30
 hereafter owned, controlled, leased, or operated by a com-
 pany wholly or partly within the legislative authority of the
 Parliament of Canada, or by a company operating a railway
 wholly or partly within the legislative authority of the
 Parliament of Canada, whether such ownership, control, or
 first mentioned operation is acquired or exercised by pur-
 chase, lease, agreement or other means whatsoever, and
 whether acquired or exercised under authority of the Parlia-
 ment of Canada, or of the legislature of any province, or

otherwise howsoever; and every railway or portion thereof, now or hereafter so owned, controlled, leased or operated shall be deemed and is hereby declared to be a work for the general advantage of Canada.

APPENDIX
No. 14
The Railway Act, R.S.C. 1927
—continued

(2) The provisions of the last preceding paragraph of this section shall be deemed not to include or apply to any street railway, electric suburban railway or tramway constructed under the authority of a provincial legislature, and which has not been declared to be a work for the general advantage of Canada otherwise than by the provisions of the said paragraph.

Railways excepted from those deemed to be works for the general advantage of Canada.

RAILWAY COMPANIES
INCORPORATION

72. Every railway company incorporated under a Special Act shall be a body corporate, under the name declared therein, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the Special Act, and which are incident to such corporation, or are expressed or included in the Interpretation Act.

General powers.

20

GENERAL POWERS

162. The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained

Powers of company.

30

(c) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance and operation of the railway, and also alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway;

Acquire property.
Dispose of property not required.

(g) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharves, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock, and other apparatus necessary for the accommodation and use of the traffic and business of the railway;

Buildings, equipment, etc.

APPENDIX
No. 14
The Railway Act, R.S.C. 1927
—continued

Alter and substitute other works.

(p) from time to time alter, repair or discontinue the works hereinbefore mentioned, or any of them, and substitute others in their stead; and

(q) do all other acts necessary for the construction, maintenance and operation of the railway.

Other necessary acts.

ORDERS AND REGULATIONS OF BOARD

287. The Board may make orders and regulations

Regulations of Board.

Hours of duty.

(j) limiting or regulating the hours of duty of any employees 10 or class or classes of employees, with a view to the safety of the public and of employees;

BY-LAWS, RULES AND REGULATIONS OF COMPANY

Company may make by-laws, etc.

290. The company may, subject to the provisions and restrictions in this and in the Special Act contained, and subject to any orders or regulations of the Board made under the authority of this Act, make by-laws, rules or regulations respecting

Officers and employees.

(g) the employment and conduct of the officers and employees 20 of the company; and

Management.

(h) the due management of the affairs of the company.

No. 15
War Measures Act, R.S.C. 1927

Revised Statutes of Canada, 1927.

Chapter 206

An Act to confer certain powers upon the Governor in Council in the event of War, Invasion, or Insurrection

Short title.

1. This Act may be cited as the War Measures Act.

POWERS OF THE GOVERNOR IN COUNCIL

30

Special powers of Governor in Council.

3. The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war,

invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:—

APPENDIX

No. 15

*War Measures
Act, R.S.C. 1927*
—continued

- (a) Censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;
- 10 (b) Arrest, detention, exclusion and deportation;
- (c) Control of the harbours, ports and territorial waters of Canada and the movements of vessels;
- (d) Transportation by land, air, or water and the control of the transport of persons and things;
- (e) Trading, exportation, importation, production and manufacture;
- (f) Appropriation, control, forfeiture and disposition of property and of the use thereof.

(2) All orders and regulations made under this section shall
20 have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation.

Statutes of Canada, 1932-33, 23-24 Geo. V.

Chapter 33.

No. 16
*The Canadian
National-
Canadian Pacific
Act, 1933.*

30 An Act respecting the Canadian National Railways and to provide for co-operation with the Canadian Pacific Railway system, and for other purposes.

(Assented to 23rd May, 1933.)

APPENDIX
 No. 16
*The Canadian
 National-
 Canadian Pacific
 Act, 1933*
 —continued

Short title.

Definitions.

“National
 Company.”

“National
 Railways.”

“Pacific
 Company.”

“Pacific
 Railways.”

1. This Act may be cited as The Canadian National-Canadian Pacific Act, 1933.

.....

3. In this Act, unless the context otherwise requires,—

.....

(d) “National Company” means the Canadian National Railway Company;

(e) “National Railways” means the National Company as owner, operator, manager and otherwise, and its transportation, communication and hotel system, which system shall be deemed to comprise all companies which are elements of the Canadian National Railways as defined in the National Act, the respective undertakings of such companies, the National Company in its capacity as owner, manager or operator, in whole or in part, of any railways, including Canadian Government railways, or of any land, water or air transportation or communication services or hotel services, and the said railways and services, their works and property, and all such works and property as are ancillary; 10

(f) “Pacific Company” means the Canadian Pacific Railway Company; 20

(g) “Pacific Railways” means the Pacific Company as owner operator, manager and otherwise and all other companies which are elements of the Pacific Company’s transportation, communication and hotel system, which system shall be deemed to include railway, express, automobile, aeroplane, inland and coastal steamship, telegraph, cable, radio and hotel companies, and, limited as hereunder and not otherwise than as so limited, the respective undertakings of the Pacific Company and of such other companies, but such undertakings shall be deemed not to include or to relate to manufacturing, mining, dealing in land, operating any ocean marine service or the like or anything ancillary; 30

.....

PART II

CO-OPERATION BETWEEN NATIONAL RAILWAYS

AND PACIFIC RAILWAYS

Co-operative
 measures, plans
 and arrangements
 by C.N.R. and
 C.P.R.

16. (1) The National Company, for and on behalf of itself and/or any or all other of the companies and other elements of which National Railways as defined by this Act is composed, and the 40

- Pacific Company, for and on behalf of itself and/or any or all other of the companies and other elements, of which Pacific Railways as defined by this Act is composed, are, for the purposes of effecting economies and providing for more remunerative operation, directed to attempt forthwith to agree and continuously to endeavour to agree, and they respectively are, for and on behalf as aforesaid, authorized to agree, upon such co-operative measures, plans and arrangements as are fair and reasonable and best adapted (with due regard to equitable distribution of burden and advantage as between them) to effect such purposes. They are further directed that whenever they shall so agree they shall endeavour to provide through negotiations with the representatives of the employees affected, as part of such measure, plan or arrangement or otherwise, for a fair and reasonable apportionment as between the employees of National Railways and Pacific Railways, respectively, of such employment as may be incident to the operation of such measure, plan or arrangement.
- 10
- (2) Without restricting the generality of the foregoing, any such measures, plans or arrangements may include and be effected by means of —
- 20
- (a) new companies controlled by stock ownership, equitably apportioned between the companies; APPENDIX
No. 16
The Canadian National-Pacific Act, 1933
—continued
- (b) leases, entrusting agreements, or licences, or agreements for the pooling and division of earnings arising from the joint operation of any part or parts of freight or passenger traffic, or express, telegraph, or other operating activities or services; May be elected by
New companies.
Leases, etc.
- (c) joint trackage, running rights, joint ownership, or joint operating agreements, depending upon the nature of the property or services included in any co-operative plan; and Joint trackage, etc.
- 30
- (d) joint or individual highway services, or highway and railway services combined, in any form. Highway services.
- (3) The National Company and the Pacific Company for and on behalf as aforesaid are directed to endeavour to provide that any new company, created as in subsection two of this section referred to, shall give preference for work to employees in any services or on any works taken over by such new company. Preference to former employees.
- (4) All or any of such measures, plans and arrangements may, if agreed to by the parties, be made terminable at will, or on or after stated notice, or for a fixed period or periods or any combination thereof, and may from time to time on similar agreement be changed, Duration, terms and alteration of arrangements.
- 40

No. 16
*The Canadian
 National-
 Canadian Pacific
 Act, 1933*
 —continued

altered, varied, amended or renewed, as may be considered expedient in the best interest of the parties or in view of changing conditions, and the better to effect the purposes hereinbefore in this section set out.

Approval of
 Railway Board.

(5) Where the execution or carrying out of such a measure, plan or arrangement involves the doing of any act which by any statute requires the leave, sanction, assent or approval of the Board of Railway Commissioners for Canada, no such measure, plan or arrangement shall be effective without the approval of the said Board.

10

Duty of C.N.R. and
 C.P.R. to meet by
 their proper officers
 and endeavour to
 arrange for
 co-operation.

(6) It shall be the duty of the National Company and the Pacific Company, for and on behalf of themselves, respectively, and otherwise as by this Part of this Act authorized, and they are hereby required, to meet by their proper officers forthwith and from time to time as they may agree, to discuss and to effect by agreement, if possible, the purposes set forth in this Part of this Act. The proper officers of the National Company for the purposes of this subsection shall be the Trustees by themselves and/or such of the National Company's or National Railways' officers as the Trustees may name for the purpose, and the proper officers of the Pacific Company shall be the directors and/or such of the Pacific Company's or Pacific Railways' officers as the said directors may name for the purpose.

20

No. 17
*The National
 Emergency
 Transitional
 Powers Act, 1945*

Statutes of Canada, 1945, 9-10 Geo. VI.

Chapter 25.

An Act to confer certain transitional powers upon the Governor in Council during the National Emergency arising out of the War.

(Assented to 18th December, 1945.)

Preamble.
 R.S., c. 206.

WHEREAS the War Measures Act provides that the Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war deem necessary or advisable for the security, defence, peace, order and welfare of Canada; And whereas during the national emergency arising by reason of the war against Germany and Japan measures have been adopted under the War Measures Act for the military requirements and security of Canada and the maintenance of economic stability; And whereas the national emergency arising out of the war has continued since the unconditional surrender of Germany and Japan and is still continuing; And whereas it is essential in the national interest that

30

certain transitional powers continue to be exercisable by the Governor in Council during the continuation of the exceptional conditions brought about by the war and it is preferable that such transitional powers be exercised hereafter under special authority in that behalf conferred by Parliament instead of being exercised under the War Measures Act; And whereas in the existing circumstances it may be necessary that certain acts and things done and authorized and certain orders and regulations made under the War Measures Act be continued in force and that it is essential that the Governor in Council be authorized to do and authorize such further acts and things and make such further orders and regulations as he may deem necessary or advisable by reason of the emergency and for the purpose of the discontinuance, in an orderly manner as the emergency permits, of measures adopted during and by reason of the emergency: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

APPENDIX

No. 17

*The National
Emergency
Transitional
Powers Act, 1945*
—continued

- 10 1. This Act may be cited as The National Emergency Transitional Powers Act, 1945. Short title.

POWERS OF GOVERNOR IN COUNCIL

- 20 2. (1) The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may, by reason of the continued existence of the national emergency arising out of the war against Germany and Japan, deem necessary or advisable for the purpose of Powers of
G. in C.
- (a) providing for and maintaining the armed forces of Canada during the occupation of enemy territory and demobilization and providing for the rehabilitation of members thereof,
- (b) facilitating the readjustment of industry and commerce to the requirements of the community in time of peace,
- 30 (c) maintaining, controlling and regulating supplies and services, prices, transportation, use and occupation of property, rentals, employment, salaries and wages to ensure economic stability and an orderly transition to conditions of peace;
- (d) assisting the relief of suffering and the restoration and distribution of essential supplies and services in any part of His Majesty's dominions or in foreign countries that are in grave distress as the result of the war; or
- 40 (e) continuing or discontinuing in an orderly manner, as the emergency permits, measures adopted during and by reason of the war.

APPENDIX

No. 17
*The National
 Emergency
 Transitional
 Powers Act, 1945*
 —continued

Orders and
 regulations.

R.S., c. 206.
 R.S., c. 1

Orders and
 regulations under
 War Measures
 Act, continued.

(2) All orders and regulations made under this Act or pursuant to authority created under this Act have the force of law while this Act is in force and, together with orders and regulations made under the War Measures Act or pursuant thereto, shall, for the purposes of the Interpretation Act, be deemed to be regulations.

4. Without prejudice to any other power conferred by this Act, the Governor in Council may order that the orders and regulations lawfully made under the War Measures Act or pursuant to authority created under the said Act in force immediately before the day this Act comes into force shall, while this Act is in force, continue in full force and effect subject to amendment or revocation under this Act. 10

NOTE: The War Measures Act was the governing statute until 1st January, 1946. The National Emergency Transitional Powers Act came into force 1st January, 1946, and was continued in force by Chapter 60 of Statutes of Canada, 1946, to 15th May, 1947. The Continuation of Transitional Measures Act, Statutes of Canada, 1947, Chapter 16, came into force 15th May, 1947, and was continued in force by Order-in-Council P.C. 5304 issued 30th December, 1947 to 31st March, 1948 and was further continued in force by an amending Act, Chapter 5 of Statutes of Canada, 1948. P. C. 1003 derived its authority from the above Acts, until it was revoked, effective 1st September, 1948 by The Industrial Relations and Disputes Investigation Act, Statutes of Canada, 1948, Chap. 54. 20

No. 18
*Act to amend
 the Canadian
 National-
 Canadian Pacific
 Act, 1933*

Statutes of Canada, 1947, 11 Geo. VI.

Chapter 28.

An Act to amend The Canadian National-Canadian Pacific Act, 1933.

(Assented to 27th June, 1947.) 30

1. The Canadian National-Canadian Pacific Act, 1933, chapter thirty-three of the statutes of 1932-33, is amended by adding thereto, immediately after section twenty-seven thereof, the following heading and section:—

“EMPLOYMENT CONDITIONS”

“27A. (1) The rates of pay, hours of work and other terms and conditions of employment of employees, of National Railways or Pacific Railways, engaged in the construction, operation or maintenance of National Railways or Pacific Railways shall be such as are set out in any agreements in writing respecting such employees made from time to time between National Railways or Pacific Railways, as the case may be, or an association or organization repre- 40

Employer-
 employee
 agreements.

senting either or both of them, on the one hand, and the representatives of interested employees, on the other hand, whether entered into before or after the commencement of this Act, if such agreements are filed in the office of the Minister of Transport.

Conditions on
filing.

(2) Nothing in this section shall affect the operation of any other Act of the Parliament of Canada or regulations thereunder."

Operation of
other Acts not
affected.

Statutes of Canada, 1948, 11-12 Geo. VI.

Chapter 54

No. 19
*The Industrial
Relations and
Disputes
Investigation Act.*

10 An Act to provide for the Investigation, Conciliation and Settlement of Industrial Disputes.

(Assented to 30th June, 1948.)

1. This act may be cited as The Industrial Relations and Disputes Investigation Act.

Short Title

CONTINUATION

72. (1) The Canada Labour Relations Board established by this Act shall be the successor to the Wartime Labour Relations Board established by order of His Excellency the Governor General in Council of the seventeenth day of February, one thousand nine hundred and forty-four, as amended from time to time, and the said order, as amended, shall be deemed to have been revoked on the coming into force of this Act, and all acts and things done and matters and proceedings commenced by the said Wartime Labour Relations Board under the said order, as amended shall, in so far as the said matters and proceedings are within the authority of the Canada Labour Relations Board established by this Act, be continued by the Canada Labour Relations Board under this Act.

Board successor
to Wartime
Relations Board.

30 (2) Every regulation, order, decision or determination or any other act or thing, made, given or done by or on behalf of the Wartime Labour Relations Board or by the Minister or by any other person under the order of His Excellency the Governor General in Council mentioned in subsection one of this section, shall, in so far as the said regulation, order, decision, determination, act or thing might be done under this Act, be deemed to have been made, given or done by the Canada Labour Relations Board or the Minister or such other person under this Act.

Wartime
Relations
Board acts
deemed acts
of Board.

APPENDIX

No. 19

*The Industrial
Relations and
Disputes
Investigation Act
—continued*

Coming into
force.

34

74. This Act shall come into force on a day to be fixed by proclamation.

NOTE: By Order in Council P. C. 3429, dated 3rd August, 1948, a proclamation was issued bringing this Act into force on the 1st day of September, 1948.

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