

IN THE MATTER OF

THE GREAT NORTHERN RAILWAY COMPANY
OF CANADA.

1905
March 13.

Scheme of Arrangement—The Railway Act, 1903, secs. 285, 286—Application to confirm Scheme—Enrollment where no objections made.

MOTION to confirm a scheme of arrangement, between The Great Northern Railway Company of Canada and its creditors, filed in the Exchequer Court under the provisions of section 285 of *The Railway Act, 1903*.

March 6th, 1905.

C. J. R. Bethune, in support of the motion, read the scheme of arrangement; the petition of a majority of the shareholders of the company, praying that the scheme of arrangement be confirmed by order of court; the affidavit of one of the vice-presidents of the company averring that the declaration of the company in its scheme of arrangement that the company was unable to meet its engagements with its creditors was true; the affidavit of a director of the company that the company would be able to carry out the scheme of arrangement if so confirmed; and the certificate of the Deputy Registrar of the court that assents in writing of over three-fourths in value of the bondholders of the company, as required by the provisions of section 286 of *The Railway Act, 1903*, had been filed. He asked that upon these documents, all being filed of record, an order pass confirming the scheme and directing that the same be enrolled forthwith.

C. S. Campbell, K.C., appeared to watch the motion for certain unsecured creditors of the company, but offered no objection to the order being granted. He

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Argument
of Counsel
and
Judgment.

however asked for an adjournment of the hearing of the motion, in order to confer with counsel for the company with a view to having a more specific undertaking to pay unsecured creditors filed by the company than that contained in the scheme of arrangement.

The motion was adjourned for this purpose.

March 13th, 1905.

Mr. *Bethune* appeared in support of the motion.

Mr. *J. F. Orde* appeared, under instructions from Mr. *Campbell K.C.*, and stated that while no undertaking such as Mr. *Campbell* had asked for would be filed by the company, no objection would be made to the order going as prayed.

Per Curiam: The motion will be granted. The scheme of arrangement will be confirmed, and, as there is no objection, the same will be enrolled by the Registrar forthwith.

Order accordingly.