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No. 77.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Toronto and
Hudson Bay Railway Company.

First reading, March 15th, 1898.

(PRIVATE BILL.)

MR. CLARKE.

OTTAWA

Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1898

An Act to incorporate the Toronto and Hudson Bay
Railway Company.

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

Preamble.

1. George Gooderham, John Herbert Mason, Robert Davis, W. R. Brock, the Honourable Lyman Melvin Jones and John Shaw, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Toronto and Hudson Bay Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Declaratory.

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Head office.

4. The Company may lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches from the city of Toronto to a point at or near the mouth of Moose River, Albany River or Churchill River, on the west side of James' Bay and Hudson's Bay, with a branch line extending to the North Pacific Junction Railway, at or near the town of Gravenhurst; a branch line extending southward from the main line adjoining the watershed near Tamagami Lake, thence to the Northern and Pacific Junction Railway, at or near North Bay or Nipissing Junction; a branch line from near Parry Sound to or near Sudbury, thence to Wahnapiatae Lake; and such other and further branches as may from time to time be deemed advisable for the advancement of the undertaking.

Line of railway described.

2. [The Company may construct and operate any of the branch lines hereinbefore mentioned, before commencing the construction of the main line.]

Branch lines may be commenced first.

5. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

6. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time as they deem necessary.

Capital stock and calls thereon.

Annual meeting.

7. The annual meeting of the shareholders shall be held on the first Tuesday in May in each year.

Election of directors.

8. At such meeting the subscribers for capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company. 5

Amount of bonds, etc., limited.

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

Agreement with another company.

10. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Parry Sound Colonization Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for working or amalgamating with, or acquiring running rights on the systems of, such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council. 20 25 30

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published. 35

Power to control vessels.

11. The Company may, in connection with and for the purposes of its railway,—

(a.) acquire, construct and navigate steam and other vessels upon Georgian Bay, James Bay and Hudson's Bay, and upon rivers and other waters connected therewith, and also upon all lakes and rivers upon the line of its railway, and for the like purposes may construct, own, lease and use docks, warehouses, grain elevators and other works for facilitating transportation upon the said rivers, streams or other waters; 40 45

Water and steam power.

(b.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes, and may dispose of surplus power generated by the Company's works and not required for its undertaking; 50

Lands and buildings.

(c.) acquire lands and construct and acquire buildings and other erections for the purpose of supplying water for the use of its railways, and sell or otherwise dispose of to municipalities

and individuals the surplus water produced from any of the works of the Company and not required for the undertaking.

12. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:—
- 5 (a.) The Company shall not interfere with the public right of travel, nor in any way obstruct the entrance to any door or gateway, or free access to any building ;
- 10 (b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;
- 15 (c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;
- 20 (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;
- 25 (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;
- 30 (f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;
- 35 (g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;
- 40 (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;
- 45 (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;
- 50 (j.) If, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires

Power to enter upon highway, etc.

Erect poles.

Stretch wires.

Break up highway.

Travel not to be obstructed.

Height of wires.

Kind of poles.

Cutting poles or wires in case of fire.

Injury to trees.

Supervision of municipality.

Surface of street to be restored.

Future legislation as to carrying wires under ground.

Workmen to wear badges.

Private rights.

Temporary removal of wires and poles.

- or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;
- (k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works;
- 13.** The Company may construct, acquire and operate, telegraph and telephone lines beyond its railway to any point on James Bay, Hudson's Bay and Hudson's Straits, and may lay sub-marine lines for telegraph and telephone connections between such points.
- 14.** The Company may undertake the transmission of messages for the public by any of its lines of telegraph or telephone and collect tolls therefor, or may lease such lines, provided that if the Company undertakes the transmission of messages for hire, it shall be subject to the provisions of sections 5 and 6 of *The Electric Telegraph Companies Act*, and the Company may use any other means of communication that may at any time hereafter be deemed expedient by the Company.
- 15.** The Company may, for the purposes of its undertaking, purchase lands, including water power and mill privileges, and may hold, alienate or mortgage the same, and may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with its railway.
- 16.** If the Company requires land for wharves, docks, elevators, and warehouses, or for any other purpose of the Company, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111 both inclusive of *The Railway Act* shall apply to the subject matter of this section, and to the obtaining of such land and determining the compensation thereof.
- 17.** [The construction of the railway, or one of its branches, shall be commenced within three years and completed within ten years from the passing of this Act, otherwise the powers of construction granted to the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.]
- 18.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and

Notice to
Company.

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Liability for
damage.

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Telegraph and
telephone
lines.

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Power to
collect tolls.

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R.S.C., c. 132.

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Power to
acquire lands.

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Electricity.

Proceedings
when extra
land required.

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Time for
construction
limited.

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Power of
Parliament
as to future
legislation.

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the regulation thereof, and as to running powers over, or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time 5 such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.