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No. 40.

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

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BILL.

An Act to incorporate the Pacific and  
Eastern Railway Company.

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First reading, March 2nd, 1898.

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(PRIVATE BILL).

Mr. FRASER.

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OTTAWA

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

An Act to incorporate the Pacific and Eastern Railway Company.

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

1. H. S. Holt and Albert Brunet, of the city of Montreal, Incorporation.  
 in the province of Quebec, P. Burns, of the town of Nelson, in  
 the province of British Columbia, Chas. S. Hyman, of the city  
 10 of London, in the province of Ontario, and H. E. McIntosh, of  
 the city of Montreal, in the province of Quebec, together with  
 such persons as become shareholders in the company hereby  
 incorporated, are hereby constituted a body corporate under  
 the name of "The Pacific and Eastern Railway Company," Corporate  
 15 hereinafter called "the Company." name.

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

3. The head office of the Company shall be in the city of Head office.  
 Vancouver, in the province of British Columbia.

20 4. The Company may lay out, construct and operate a rail- Line of  
 way of the gauge of four feet eight and one-half inches from a railway  
 point in or near the town of Rossland, in the district of West described.  
 Kootenay, in the province of British Columbia; thence to a  
 point at or near Robson; thence to a point near the southern  
 25 end of Okanagan Lake, to a point at or near Penticton; thence  
 by the most feasible route to a point at or near the city of  
 Vancouver.

2. Subject to the provisions of sections 121 and 122 of *The* Branch lines.  
*Railway Act* the Company may construct and operate one or  
 30 more branches from convenient points on its main line to any  
 mine adjacent to such main line or branch line, but no such  
 branch line shall exceed twenty miles in length.

5. The Company may construct, acquire, charter, control, Use of vessels  
 navigate and keep in repair steamers and other vessels to ply for transporta-  
 35 between the ports on its line of railway, and between such tion.  
 ports and ports outside of Canada, and carry and convey pas-  
 sengers and freight, and carry on a general transportation ser-

vice in connection with the said railway, and may, for the purposes aforesaid, construct, acquire or lease elevators, warehouses, wharfs, quays and docks.

Docks, etc.

6. The Company, at any point where the railway or any branch thereof, touches or crosses any navigable water, may, for the purposes of its business, build and operate docks, warehouses and elevators, and steam and other vessels, and may collect wharfage and storage charges for the use of its wharfs and buildings. 5

Electricity.

7. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with its railway or its bridges, docks, wharfs, elevators and warehouses, and may sell or lease such electrical power. 10

Telegraph and telephone lines.

8. The Company may construct, equip, work and maintain telegraph lines and telephone lines along the whole length of the railway extension and branches, and may establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of erecting and operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease any of the Company's lines or any portion thereof. 15 20

Arrangements with other companies.

2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. 25

Approval of rates by Governor in Council.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council. 30

R.S.C., c. 132.

4. *The Electric Telegraph Companies Act*, shall apply to the telegraphic business of the Company.

Power to enter upon highway, etc.

9. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon; and, as often as the Company thinks proper, may enter upon, use, break up and open any highway or public place, subject, however, to the following provisions:— 35 40

Erect poles.

Break up highway.

Travel not to be obstructed.

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

Height of wires.

(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; 50

- (c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;
- (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;
- (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;
- 10 (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
- 15 poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;
- (g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the
- 20 right given by this section to carry lines on poles shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;
- (h.) Every person employed upon the work of erecting or
- 25 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 ;
- (i.) Nothing herein contained shall be deemed to authorize
- 30 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 ;
- (j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said
- 35 wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles, and in default of the Company so doing, such
- 40 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
- 45 such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;
- (k.) The Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of
- 50 its said works.

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.

Notice to Company.

Liability for damage.

**10.** The persons mentioned by name in section 1 of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

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

Capital stock and calls thereon.

Annual meeting.

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

Election of directors.

**13.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors. 5

Amount of bonds, etc., limited.

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

Issue of bonds.

**15.** The Company may issue bonds, debentures or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branches or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect of which the same are thus respectively issued, and upon the rents and revenues thereof and upon all the property of the Company appertaining to or belonging to such section, branch or extension. 15 20

Agreements with other companies.

**16.** The Company may enter into an agreement with any companies for conveying or leasing to such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has 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. 25 30 35

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 counties or electoral districts through which the railway of the Company runs, and in which a newspaper is published. 40 45

Power of Parliament as to future legislation.

**17.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any 50

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