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No. 165.

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4th Session, 8th Parliament, 62 Victoria, 1899

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BILL.

An Act to incorporate the Yukon River  
and Atlin Lake Improvement Com-  
pany.

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First reading, June 29, 1899.

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(PRIVATE BILL.)

MR. BELCOURT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1899

An Act to incorporate the Yukon River and Atlin  
Lake Improvement Company.

**W**HEREAS a petition has been presented praying that it Preamble.  
be enacted 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  
5 of Commons of Canada, enacts as follows :—

**1.** James Shelby Williams, of Paris, in the State of Texas, Incorporation.  
one of the United States, Thomas Arthur Darby of Wilmng-  
ton, in the state of North Carolina, one of the United States,  
William Joseph Poupore and Henry Allan Bate, both of the  
10 City of Ottawa, in the County of Carleton, and Province of On-  
tario, Daniel Hunter McMillan, of the City of Winnipeg, in the  
Province of Manitoba, Dennis Ryan, of St. Paul, in the State  
of Minnesota, one of the United States, and John Almon  
Ritchie, of the said City of Ottawa, together with such persons  
15 as become shareholders in the Company, are hereby incor-  
porated under the name of "The Yukon River and Atlin Lake  
Improvement Company," hereinafter called "the Company," Corporate name.

**2.** The persons named in section 1 of this Act shall be the Provisional directors.  
first or provisional directors of the Company.

**20 3.** The capital stock of the Company shall be three million Capital stock and calls thereon.  
dollars divided into shares of one hundred dollars each, and  
may be called by the directors from time to time as they  
deem necessary.

**25 4.** The head office of the Company shall be in the City of Head office.  
Ottawa and Province of Ontario, or at such other place in  
Canada as the Company from time to time determines by  
by-law.

**30 5.** At the first meeting of the shareholders and at each Directors.  
annual meeting thereafter the subscribers for the capital stock  
assembled, who have paid all calls due on their shares, shall  
choose nine persons, each of whom shall hold at least one  
hundred shares of the capital stock of the Company, to be  
directors of the Company, a majority of whom shall form a  
quorum.

**35 6.** The Company may— Powers of Company.  
(a.) undertake, lay out, construct and maintain the works  
and erections which it deems proper or expedient for the Improvement of navigation.  
purposes of improving and facilitating the navigation of Lakes

Bennett, Tagish, Taku, Marsh, Laberge and Atlin, and of the streams flowing in and out of the said lakes, and also the whole of the Yukon River and its tributaries from Bennett City in the said Yukon Territory to the International Boundary between Alaska and the Yukon Territory; and also for the purposes of defining, cleaning and maintaining a channel in and through the said lakes and Yukon River and their tributaries and for the purposes of removing the obstacles at White Horse Rapids, Five Fingers, Atlin Lake and at all places on the said lakes and rivers, which at the present time impede the navigation of the said lakes and rivers; also lay out, construct and operate canals between the said lakes and rivers and their tributaries whenever necessary or expedient: and also for the purposes of establishing beacons to light and the putting down of buoys to designate a channel, and generally making and rendering safe the navigation of the said lakes and rivers;

Entering upon lands.

(b.) enter upon and take such lands, buildings, erections and premises of any person as are necessary and proper for the making, building, erecting and operating the said improvements and other works of the Company; and dig, cut, trench, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees, beds of gravel or sand or any other matters which may be dug or got in making the said improvements and other works on or out of the lands or grounds of any person, adjoining or lying convenient thereto or on or out of the lands belonging to Her Majesty, which may be proper, requisite or necessary for making, maintaining or repairing the said improvements or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, completing and maintaining the same respectively according to the intent or purpose of this Act;

Real estate.

(c.) acquire and hold such real estate as may be deemed necessary for the purposes herein mentioned and generally for the purposes of the Company, and the same again sell, convey, or exchange as the Company sees fit in order to carry out the purposes herein mentioned;

Aqueducts and viaducts.

(d.) make, maintain and alter any places or passages over, under or through the said lakes and rivers or any of their branches, tributaries or connections;

Use of water.

(e.) obtain, take and use, during the construction, maintenance and operation of the said improvements and works, from the rivers and lakes aforesaid and their tributaries water sufficient for the purposes of constructing, maintaining, operating and using the improvements, canals and works hereby authorized and for the purpose of establishing and maintaining a channel sufficient for navigation requirements; also take, obtain and use during the construction, use and operation of the said improvements, works and canals, and for the purposes of constructing and, later on, improving and maintaining the same, the timber, coal, stone, sand and other materials in and on the lands belonging to Her Majesty and also such parts of the lands belonging to Her Majesty as may be required for the purposes of those works, canals and improvements and for the establishment of warehouses, wharves, docks, drydocks, basins, piers, mills, mill sites, dams, beacons, and light houses as herein mentioned;

Use of timber, coal, etc., on Dominion lands.

- (f.) erect, construct, and acquire such wharves, docks, dry-docks, warehouses, piers, dams, slides, canals, locks, basins, vessels, boats, beacons, buoys, light houses, elevators and such matters and things as it deems necessary for the purposes herein mentioned ;
- (g.) construct, operate and dispose of terminals, harbours, wharves, docks, dry-docks, basins, piers, elevators and warehouses upon the said rivers and lakes, or upon the lands adjoining or near the same ;
- 10 (h.) acquire, build, use and operate mills, stamp mills, smelters, mill sites, permanent and portable mills, mill properties, timber limits and water powers and privileges ; saw and manufacture lumber and other wooden goods ; establish shops, stores, depots ; supply, buy and sell goods and general merchandise for the carrying on of the improvements contemplated, and for the use and repair and maintenance of such works, canals and improvements, and generally to do all such other acts, matters and things as may be incidental to or connected with the objects aforesaid or the attainment thereof ;
- 15 (i.) lay out and dispose of water lots and use and dispose of water brought by or for the said works, canals and improvements but not requisite for the same, and produce and dispose of hydraulic, electric and other kinds of power in connection with the works hereby authorized ;
- 20 (j.) acquire the right to use any patent of invention for the purposes of the works hereby authorized and again dispose of the same ;
- (k.) open, cut and erect such ponds and basins for the laying up and turning of vessels, boats or rafts using the said lakes and rivers at such points thereof as it deems expedient, and also build and erect such dry-docks, slips and machinery for the hauling out and repairing vessels, boats and rafts as it thinks proper, and may lease or hire the same.
- 30
7. If any lock, basin, wharf, dry-dock, canal, dam, slide, pier, bridge, beacon, light house or other work the property of the Government of Canada, and whether now in its possession or leased to any person is required by the Company for the purposes of its undertaking, the Company may, with the consent of the Governor in Council and upon such terms as may be agreed upon between the Company and the Government, take such lock, basin, wharf, dry-dock, canal, dam, slide, pier, bridge, beacon, light house or other work for the purpose of its undertaking.
- 40
8. Before the Company shall commence the construction of any of the works hereby authorized, the plans, locations, dimensions and all necessary particulars of such works shall have been submitted to and have received the approval of the Minister of Public Works of Canada.
- 45
9. In addition to the general powers to make by-laws the Company may make by-laws, rules or regulations for the following purposes, that is to say :—
- 50 (a.) for regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled ;
- (b.) for regulating the hours of the arrival and departure of such vessels.
- 55

Docks and elevators.

Mills, water power, etc.

Stores.

General traders, etc.

Sale of water lots, water and power.

Patents of invention.

Dry docks, etc.

Acquisition of Government works.

Plans to be approved by Minister of Public Works.

By-laws.

(c.) for regulating the loading or unloading of such vessels and the draught thereof;

(d.) for preventing the smoking of tobacco upon the works, the bringing into or upon the property of the Company of dangerous or deleterious substances, and for the proper care and preservation of the Company's property;

(e.) for regulating the travelling and transportation upon, and the using and the working of the canals;

(f.) for regulating the conduct of the officers, servants and employees of the Company;

(g.) for the maintaining, preserving and using the canals and all other works hereby authorized to be constructed or connected therewith, and for the governing of all persons and vessels passing through the said canals;

(h.) for providing for the due management of the affairs of the Company in all respects.

Issue of  
bonds.

**10.** The Company may issue and pledge or dispose of bonds, debentures or other securities to the extent of two million dollars.

Tolls.

**11.** The Company may, from time to time, demand, take and recover to and for its own proper use for all passengers and goods transported upon the said lakes, rivers and canals and for vessels using the same such tolls as the Company or its directors from time to time determine by by-law; and no tolls of any description shall be levied or taken upon the said improvements, works and canals until the same are approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of such by-law and of the Order in Council approving thereof.

Payment  
of tolls.

**12.** Such tolls shall be paid to such persons and at such places on the said rivers, lakes and canals and in such manner and under such regulations as the by-laws direct.

Enforcing  
payment.

**13.** In case of denial or neglect of payment on demand of any such tolls or any part thereof the same shall be recoverable in any court of competent jurisdiction; or the agents or servants of the Company may seize the vessel or goods for and in respect whereof such tolls are payable and may detain the same until payment thereof, and in the meantime the said vessels or goods shall be at the risk of the owners thereof.

Sale of vessel  
and goods.

**14.** If the tolls are not paid within thirty days from the time of such detainer, the Company may sell the vessel or the whole or any part of such goods, and out of the moneys arising from such sale retain the tolls payable and all reasonable charges of such seizure, detention and sale, and shall deliver the surplus, if any, or the vessel or such of the goods as remain unsold, to the persons entitled thereto, such delivery to be made at the risk and expense of the owner.

Transport of  
troops, etc.

**15.** The Company shall at all times when thereunto required by the commander of the forces, or any person having the superintendence or command of any police force, allow the passage through the said improvements, works and canals,

free of tolls, of Her Majesty's naval or military or police force or militia, and of all artillery, ammunition, provisions or other stores for their use, and of policemen, constables, servants, and officers and others travelling on Her Majesty's service on the 5 said lakes, rivers and canals.

16. The Company shall also at all times when thereunto required by the Postmaster General of Canada carry Her Majesty's mails in through and over the said lakes, rivers and canals on such terms and conditions and under such regulations as the Governor in Council appoints and declares. Transport of H. M.'s mails.

17. Every person who obstructs, interrupts or impedes the navigation of the said lakes, rivers or canals or interferes with any of the works belonging thereto by the introduction of any timber or vessels or any other substance, or by any other means contrary to the provisions of this Act or of the by-laws of the Company, shall for each and every such offence incur a penalty not to exceed one thousand dollars, one half of which penalty shall go to the Company and the other half to Her Majesty. Penalty for interfering with works.

18. If any barge, boat, vessel, timber or substance of any kind, is sunk or grounded in any part of any of the said rivers, lakes or canals, or in any approach thereto, and if the master or owner thereof neglects or refuses to remove the same forthwith, the Company may forthwith proceed to have the same raised or removed, and may retain possession of the same until the charges and expenses necessarily incurred by the Company in so raising and removing the same are paid and satisfied, or the Company may sue for and recover in any Court of competent jurisdiction such charges and expenses from the master or owner thereof. Removal of obstructions.

19. If any action or suit is brought or commenced against any person or the Company for anything done in pursuance of this Act, or in the execution of the powers and authorities hereinbefore given or granted, such action or suit shall be brought or commenced within twelve calendar months next after the act committed, or in case there is a continuation of damage, then within twelve calendar months next after the doing or committing such damage ceases, and not otherwise. Time for commencing suit.

20. Her Majesty, may at any time assume the possession and property, works, improvements and erections of the Company on the said rivers, lakes and canals and works, and all the rights and privileges and advantages of the Company, all of which shall after such assumption be vested in Her Majesty, on giving to the Company one week's notice thereof and on paying to the Company the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company and a third arbitrator by the two arbitrators; and the arbitrators may in such valuation take into account the expenditure of Works may be taken over by Government.

Arbitration.

the Company, its property, and the present and prospective business of the Company.

Time for construction limited.

**21.** If the construction of the improvements and works hereby authorized to be made and constructed, or some of them, is not commenced within eighteen months after the passing of this Act, or if the said works and improvements are not completed within four years after the passing of this Act, the powers granted by this Act shall cease and be null and void as respects so much of the said works and improvements as then remains uncompleted. 5 10

Arbitration in case of disagreements.

**22.** When the Company and the owner or occupier of private property entered upon cannot agree as to compensation for lands, buildings, and premises required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured thereby, the matter shall be settled by three arbitrators or the majority of them, one to be chosen by such owner or occupier, another by the Company and a third arbitrator by the two first named arbitrators; provided that the Governor in Council may from time to time by regulations vary or modify the provisions of this section in this regard, so far as they apply to the said works in such manner as experience proves to be expedient. 15 20