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No. 123.

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

BILL.

An Act respecting the Dawson City
Electric Company (Limited.)

First reading, April 26th, 1898.

(PRIVATE BILL)

Mr. MORRISON.

OTTAWA

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

An Act to incorporate the Dawson City Electric Company (Limited).

WHEREAS a petition has been presented praying that it 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 of Commons of Canada, enacts as follows: —

Preamble.

1. Horace Brand Townsend, Lord Farquhar, Lord Charles William Augustus Montagu, James Rochfort Maguire, Joseph Harry Lukach and Thomas Blair, all of the city of London, England, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dawson City Electric Company (Limited)," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be in the city of London, England, or in such other place in the United Kingdom or in Canada as the directors from time to time determine by by-law.

Head office.

3. The said Horace Brand Townsend, Lord Farquhar, Lord Charles William Augustus Montagu and James Rochfort Maguire, shall be the first or provisional directors of the Company, of whom a majority shall form a quorum, and they may forthwith open stock books, and procure subscriptions of stock, and receive payments on account of stock subscribed, and carry on the business of the Company.

Provisional directors.

4. The capital stock of the Company shall be two hundred thousand pounds sterling, divided into shares of one pound each. Such capital stock shall be issued in whole or in part as the directors determine, and may be called up from time to time as they deem necessary, but no call subsequent to the allotment of shares shall exceed five shillings per share, nor be made at a less interval than two months after the next preceding call.

Capital stock.

5. The annual general meeting of the shareholders shall be held on the first Wednesday in March in each year.

Annual meeting.

6. At each annual meeting the shareholders present or represented by proxy, who have paid all calls due on their shares, shall choose not more than nine and not less than three persons to be the directors of the Company.

Election of directors.

Powers of Company.	7. The Company may, in Dawson City and elsewhere in the Yukon District, and in that portion of British Columbia and the North-West Territories north of the fifty-third parallel of latitude and west of the one hundred and twelfth parallel of longitude,—	5
Electricity.	(a.) produce, manufacture, supply and dispose of electricity and electric current for traction, light, heat and power, and for any other purpose for which the same may be used ;	
Works.	(b.) construct, lay, erect, maintain and operate all such works, structures, apparatus, motors, poles, wires, appliances, materials, supplies and machinery, as may be used in any way in connection with the production, manufacture and supplying of electric current or electricity for any purpose ;	10
Water power, etc.	(c.) use any property, water powers and other powers, rights, easements and privileges in connection with the production, manufacture, or supply of electricity and electric current for heat, light and power, and for any other purpose for which the same may be used ;	15
Use of rivers, etc.	(d.) have free access to all rivers, streams or creeks at such points as it deems necessary or desirable, and may draw off water therefrom for its purposes ; and may construct such sluices, flumes and reservoirs as it considers necessary in connection therewith, but so that the navigation of such rivers, streams or creeks, shall not thereby be injuriously interrupted, and subject to such regulations as are imposed in that behalf by the Governor in Council ;	20 25
Carriers.	(e.) carry on the business of carriers, and all other business incident thereto or connected therewith ;	
Apparatus.	(f.) acquire and manufacture all such apparatus, motors, poles, wires, appliances, materials, supplies and machinery as are or may be used in any way in connection with its business, and deal with or dispose of the same ;	30
Acquisition of property, rights, etc.	(g.) acquire by purchase, license, lease or otherwise, and license, lease or otherwise dispose of, any property, water or other powers, rights, easements and privileges in connection with its business ;	35
Patent rights	(h.) acquire use and dispose of any inventions, letters patent for inventions, or the right to use any inventions in any way connected with or pertaining to its business ;	
Stock in other companies.	(i.) acquire shares in the capital stock, debentures and securities of other companies possessing powers similar to those of the Company, as the consideration for goods, wares or merchandise sold to such other companies in the ordinary course of business.	40

Lines of railway and tramway described.

8. The Company may, in Dawson City and elsewhere in the Yukon District within a radius of fifty miles from Dawson City, and also to, from and along the Bonanza, Eldorado and Klondike Rivers, lay out, construct, and operate single or double lines of electric railway, or tramway, or both, and such lines may be worked by electric or any other motive power ; or the Company may aid in or subscribe towards the construction of any electric railways, or any tramways, constructed by any other company within the district and radius, or along the routes, above described. 45
50

9. The Company may construct, equip, work and maintain telegraph and telephone lines, establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines or any part thereof. Telegraph and telephone lines.
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. Arrangements with other companies.
3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, 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. Rates to be approved.
4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company. R.S.C., c. 132.
10. 19. 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, for its electric railways and tramways, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, and its electric railways and tramways, 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:— Power to enter on highway.
- (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; Erect poles. Stretch wires. Break up highway. Travel not to be obstructed.
- (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; Height of wires.
- (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; Kind of poles.
- (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; Cutting poles or wires in case of fire.
- (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree; Injury to trees.
- (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; Supervision of municipality. Surface of street to be restored.

Future legis-
lation as to
carrying wires
under ground.

(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, 5 and the Company shall not be entitled to damages therefor ;

Workmen to
wear badges.

(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 10 which he can be readily identified ;

Private
rights.

(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 15 property for the time being ;

Temporary
removal of
wires and
poles.

(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 or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable 20 notice in writing from any person requiring it, remove such wires and 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 25 the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no 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 ; 30

Notice to
Company.

Liability for
damage.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works. 30

Power to
receive aid.

11. The Company may receive from any government or from any person or municipal corporation, in aid of the construction, equipment or maintenance of any of its works, grants 35 of land, bonuses, loans, or gifts of money or securities for money, and may dispose of the same, and may alienate such property as is not required for the purposes of the Company.

Preferred
stock.

12. The Company may issue any portion of its capital stock as preferred stock, on such terms and conditions, and bearing 40 such rate of dividend as may be agreed upon by the ordinary shareholders of the Company at a special general meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy. 45

Borrowing
powers.

13. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special general meeting called for that purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital 50 stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow money for the purposes of the Company, and may issue bonds or debentures in respect of the same and secure the repayment of the said

moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge all or any of the assets and property of the Company.

5 **14.** The Company may, in addition to the powers granted by the next preceding section hereof, issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of its electric railways and tramways, and such bonds, debentures or other securities may be issued only in proportion
10 to the length of electric railways and tramways constructed or under contract to be constructed. Bonds and debentures.

15. *The Railway Act* shall apply to the electric railway or tramway undertaking of the Company, and shall be incorporated with and form part of this Act in so far as it is not
15 inconsistent with any of the provisions hereof. 1888, c. 29.

16. Sections 18, 39 and 41 of *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

17. If the construction of the electric railways and tramways is not commenced within two years after the passing of this Act, or if the electric railways and tramways are not
20 finished and put in operation in five years from the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the electric railways or tramways as then remains uncompleted. Time limited for construction of railways and tramways.

25 **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 the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any
30 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 without the enactment of this section. Power of Parliament as to future legislation.