

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: **Cover title page is bound in as last page in book but filmed as first page on fiche.**

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
										✓	
12x		16x		20x		24x		28x		32x	

No. 95.

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

BILL.

An Act respecting the Great Commonwealth Development and Mining Company, Limited Liability, and to change its name to the Alberta and Yukon Railway Company.

First reading, March 24th, 1898.

(PRIVATE BILL.)

Mr. GIBSON.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

An Act respecting the Great Commonwealth Development and Mining Company, Limited Liability, and to change its name to the Alberta and Yukon Railway Company.

WHEREAS the Great Commonwealth Development and Mining Company, Limited Liability, has, by its petition, represented that it is incorporated under *The Companies Act*, 1890, of the province of British Columbia, and has prayed 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, declares and enacts as follows:—

Preamble.

1. The railway undertaking of the Great Commonwealth Development and Mining Company, Limited Liability, is hereby declared to be a work for the general advantage of Canada.

Declaratory.

2. The name of the said company is hereby changed to the "Alberta and Yukon Railway Company," hereinafter called "the Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company may be prosecuted or continued, completed and enforced as if this Act had not been passed.

Name changed.

3. The Company as now organized and constituted under the laws of British Columbia is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, and this Act and *The Railway Act* where applicable, shall apply to the Company, and to its railway undertaking, instead of the said Act of British Columbia and the British Columbia Railway Act; provided that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the above mentioned Acts of British Columbia, up to and at the time of the passing of this Act, to all of which rights and privileges the Company shall continue to be entitled, and to all of which liabilities, including the by-laws relating to the objects of this Act, the Company shall continue to be subject.

Incorporation.

4. The head office of the Company shall be in such place in Canada, or Great Britain, as the shareholders from time to time determine by by-law.

Head office.

- Capital stock. **5.** The capital stock of the Company shall be five million dollars, divided into shares of one hundred dollars each, which may be increased as provided by *The Railway Act*: The capital stock of the Company as authorized by the above mentioned Act of British Columbia shall be deemed to be the same as the capital stock mentioned in this Act, and no right or claim to any share thereof shall be prejudiced by anything contained in this Act. 5
- Annual meeting. **6.** The annual meeting of the shareholders shall be held on the second Wednesday in November in each year. 10
- Election of directors. **7.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company, one or more of whom may be paid directors.
- Line of railway described. **8.** The Company may lay out, construct and operate a railway of either standard or narrow gauge from Edmonton or some other point to be determined upon in the North-West Territories, in a north-westerly direction, to the international boundary between the Yukon territory and that portion of the United States known as Alaska, at or near the point where the Yukon River crosses the said international boundary; and may improve any navigable waters, and connect the same with the railway system of the Company so as to form a system of railways and water transportation, and may build branch lines not exceeding thirty miles in length in any one case. 15 20 25
- Construction by sections. **9.** For the purpose of facilitating construction, the said railway and its branches may be constructed in sections of ten miles, and all the rights, privileges and powers of the Company under this Act and *The Railway Act* shall apply to the said sections, and the Company may issue bonds as provided for any such section. 30
- Contracts for equipment. **10.** The Company may purchase, lease, hire, or contract for such rolling stock, equipment, steamboats, barges, machinery or other supplies, surveys or works as to its directors seem conducive to the undertakings of the Company, and may pay for the same in cash, stock, bonds or lands of the Company, or partly in either. 35
- Powers of Company. Vessels. **11.** The Company may, for the purposes of its business,—
(a.) construct, acquire, navigate and dispose of vessels upon or across any river, lake, stream or navigable waters reached in connection with any of its works or operations, and upon the streams forming parts thereof, tributary thereto, or connecting therewith, and upon other inland waters of the North-West Territories connecting with or adjacent to the proposed line of railway, and may bridge, dredge, build locks, or otherwise improve the navigation of such waters, and carry on generally the business of transportation in connection with the said railway and vessels, and may collect tolls from others for the use of such improvements, but such tolls, before being imposed, shall be submitted to and approved by the Governor in Council; 40 45 50
- Transportation. Rates of tolls.

(b.) acquire and utilize waters, rivers, or streams for water supply, steam power, air compressing, or generating electricity, or for lighting, heating and motor purposes in connection with its railways, vessels, or any of the said works, and may operate the same by electricity, and may dispose of surplus electricity or other power generated by the Company's works and not required for its undertaking;

Water and steam power.

Electricity.

(c.) acquire and work mines, and mineral and mining rights, and crush, smelt, refine, reduce and amalgamate ore to render marketable the produce, and may develop such mines, or the products thereof, whether belonging to the Company or not;

Mining rights.

(d.) construct, or aid in and subscribe towards the construction, maintenance and improvement of toll roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses, and other buildings and works which are necessary or convenient for the purposes of the Company;

Construction of roads, etc.

(e.) carry on in connection with its works, the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the

Carriers.

business of wharfingers, shippers and vessel owners, and may, for all or any of the said purposes, purchase, hold, lease or otherwise acquire lands, buildings, elevators, warehouses, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable, and may establish shops, or stores on the said lands, and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incident or conducive to the attainment of the above objects, and may sell any of the said properties.

12. If the Company requires land for wharfs, docks, elevators, terminals and other purposes of the railway, 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 therefor.

Proceedings when additional land required.

1888, c. 29, ss. 107 to 111.

13. *The Railway Act* shall apply to the railway undertaking of the Company, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

1888, c. 29.

14. The Company may construct and operate telegraph and telephone lines, and may conduct a general telegraph and telephone business with the public and collect tolls therefor; and for the purpose of constructing and operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease its own or any other line.

Telegraphs and telephones.

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

Arrangements with other companies.

Rates to be approved.

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.

5

R.S.C., c. 132.

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

Amount of bonds, etc., limited.

15. 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 the railway constructed or under contract to be constructed, and the Company may issue such bonds, debentures or other securities in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as are described in the mortgages to secure each separate series of bonds, debentures or other securities and every such limited series of 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 franchises, property, assets, rents and revenues of the Company with respect to which they are issued, and which shall be described in the mortgage made to secure the same.

Land grant bonds.

16. The Company may also issue mortgage bonds (to be called land grant bonds) to the extent of one dollar per acre on any land granted in aid of the undertaking authorized by this Act, and when so issued such bonds shall constitute a first mortgage upon such lands, and any such mortgage may be evidenced by deed which may confer upon the trustee or trustees named thereunder, and upon the holders of the bonds secured thereby, such remedies or authorities, powers and privileges, and may contain such provisions and conditions not inconsistent with law or this Act as may from time to time be agreed upon between the Company and the other parties thereto.

Power to receive aid.

17. The Company may, from to time, receive from any government, district, municipal corporation, or person, in aid of the construction, equipment and maintenance of the said works, railway or line of steamships running in connection therewith or otherwise, grants of land, mineral rights, bonuses, loans or gifts of money, or bonds, securities for money, or as subvention for services and may dispose of or alienate such property as is not required for the purposes of the Company, and may also purchase or lease from any government, person or corporation any lands, rights and privileges, and the lands, leases and privileges so to be acquired and held by the Company for sale or otherwise for the purposes thereof, may be conveyed to trustees to be held, conveyed and otherwise disposed of by them, upon the trusts and for the purposes herein declared in reference to such lands, leases and privileges, and all moneys arising from the sale or other disposition of such lands, leases and privileges, shall be held and applied in trust for the pur-

poses following, that is to say, firstly, in payment of the expenses connected with the acquisition, purchase, survey, management and sale of the said lands; secondly, in payment of the dividends and interest on and principal of bonds issued upon the land grant or any portion thereof, or upon the railway from time to time, payable in cash by the Company, provided, such dividends, interest and principal have been made a charge on such lands; and thirdly, for the general purposes of the Company.

10 **18.** All lands sold and conveyed by the Company or by the said trustee after a conveyance thereof to them upon the trusts aforesaid, and which have been paid for in cash to the persons entitled to receive the purchase money, shall thereby be for ever released and discharged from all mortgages, liens and charges, of any kind or nature, by this Act or by the Company created; and the purchase money arising from the sale of such lands by the Company shall be applied in the first place in the satisfaction of any mortgage thereon created by the Company, and after payment of such mortgages or liens created by the Company thereon the same shall be applied in accordance with the trusts in the next preceding section declared.

Application of proceeds of sale of lands.

15 **19.** Any lands acquired by the Company, whether earned or to be earned after the passing of this Act, which are not required for the right of way or actual working of the railway of the Company, may be sold, mortgaged, granted, or disposed of as the directors of the Company think necessary and advantageous for the purposes of the Company.

Sale of surplus land.

20 **20.** The bonds, debentures or other securities authorized by this Act may be so issued, in whole or in part, in the denomination of dollars, pounds sterling, or francs, or any and all of them, and may be made payable, both as to principal and interest, in Canada, the United States or Europe; and the whole or any of such bonds may be pledged, negotiated, or sold upon such conditions and at such price as the directors shall from time to time determine.

Bonds, how payable and negotiable.

25 **21.** The powers conferred upon the Company to carry on a navigation and transportation business shall only be exercised by the Company under the authority of the Governor in Council and under such regulations as he imposes; the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company and fix the terms, rates and conditions on which they may be so used.

Navigation and transportation business.

30 **22.** If the construction of the railway is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon within three years from the passing of this Act, or if the railway is not finished and put in operation within seven years from the passing of this Act, then the powers conferred upon the Company by Parliament as to the railways of the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time limited for construction of railway.

Proceeding in unorganized territories.

23. In any unorganized province, territory or district, or in any municipality or place therein which has municipal or other governing authority, when fifty or more persons entitled to vote on the by-law hereinafter mentioned sign a petition praying that the proper authority in such province, territory, district, municipality or place submit a by-law, as set forth in the petition, to the vote of those qualified to vote thereon in such province, territory, district, municipality or place, or to several of the said provinces, territories, districts, municipalities or places, or any of them combined, as may be set out in the said petition, to grant to the Company any right, privilege, concession, security, franchise, guarantee, money or thing, the proper authority above mentioned shall immediately submit to the persons entitled to vote thereon, a by-law to the effect prayed for in the said petition.

By-law.

Majority of votes to determine.

2. A majority of the votes cast upon such by-law shall determine whether the said by-law has been carried or lost.

Carrying out provisions of by-law.

3. The proper authority above mentioned shall, immediately after the passing of such by-law, carry out the necessary conditions and prepare the necessary bonds, debentures and securities or other rights or privileges so granted to the Company, and containing the proper provisions for payment of the same, and shall thereupon deliver the same to the Company; and upon the failure, neglect or refusal of such authority to perform or provide the same within sixty days after the passing of such by-law, the Company may apply to the Lieutenant Governor of the North-West Territories, who is hereby given all the powers conferred by this section on the proper authority above mentioned, and he is hereby authorized to, and shall thereupon, perform the duties and exercise the powers above mentioned in connection with such by-law, and shall charge to the province, territory, district, municipality or place mentioned in such by-law, the expense thereby incurred.

Registration of Company.

24. The Company may be registered in any place or country, and acquire any concessions, grants, rights, powers, authority, privileges, claims or contracts from any sovereign, ruler, state or government.

R.S.C., c. 118.

25. Subject to the provisions of this Act, *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the Company.

Power of Parliament as to future legislation.

26. 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 the hiring or leasing of rolling stock, 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 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.