

No. 50.

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

BILL.

An Act to incorporate the Ottawa,
Montreal and James Bay Railway
Company.

First reading, March 3rd, 1898.

(PRIVATE BILL.)

Mr. FRASER,
(Guysborough.)

OTTAWA

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1898

An Act to incorporate the Ottawa, Montreal and
James Bay Railway Company.

WHEREAS 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
5 and with the advice and consent of the Senate and House of
Commons of Canada, enacts as follows:—

1. George H. Perley, Alexander Lumsden and William B. Incorporation.
Ross, together with such persons as become shareholders in
the company hereby incorporated, are hereby constituted a
10 body corporate under the name of "The Ottawa, Montreal
and James Bay Railway Company," hereinafter called "the
Company." Corporate name.

2. The head office of the Company shall be in the city of Head office.
Montreal, but may be changed to any other place in Canada
15 or in Great Britain, as the directors from time to time deter-
mine by by-law.

3. The Company may lay out, construct and operate a rail- Line of
way of the gauge of four feet eight and one-half inches, [or of railway
such other gauge as may be adopted by the Company], from a described.
20 point at or near the town of Labelle, in the county of Ottawa,
or from the city of Montreal, in the province of Quebec, and
from some point on the Ottawa and Gatineau Railway, or
from the city of Hull, in the said county of Ottawa; thence
running almost northerly to a point near the source of the
25 Gatineau and St. Maurice rivers near the northern boundary
line of the said province; thence to a point near the source of
the Megiskun (or Bell) River, in the North-east Territory;
thence northerly and westerly to Lake Mattagami, in the said
territory; thence northerly near the Noddawai River, or by
30 the most feasible route, to some point on James Bay.

4. The Company may, for the purposes of its business,— Powers of
(a.) construct, acquire, and navigate vessels upon or across Company.
Hudson's Bay, the Megiskun River, Noddawai River and Vessels.
Lake Mattagami, and upon the other lakes and streams form-
35 ing part thereof or tributary thereto, or connecting therewith,
and upon other inland waters of the North-east Territory and
of the province of Quebec connecting with or adjacent to the
proposed line of railway, and carry on generally the business
of transportation in connection with the said railway and ves-
40 sels, and may from time to time sell and dispose of such ves-
sels;

- Docks, etc. (b.) construct, acquire, lease and sell wharfs, docks, elevators, warehouses and other works for facilitating transportation of passengers or freight upon or across the said railway and the said bay, rivers, lakes and streams;
- Electricity. (c.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with its railways, vessels and works, and may also sell or otherwise dispose of surplus electricity or other power generated by its works, and not required for operating its railway or other works; 5 10
- Lands, etc. (d.) subject to such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches. 15
- Telegraph and telephone lines. 5. The Company may construct, acquire and operate telegraph and telephone lines beyond the said railway to any point in the North-east Territory, and may undertake the transmission of messages for the public by all of such lines or any portion thereof. 20
- Power to enter upon highway. 6. 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:— 25
- Erect poles. 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:— 30
- Stretch wires. Break up 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; 35
- 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; 40
- 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; 40
- 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; 45
- Cutting poles or wires in case of fire. (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree; 50
- 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 55
- Supervision of municipality.

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 ;

Surface of streets to be restored.

(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 ;

Future legislation as to carrying wires under ground.

(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 ;

Workmen to wear badges.

(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 ;

Private rights.

(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 notice in writing from any person requiring it, remove such

Temporary removal of wires and poles.

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 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 ;

Notice to Company.

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

Liability for damage.

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

Provisional directors.

8. The capital stock of the Company shall be two hundred thousand pounds sterling, divided into shares of one pound each, 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.

9. The Company may issue any portion of its capital stock as preferred stock, on such terms and conditions 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 ; and such preference stock shall entitle the holder thereof, in priority to all other shareholders, to a non cumulative dividend of five per cent per annum out of the net earnings of the Company.

Preferred stock.

- Rights of holders. 2. The holders of such preference stock shall have and enjoy the rights, privileges and qualifications of holders of capital stock for voting at all meetings of the shareholders and for the purpose of becoming directors.
- Annual meeting. 10. The annual meeting of the shareholders shall be held on the last Thursday in October in each year. 5
- Election of directors. 11. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five and not more than eleven persons to be directors of the Company, one or more of whom may be paid directors. 10
- Undertaking divided into sections. 12. The Company may divide its undertaking into sections, as follows :—
 1. From the city of Montreal, or from the town of Labelle, or a point near thereto, northerly to the height of land near the sources of the St. Maurice and Gatineau Rivers. 15
 2. From the height of land near the source of the Megiskun River, northerly and westerly to the Kiask River on the Megiskun River.
 3. From the said Kiask River on the Megiskun River northerly to Island Portage on the Megiskun River. 20
 4. From Island Portage northerly to a point near Mount Laurier on Lake Mattagami.
 5. From Lake Mattagami northerly to a point on James Bay. 25
- Amount of bonds, etc., limited. 13. The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of its railway, branches and extensions, 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. 30
- Issue of bonds. 14. The Company may issue the bonds, debentures and other securities authorized to be issued by this Act, separately with respect to each of the said sections, or as to certain sections combined, or on all the lines 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 in respect to which they are issued, and upon the rents and revenues thereof and upon all the property of the Company belonging to such section. 35 40
- 1888, c. 29, s. 94.
- Power to receive aid. 15. The Company may, from time to time, receive from any government, person or municipal corporation, in aid of the construction, equipment and maintenance of the said railway and of any line of steam vessels running in connection therewith or otherwise, grants of land, bonuses, loans or gifts or money or securities for money, and may also purchase or lease from any government, person or corporation any lands, rights or privileges; and the lands, leases and privileges so to be acquired by the Company, and held by the Company, for sale or otherwise for the purposes thereof, may be conveyed to 45 50

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 purposes 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.

15 **16.** All lands sold and conveyed by the Company, or by the said trustees 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 sales of lands.

30 **17.** 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 lands.

35 **18.** The Company may enter into an agreement with the Ottawa and Gatineau Railway Company, the Canadian Pacific Railway Company, the Hull Electric Company, the Canada Atlantic Railway Company, the Montreal and Western Railway Company, the Montreal Island Belt Line Railway Company or the Chateauguay and Northern Railway Company, 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 an amalgamation with 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 meeting of the shareholders duly called for the purpose of considering the same, at which meeting 45 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.

Agreement with another company.
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 through which the railway runs and a newspaper is published. 5

Time for
construction
limited.

19. The construction of either section one or section two of the said railway shall be commenced within two years and completed within five years from the passing of this Act, and the construction of the sections of the railway other than the one 10 upon which construction is first commenced shall be commenced within four years, and completed within eight years, from the passing of this Act; otherwise, the powers granted for such construction shall cease and be null and void as respects so much of the railway as then remains uncompleted. 15

Power of
Parliament
as to future
legislation.

20. 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 20 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. 25