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No. 176.

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5th Session, 8th Parliament, 63 Victoria, 1900

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BILL.

An Act to incorporate the South Shore  
Line Railway Company.

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First reading, June 7, 1900.

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(PRIVATE BILL.)

MR. FLINT.

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OTTAWA  
Printed by S. C. DAWSON  
Printer to the Queen's most Excellent Majesty  
1900

An Act to incorporate the South Shore Line Railway Company.

**W**HEREAS 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. Benjamin F. Pearson, of the city of Halifax, in the Province of Nova Scotia, John Joseph Tucker, Hugh H. McLean, Matthew B. Edwards and Henry F. Puddington, of the city of St. John, in the Province of New Brunswick, Russell Sage, Levi P. Morton, Elverton R. Chapman and Ezekiel C. M. Rand, of the city of New York, in the State of New York, one of the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The South Shore Line Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Provisional directors.

3. The capital stock of the Company shall be one 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.

4. The head office of the Company shall be in the city of Saint John, in the Province of New Brunswick.

Head office.

5. The annual meeting of the shareholders shall be held on the first Tuesday in July in each year.

Annual meeting.

6. 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.

Election of directors.

7. The Company may acquire and operate all or any part of the railway of the Shore Line Railway Company and also the capital stock, bonds, rights, franchises, powers, privileges and property thereof, or any part thereof, in such manner and upon such terms and conditions as the directors deem expedient under the authority of the shareholders given at any special general meeting duly called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present or represented by proxy.

Power to acquire Shore Line Railway.

Exercise of powers of such company.

2. With reference to the said railway, or any part thereof so purchased, as well as all other rights, franchises, powers, privileges and property acquired in connection therewith, the Company may, in addition to all other rights, franchises, powers and privileges conferred upon the Company by *The Railway Act*, exercise all the rights, franchises, powers and privileges conferred upon the Shore Line Railway Company by any of its special Acts, 5

Extension of railway.

8. The Company may extend the line of railway of the Shore Line Railway Company from the present termini thereof, or by means of branch lines, to connect with the railways of other railway companies in the Province of New Brunswick, and may acquire and operate all or any part of such railways and also the capital stock, bonds, rights, franchises, powers, privileges and property thereof, or any part thereof, in such manner and upon such terms and conditions as the directors deem expedient under the authority of the shareholders given at any special general meeting duly called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present or represented by proxy. 10 15 20

Power to acquire other railways.

Exercise of powers of such companies.

2. With respect to the said railways, or any parts thereof, so purchased, as well as all other rights, franchises, powers, privileges and property acquired in connection therewith, the Company may, in addition to all other rights, franchises, powers and privileges conferred upon the Company by *The Railway Act*, exercise all the rights, franchises, powers and privileges conferred upon such other railway companies by any of their special Acts. 25

Power to connect with and acquire Washington County Railway.

9. The Company may connect the railway of the Shore Line Railway Company with the railway of the Washington County Railway Company, in the State of Maine, one of the United States, and may acquire and operate all or any part of the railway of the Washington County Railway Company, and also the capital stock, bonds, rights, franchises, powers, privileges and properties thereof, and may enter into an agreement for amalgamating or consolidating the said 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 it,—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. 30 35 40 45

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 of the Shore Line Railway Company runs, and in which a newspaper is published. 50

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and 55

notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

5 **10.** The Company may issue bonds, debentures, or other securities to the extent of fifteen 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 railway acquired, constructed or under contract to be con-  
10 structed. Bond issue.

**11.** For the purpose of connecting the railway of the Shore Line Railway Company with the railway of the Washington County Railway Company, the Company may construct and use a bridge for railway purposes across the St. Croix River at the town of St. Stephen, in the province of New Brunswick, and may lay tracks on the said bridge for the passage of locomotive engines and railway trains, with all the necessary approaches, tracks, machinery and appliances required to enable the Company to use the said bridge; and may purchase, acquire and hold such real estate, including land for sidings and other such like accommodation required for the convenient working of the traffic to, from and over the said bridge, as may be necessary therefor. Bridge over St. Croix River.

**12.** The Company shall not commence the actual erection of the said bridge until an Act of the Congress of the United States, or an Act of the Legislature of the State of Maine, has been passed authorizing or approving the bridging of the said river as aforesaid, nor until the Executive of the United States has consented to and approved such bridging, but the Company may, in the meantime, acquire the lands, submit its plans to the Governor in Council, and do all other things authorized by this Act, except the commencement of the actual construction of the bridge. Approval of United States authorities.

**13.** The Company may, after obtaining the sanction of the Governor in Council in the manner provided in section 239 of *The Railway Act*, unite with any other company incorporated under the laws of Canada, or of the Province of New Brunswick, or of the United States, or of the State of Maine, in building the bridges and its approaches, and in working, managing, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its approaches. Agreements respecting bridge.

**14.** In addition to the powers already possessed by the Company, it may, in respect of the said bridge and for the purpose of its construction, issue bonds, debentures or other securities to an amount not exceeding three hundred thousand dollars. Bridge bonds.

**15.** The Company may construct and operate telegraph and telephone lines along the whole length of its railway and branches, and may establish offices for the transmission of Telegraph and telephone lines.

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 ; and may connect its lines with the lines of any telegraph or telephone company. 5

Agreement with telegraph and telephone companies. 2. The Company may enter into arrangements with any 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. 10

Rates to be approved. 3. No rate 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. 15

R.S.C., c. 132 4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company. 15

Docks, elevators, etc. 16. At any point where the terminus of the railway or any branch thereof reaches any navigable water, or where the railway, or any branch thereof, crosses any navigable water, the Company may, for its necessary purposes, acquire and hold as its absolute property, piers, docks and water lots ; and upon the said water lots in and over the waters adjoining thereto may build and erect elevators, store-houses, engine-houses, sheds, docks, piers and other structures for its use and for the use of vessels, and may collect wharfage and store charges for the use thereof ; and may erect, build and maintain all moles, piers, wharfs and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading or unloading within them, and may dredge, deepen and enlarge such works ; and in its discretion may sell, lease or convey the said piers, docks, water lots, elevators, store-houses, warehouses, engine-houses, sheds and other erections. 20 25 30

Powers of Company. 17. The Company may, in connection with its railway and for the purposes of its business,— 35

Motive power. (a) acquire lands and erect, use and manage works and manufacture machinery and plant for the generation, transmission and distribution of electric power and energy and other motive power ; 40

Docks, warehouses, etc. (b) acquire land for wharves, docks, elevators, warehouses and coal-bunkers in connection with the operations of the Company and erect buildings thereon, and collect wharfage and storage charges for the use thereof ;

Mining. (c) along the line of its railway and contiguous thereto, locate, acquire, work and dispose of mines, mineral lands, minerals, mining rights, timber and timber lands and the products thereof, and develop such mines, and crush, smelt, reduce, amalgamate and dispose of the ores and products of any mine ; 45 50

Patent rights. (d) acquire exclusive rights in letters patent, franchises or patent rights for the purpose of the works and undertakings hereby authorized, and again dispose of such rights ;

(e) sell or lease any surplus power which it may develop or acquire, either as water power or other motive power, or by converting the same into electricity or other force for the distribution of light, heat or power or for all purposes for which electricity or other motive power can be used, with power to transmit the same ;

Surplus power.

(f) subject to such regulations as are imposed by the Governor in Council, acquire and dispose of lands and construct, acquire and dispose of buildings and other erections and plant for the purpose of supplying water for the use of its works, railways and branches.

Water supply for Company's works.

18. If the Company requires land for wharves, docks, warehouses, elevators or bunkers, 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.

Expropriation of lands.

1888, c. 29.

19. The Company may from time to time receive by grant from any government, municipality or person, as aid in the construction of the railway, bridge and works provided for in this Act, any real or personal property, sum of money, debentures or subsidies, either as gifts by way of bonus or guarantees, or in payment, or as subventions for services, and may dispose thereof, and may alienate such property as is not required for the business of the Company.

Aid to Company.

20. Nothing in this Act contained, or done in pursuance thereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against any railway company whose railway, rights and property are acquired by the Company, or against any company which may be amalgamated with the Company under the provisions of this Act, nor shall such company, by reason of this Act, be relieved from the payment of any debt or the performance of any obligation, contract or duty.

Rights and obligations of companies amalgamated not affected.

21. Nothing in this Act, or in any agreement under which the Company acquires the charter, privileges and franchises of any railway company, shall be held to relieve any such company from any of its duties or liabilities under the railway laws of Canada or under the laws of the Province of New Brunswick.

Liabilities under railway laws continued.