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No. 67.

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

BILL.

An Act to incorporate the London and
Lake Huron Railway Company.

First reading, March 11th, 1898.

(PRIVATE BILL.)

Mr. LISTER.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty
1898

An Act to incorporate the London and Lake Huron
Railway Company.

WHEREAS a petition has been presented praying for the 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 and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.

1. Thomas Henry Smallman, Charles Brewer Hunt, John Labatt and John D. Wilson, all of the city of London, in the province of Ontario, and Malcolm Graeme Cameron, of the town of Goderich in the county of Huron, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The London and Lake Huron Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Declaratory.

3. The head office of the Company shall be in the city of London, in the province of Ontario.

Head office.

4. The Company may lay out, construct and operate a steam or electric railway, or a railway operated partly by steam power and partly by electric power of the gauge of four feet eight and one half inches from the city of London, to a point in or near the village of Lucan, in the county of Middlesex, and from a point in or near the said village of Lucan, to a point in or near Centralia, in the township of Stephen, in the county of Huron, and thence to a point in or near Grand Bend, on Lake Huron.

Line of railway described.

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

Provisional directors.

6. The Company, at any point where the railway, or any branch thereof, touches or crosses any navigable water, may, for the purposes of its business, build and operate docks and elevators, and steam and other vessels, and may collect wharfage and storage charges for the use of its wharfs and buildings, and may, in connection with its railway, convey passengers and freight.

Power to build docks and vessels.

7. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting, motor and heating purposes, in connection with its railway.

Use of electricity.

Capital stock
and calls
thereon.

8. 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.

Annual
meeting.

9. The annual meeting of the shareholders shall be held on the first Monday in September in each year. 5

Election of
directors.

10. 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. 10

Amount of
bonds, etc.,
limited.

11. The Company may issue bonds, debentures or other securities to the extent of ten 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 constructed or under contract to be constructed. 15

Agreement
with G. T. R.

12. The Company may enter into an agreement with the Grand Trunk Railway Company of Canada 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 of by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—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. 20

Approval of
shareholders
and Governor
in Council.

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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 Company runs, and in which a newspaper is published. 35

Agreement to
be filed with
Secretary of
State.

13. A duplicate of the agreement, conveyance or lease referred to in section 12 of this Act, duly ratified and approved, shall be filed in the office of the Secretary of State at Ottawa, and 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. 40

Power to enter
upon highway.

14. 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 50

- 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:—
- 5 Erect poles.
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; Travel not to be obstructed.
- 10 (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.
- 15 (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.
- 20 (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.
- 25 (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; Surface of street to be restored.
- 30 (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; Future legislation as to carrying wires underground.
- 35 (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; Workmen to wear badges.
- 40 (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 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 Privaterights.
Temporary removal of wires and poles.
Notice to Company.
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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 ;

Liability for damage.

(k.) The Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works. 5

Future legislation as to electric railways.

15. The powers hereby conferred, which relate to an electric railway, shall be subject to any general Act hereafter passed by Parliament relating to electric railways.

Power of Parliament as to future legislation.

16. 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 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. 10 15