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No. 118.

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

BILL.

An Act to incorporate the Dawson
City Electric Lighting and Tramway
Company.

First reading, April 15th, 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 Lighting and Tramway Company.

WHEREAS the persons hereinafter named have, by their Preamble.
 petition, 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
 5 of the Senate and House of Commons of Canada, enacts as
 follows :—

1. John Morris Catton, of London, England ; Charles Thomas Incorporation.
 Dupont, of Victoria, British Columbia, and A. F. May, of
 Ottawa, Ontario, together with such persons as become share-
 10 holders in the company, are hereby incorporated under the name
 of "The Dawson City Electric Lighting and Tramway Com-
 pany," hereinafter called "the Company." Corporate name.

2. The head office of the Company shall be at Dawson City, Head office.
 in the North-West Territories, or at such other place as the
 15 directors from time to time determine by by-law.

3. The capital stock of the Company shall be fifty thousand Capital stock.
 pounds sterling, divided into shares of ten pounds each.

2. The directors may, after the whole capital stock has been Increase of capital.
 subscribed for and fifty per cent paid thereon in cash, increase
 20 the amount of the capital stock from time to time, to an
 amount not exceeding one hundred thousand pounds sterling,
 but the stock shall not be increased until the resolution of the
 directors authorizing such increase has first been submitted to
 25 and confirmed by two-thirds in value of the shareholders pre-
 sent or represented by proxy at a special general meeting of
 the shareholders duly called for that purpose.

4. No one call upon the subscribed capital stock shall ex- Calls on stock.
 ceed twenty-five per cent, nor be made at any interval of less
 than thirty days from the last preceding call.

5. The persons named in section 1 of this Act shall be the Provisional directors.
 first or provisional directors of the Company, a majority of
 whom shall form a quorum, and they may open stock books
 and procure subscriptions of stock, and shall deposit the pay-
 ments thereon in a chartered bank in Canada, and withdraw
 35 the same for the purposes of the Company only.

2. Any of the said provisional directors while absent from Proxies.
 Canada may vote and act as such director by proxy or power
 of attorney, and the holder of such proxy or power of attorney
 need not be a provisional director of the Company.

Annual
general
meeting.

6. The annual general meeting of the shareholders of the Company shall be held on the first Monday in October in each year, or on such other day in each year as the directors from time to time determine by by-law.

Election of
directors.

7. At the first general meeting of the shareholders, and at each annual meeting, the holders of the capital stock of the Company present or represented by proxy, who have paid all calls due on their shares shall choose not less than five and not more than nine persons to be directors of the Company, each of whom shall hold at least ten shares of the capital stock of the Company.

Quorum.

2. A majority of such directors shall be a quorum, and one or more may be paid directors.

Proxies.

3. Any director while absent from Canada may vote and act by proxy, but such proxy shall be held by a director only, and no director shall hold more than two proxies.

Renewal of
proxies.

4. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting.

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Powers of
Company.

8. The Company may—

Water
power.

(a.) take, divert and appropriate at such points on the Yukon River and its tributaries in the vicinity of Dawson City as it shall judge suitable and proper, so much water as shall be necessary for the purpose of generating electricity for the supply of light, heat and power within a radius of fifteen miles from Dawson City, and to furnish electricity for the operation of street railways and tramways within the said radius, with power to the Company to construct and maintain all erections, wires, wheels, dams, raceways, flumes or any other works necessary for the purposes aforesaid, with the right to improve and increase the same ;

Electricity.

Works.

(b.) erect, construct, operate, and maintain electric works, power-houses generating plant, and such other appliances and conveniences as are necessary and proper for the generating of electricity or electric power, and for transmitting the same to any part of the said area, to be used by the Company as a motive power for the operation of motors, machinery, or electric lighting, or to be supplied by the Company to consumers for heating, or as a motive power for propelling tramways or for any other operations of any nature or kind whatsoever without restriction to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which electricity or electric power may be applied or required ; and may sink, lay, place, fit, maintain, and repair such electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connections, branches, electric motors, dynamos, engines, machines, cuts, drains, water-courses, pipes, buildings, and other devices, and erect and place any electric line, cable, main, wire or other electric apparatus above or below ground, along, over or across any street in the said area, and erect poles for the purpose of placing the same in such manner as the Company shall think fit, necessary or proper for the purpose of carrying out the operations of the Company in respect of and incidental to the making, generating or supplying of electricity ;

(c.) construct, erect, and maintain lines of telephone along Telephones. the sides of, across or under any highways, streets, public bridges, or any such places within a radius of fifteen miles from Dawson City as the Company from time to time may determine, and construct, erect and maintain so many poles, and other works and devices as the Company deems necessary for making, completing, supporting, using, working and maintaining the system of communication by telephone, with power to stretch wires thereon; and from time to time fix by its by-laws a tariff of charges in connection with and for the use of its wires and telephones, and the transmission of messages, with full power to collect, sue for and recover the charges to which it becomes entitled;

(d.) construct, equip, operate, and maintain within the Tramways. aforesaid district and limits, a single or double line of tramways for the carriage of passengers and freight, with the necessary side tracks and turnouts, for the passage of cars, carriages, and other vehicles adapted thereto, together with all necessary stations, offices, houses and buildings of every description, and may levy and collect tolls from all persons and freight using, passing over or travelling upon such tramways;

(e.) contract with any person or municipality for supplying Supply power, etc. electricity and electric light, heat or power to any such person or municipality, or to any streets, passages, tramways, factories, shops, warehouses, public or private houses, buildings and places, and for such purposes may from time to time lay down, carry, fit up, connect and furnish any electric accumulator, storage battery, line, cable, wire, pipe, switch, connection, branch, burner, lamp, meter or other apparatus for or in connection with any electric main, lead or cable which for such purposes may be required, and let any such apparatus for hire for such sum as may be agreed upon;

(f.) appoint a person or persons with power at all reasonable times to enter any premises to which electricity is or has been supplied by the Company, in order to inspect the electric lines, accumulators, fittings, works and apparatus for the supply or application of electricity belonging to the Company, and therein, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of electricity is no longer required, or where the Company is authorized to take away or cut off the supply of electricity from any premises for the purposes of removing any electric lines, accumulators, transformers, motors, distribution boards, meters, fittings, lamps, works, or apparatus belonging to the Company

9. If any person neglect to pay any charge for electricity, or any other sum due from him to the Company, either in respect of the supply of electricity to such person, or in respect of the rent reserved by the Company for the use of electric lines, meters, accumulators, transformers, motors, distribution boards, lamps, telephones, fittings, works, or apparatus lent or supplied for hire to such person, the Company may cut or disconnect any electric line or other work through which electricity may be supplied, and remove such articles and works above mentioned as were lent for hire to such person. Removal of apparatus for non-payment of charges.

Apparatus not subject to distress or execution.

10. Where any electric lines, accumulators, transformers, motors, generators, distribution boards, lamps, telephones, fittings, works or apparatus belonging to the Company, are placed in or upon any premises, not being in possession of the Company, for the purpose of supplying or utilizing electricity, such electric lines, accumulators, transformers, motors, generators, distribution boards, lamps, telephones, fittings, works or apparatus shall not be subject to distress for rent for the premises where the same may be, nor be taken in execution under any process against the person in whose possession the same may be. 5

Power to enter on highway.

11. 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 break up and open any highway or public place, subject, however, to the following provisions:— 15

Erect poles, Stretch wires,

Break up highway.

Travel not to be obstructed.

Height of wires.

Kind of poles.

Carrying poles or wires in case of fire.

Injury to trees.

Supervision of municipality.

Surface of street to be restored.

Future legislation as to carrying wires under ground.

(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; 25

(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; 30

(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;

(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; 35

(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree; 40

(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; 45

(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; 55

(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 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 ;

Temporary removal of wires and poles.

Notice to Company.

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

Liability for damage.

12. The directors may, whenever authorized by a by-law for that purpose approved by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per cent of the paid up capital stock of the Company, as the shareholders deem necessary, and may issue bonds or debentures therefor in sums of not less than one hundred pounds each, at such rate of interest and payable at such time and places, and secured in such manner by mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be prescribed in such by-law or decided upon by the directors under the authority thereof ; and the Company may make such provision respecting the redemption of such securities as may be deemed proper.

Borrowing powers.

Debentures.

13. The directors may, from time to time, with the consent of a majority of the shareholders, present or represented by proxy at a meeting called for such purpose, issue debenture stock, which shall be treated and considered as part of the regular debenture debt authorized by section 12 of this Act, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but so that the amount received as money deposits and borrowed on the security of debentures, mortgages, bonds or other instruments, or debenture stock, shall not in the whole exceed the aggregate amount fixed by section 12 as the authorized limit of the borrowing powers of the Company.

Debenture stock.

Debenture stock to rank with debentures.

14. The debenture stock to be issued under section 13 hereof shall rank equally with the debentures issued, or to be issued, by the Company under section 12, and the holders thereof shall not be liable or answerable for any debts or liabilities of the Company.

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Entry in register.

15. The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept for that purpose at its head office, wherein it shall cause to be entered the names and addresses of the several persons and co-partners from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company, without the payment of any fee or charge.

Transfers.

16. All transfers of the debenture stock of the Company shall be registered at the head office of the Company, but the Company may have transfer books of such debenture stock in Great Britain and Ireland, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office.

Certificates.

17. The Company shall deliver to every holder of debenture stock a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the Company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Rights of debenture stockholders.

18. Debenture stock shall not entitle the holders thereof to be present or vote at any meeting of the Company, or confer any qualification, but shall, in all respects not otherwise by or under this or any other Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking except the right to require repayment of the principal money paid up in respect of the debenture stock.

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Purchase of debenture stock by Company.

19. The Company may, from time to time, purchase in the open market and redeem any portion of the debenture stock representing moneys, which the directors, by a resolution duly made, determine not to be required for the business of the Company; but such purchase, paying off or redemption shall not in any way extend, limit or prejudice the exercise of the borrowing powers of the Company under this Act.

Exchange of bonds, etc., for debenture stock.

20. The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient.

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Currency in which to be issued.

21. The mortgage bonds, debentures and debenture stock of the Company may be issued either in Canadian currency or in sterling, or in both, at the option of the Company.

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22. The directors may make and issue as paid up stock, ^{Issue of paid-up stock.} shares of the capital stock of the Company, in payment of and for any business, franchise, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, 5 assets and other property of any person, company or municipal corporation which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company or corporation, or to its shareholders; and 10 may also issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock, or materials of any kind, [or services rendered to the Company,] and any such 15 issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property [or services rendered to the Company] wholly or partly in paid up shares, or wholly or partly in debentures, as to the directors may seem proper.

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