



CHAPTER 47.

An Act to Incorporate the Grand Forks and Kettle River Railway Company.

[31st August, 1900.]

WHEREAS a petition has been presented, praying for an Act to Preamble.
incorporate a company with power to construct, equip, maintain, and operate a standard gauge railway for the purpose of conveying passengers, freight, merchandise, and goods, commencing at a point on the Canadian side of the International boundary, at or near the City of Grand Forks, in the Osoyoos Division of Yale District, in this Province; thence to a point on the Canadian side of the International boundary line at or near Carson, in the Osoyoos Division of Yale District aforesaid; with power to construct, equip, maintain, and operate branch railways and tramways in connection therewith, and all necessary roads, bridges, ways, ferries, and other works; and with power to build, own, equip, operate, and maintain telegraph and telephone lines in connection with the said railway or tramway or branches of either; with power to construct, equip, operate, and maintain branch lines in connection with the said telegraph and telephone lines, and to build and operate all kinds of plant for the purpose of supplying light, heat, electricity, and any kind of motive power; and with power to expropriate lands for the railway purposes of the Company only, and to acquire lands, bonuses, privileges, or any other aids from any Governments, persons, or body corporate; and to make traffic or other arrangements with railways, steamboats, or other companies or persons:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The Honourable James Robert Stratton, Provincial Secretary of Incorporation.
Ontario; Thomas Patrick Coffee, Manager of the Trusts and Guarantee

Company of Toronto; and Frederick Montford Holland, Manager of the Dominion Permanent Loan Company, all of the City of Toronto, in the Province of Ontario; George Henry Cowan, of the City of Vancouver, in the Province of British Columbia, Barrister-at-law, and Tracy William Holland, of the City of Grand Forks, Real Estate Agent, together with such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of the "Grand Forks and Kettle River Railway Company," hereinafter called "the company."

General powers, construction, route, etc.

2. The company may survey, lay out, construct, equip, maintain, and operate, by steam, electricity, or any other kind or kinds of motive power, a line of railway, of standard gauge, from a point on the Canadian side of the International boundary at or near the City of Grand Forks, in the Osoyoos Division of Yale District, in this Province; thence to a point on the Canadian side of the International boundary at or near Carson City, in the Osoyoos Division of Yale District, in this Province, with power to construct, equip, maintain, and operate branch railways and tramways in connection therewith, and all necessary roads, bridges, ways, ferries, and other works:

Notice.

(a.) Before the said company shall exercise any of the powers aforesaid in respect of any proposed tramway, it shall give notice, as provided by section 4 of the "Tramway Company Incorporation Act," stating the points between which it is proposed to build such tramway, and the general route of the same:

Notice of objection.

(b.) Any person who would be entitled, under section 5 of the "Tramway Company Incorporation Act," to object to the incorporation of a company under said Act for the building of such tramway, may give the same notice of objection as would be required in the case of such company, and none of the powers aforesaid shall, in respect of the tramway so objected to, be exercised by the company until such objections have been heard and disposed of, as provided in the case of a company applying for incorporation under said Act for the purpose of building such tramway, and then only to the extent authorised and under the conditions imposed by the Lieutenant-Governor in Council:

(c.) The company shall have the same powers and be subject to the same obligations in respect to any such tramway as a company specially incorporated under the "Tramway Company Incorporation Act," for the building of such tramway.

Telephone and telegraph lines.

3. The Company may construct, maintain, protect, and work telegraph and telephone lines through and along the whole or any portion or portions of the line or lines of railway authorised by this Act to be

built, or any of the branches thereof, and may also acquire, by purchase, lease, or otherwise, any line or lines of telegraph connecting with the lines so to be constructed along the line or part of the line of the said railway; and may undertake to transmit any messages for the public, upon such terms and conditions as it may deem advisable, by any of such line or lines of telegraph or telephone, or any portion thereof, and may make such charges for the transmission of such messages as shall be from time to time fixed by the directors, and they may use any improvements that may hereafter be invented (subject to the rights of the patentee) for telegraphing or telephoning, or any other means of communication that may be deemed expedient by the company at any time hereafter: Provided that no Act of this Legislature requiring the company to carry telegraph, telephone, or electric wires underground, and abrogating the right given by this Act to continue carrying lines on poles, shall be deemed an infringement of the privileges granted by this Act.

4. The company may enter into an agreement with any railway, navigation or canal company for conveying or leasing to any 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 surveys, plans, works, plant, material or for an amalgamation with any such railway, canal or navigation company, on such terms or conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned 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 in person or represented by proxy, and provided also that each such agreement be assented to by the Lieutenant-Governor in Council.

Power to transfer franchise.

Amalgamation with other companies.

5. The company may enter into any agreement with any railway, navigation, canal or power company, for purchasing or leasing or otherwise acquiring the whole or any part of the property and assets of any such company; and provided also, that each such agreement be assented to by the Lieutenant-Governor in Council.

May acquire property of other companies.

6. The clauses or sections of the "British Columbia Railway Act" and all future amendments thereto, shall apply to this company in the same manner and to the extent as if the same had been set forth clause by clause in this Act.

"B. C. Railway Act" to apply.

7. The said James Robert Stratton, Thomas Patrick Coffee, Frederick Montford Holland, George Henry Cowan and Tracy William Holland are hereby constituted a Board of Provisional Directors of the company, of whom two (2) shall form a quorum, and they shall hold

Provisional Directors.

Quorum.

Powers and duties. office as such until other directors are elected under the provisions of this Act by the shareholders, and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinbefore provided, and with all such other powers as under the "British Columbia Railway Act" are vested in ordinary directors, and such provisional directors may appoint a committee of one or more from their number to exercise all or any of the powers of such board.

Capital stock. **8.** The capital stock of the company hereby incorporated shall be two hundred thousand (200,000) dollars, with power to increase the same in the manner provided by the "British Columbia Railway Act", to be divided into two thousand (2,000) shares of one hundred (100) dollars each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining the said railway and for the other purposes of this Act.

First meeting for election of Directors. **9.** So soon as fifty thousand (50,000) dollars of the capital stock shall have been subscribed, and ten (10) per cent. of the amount subscribed shall have been paid into some chartered bank of Canada, the Provisional Directors shall call a meeting of the shareholders of the company at the place where the head office is situate, giving notice as prescribed by section 11 of this Act, at which meeting the shareholders who have paid ten per cent. on the amount of stock subscribed by them may, from the shareholders, elect not less than three (3) and not more than fifteen (15) directors who shall hold office until others are elected.

Notice of meeting. **10.** At least thirty days' public notice of the first meeting of the shareholders of the company shall be given by advertisement published in the British Columbia Gazette, and at least for thirty days in one newspaper published in the place where the head office is situate, and by a thirty days' notice in writing to each shareholder, delivered to him personally or properly posted to him by prepaid letter directed to his last known place of abode, in which notice shall be specified the place and the day and the hour of meeting. All such notices shall be published at least weekly, and a copy of such Gazette and newspaper containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

11. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company upon such notice as is provided by the last preceding section. Special general meeting.

12. The annual general meeting of the shareholders of the company shall be held in such place in the City of Vancouver or at such other place on such days and at such hours as may be directed by the by-laws of the company, upon such notice as is provided by section 11 hereof. Annual general meeting.

13. The head office of the company shall be at the City of Vancouver, in the Province of British Columbia, or at such other place within the said Province as the company may from time to time by by-law appoint. Head office.

14. The number of directors to be hereafter elected by the shareholders shall be such number, not less than three (3) nor more than fifteen (15), as shall be fixed by the by-laws of the company, who shall each hold at least five (5) shares in the capital of the company, and of whom two (2) shall form a quorum for the transaction of business. Number of Directors, qualification of.

15. The Board of Directors may appoint from out of their number an executive committee, composed of one or more directors for the transaction of the ordinary business of the company, with such powers and duties as shall be fixed by the by-laws. Executive committee.

16. No call upon unpaid shares shall be made at one time for more than ten per cent. upon the amount thereof, and at least thirty (30) days shall intervene between each call. Call.

17. No failure to elect directors or to hold the first or any annual meeting shall operate as a dissolution of the company, but anything omitted to be done may be afterwards performed at a meeting called in conformity with the by-laws, or at a meeting called specially for the purpose, in the same manner and with the same notice as in the case of the annual general meeting. Failure to elect Directors.

18. The company shall, within six months after the coming into force of this Act, deposit with the Minister of Finance the sum of five thousand dollars, either in cash or securities approved by said Minister, as security that the company will expend not less than ten thousand dollars in surveys or construction of the railway hereby authorised to be built within twelve months after the coming into force of this Act, and in default of such expenditure the aforesaid deposit of money or securities shall be forfeited to and become the property of the Government, and should such security not be deposited as aforesaid, all the rights and privileges conferred by this Act shall be null and void. Deposit as security for expenditure.
Deposit forfeited.

Commencement and completion. **19.** The said railway shall be commenced on or before the 1st day of September, 1901, and shall be completed on or before the first day of September, 1902.

Rights, powers and privileges of "Power Company" within Part IV. of "Water Clauses Consolidation Act, 1897." **20.** The company shall be deemed to be a "Power Company" within Part IV. of the "Water Clauses Consolidation Act, 1897," incorporated for the purposes mentioned in sections 79, 80, 82 and 83 in said Act, and shall have all the rights, powers and privileges granted to such "Power Company" thereunder, and be subject to the restrictions placed on same (where not inconsistent with this Act), but only when and so long as the company shall exercise such powers, rights and privileges thereunder.

Short title. **21.** This Act may be cited as the "Grand Forks and Kettle River Railway Company Act, 1900."

VICTORIA, B. C. :

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