



## CHAPTER 65.

An Act to incorporate the Westminster Street Railway  
Company.

[26th April, 1890.]

**W**HEREAS Benjamin Douglas, Henry V. Edmonds, and Samuel T. Mackintosh have, by their petition, prayed for an Act of

Preamble.

Incorporation for the purpose of constructing and operating street railways in the city of New Westminster and the districts adjacent thereto, and for obtaining power to carry into effect the objects of the proposed Company :

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 said Benjamin Douglas, Henry V. Edmonds, and Samuel T. Mackintosh, and such other persons and such corporation or corporations as shall hereafter become shareholders in the said Company, are hereby constituted a body corporate and politic under the name of "The Westminster Street Railway Company," hereinafter called the Company.

Incorporation.

2. The capital of the said Company shall be two hundred and fifty thousand dollars (\$250,000), divided into twenty-five hundred shares of one hundred dollars each, but the capital may be increased by the shareholders as hereinafter provided.

Capital.

3. No shareholder in the said Company shall be in any manner liable or charged with the payment of any debt or demand due by the said Company beyond the amount of his, her, its, or their subscribed share or shares in the capital stock of the said Company.

Limit of share-holders' liability.

Provisional  
directors.

4. The said Benjamin Douglas, Henry V. Edmonds, and Samuel T. Mackintosh shall be the Provisional Directors of the said Company, to obtain subscriptions for stock and organize the said Company, and shall hold office until the election of Directors as hereinafter provided for.

Meeting for election  
of directors.

5. So soon as twenty-five thousand dollars of the capital stock has been subscribed, the shareholders shall proceed to the election of a Board of Directors for the said Company, and the Provisional Directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof to the shareholders.

Qualification of  
directors, and their  
election.

6. The Board of Directors shall consist of five Directors, who shall be elected at the meeting to be called as provided for in the preceding section, each of whom shall be a shareholder of not less than five shares; such election, and every question to be decided at such election, shall be decided by a plurality of the votes of the stockholders present in person, or represented by written proxy, each share to have one vote. The Directors so chosen shall immediately elect one of their own number to be President, which President and Directors shall continue in office for one year, and until such others shall be chosen to fill their places; and if any vacancy shall at any time happen by death, resignation, or otherwise during the said year in the office of President or Directors, the remaining Directors shall elect some qualified person to fill such vacancy for the remainder of the year; and the election of Directors shall take place annually either on the anniversary of the day of the first election of Directors, or such other day as may be fixed by by-law as hereinafter provided.

Vacancies, how  
filled.

Failure to elect  
directors.

7. If the election of Directors be not made on the day appointed by this Act, the Company shall not for that reason be dissolved, but the shareholders may hold the election on any other day in the manner provided for by any by-law passed for that purpose, and all acts of Directors, until their successors are elected, shall be valid and binding upon the Company.

By-laws for manage-  
ment of company.

8 The Directors shall have full power to make all by-laws for the management of the Company, the acquirement, management, and disposition of its stocks, property, and effects, and of its affairs and business, the entering into agreements and contracts, the declaration and payment of dividends out of the profits of the said Company, the form and issuing of share certificates and the transfer of shares, the calling of special and general meetings of the Company, the appointment, removal, and remuneration of all officers, agents, clerks, workmen, and servants of the Company, the fares to be received from persons transported over the said railway, or any part thereof, and

the remuneration for the transfer and delivery of all or any goods, chattels, or effects, transferred and delivered through the agency of the said Company, and in general to do all things that may be necessary to carry out the objects and exercise any powers incident to the Company.

9. The Directors may from time to time increase the capital stock of the said Company for such amount or amounts as occasion may require, and also raise or borrow for the purpose of the Company any sum or sums of money not exceeding in the whole fifty per cent. of the subscribed capital stock, by the issue of bonds or debentures, in sums of not less than five hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, and incomes of the Company, or any part thereof (as may be expressed upon the face of any bond or debenture), for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided always, that the consent of the holders of a majority in value of the stock of the Company present, or represented by written proxy, at a special meeting to be called and held for either or both of the purposes aforesaid shall be first had and obtained.

Increase of capital and borrowing of money.

Consent of shareholders necessary.

10. The Company are hereby authorized and empowered to construct, complete, maintain, and operate a single or double track street railway, with all necessary switches, side-tracks, and turnouts for the passage of cars, carriages, and other vehicles adapted to the same upon and along the streets of the City of New Westminster, and along such road or roads adjacent to the said city, as the Chief Commissioner of Lands and Works for the time being of the said Province shall specify, who shall fix the location of the railway over the said roads in the said districts and direct the repairing and grading of such roads, and to take, transport, and carry passengers and freight upon the said railway by the force of power of animals, or by electricity, or by such other motive power as the said Company may from time to time deem expedient, and to supply electricity for lighting, and to maintain and construct all necessary works, building, appliances, and conveniences connected therewith.

Power to construct railway, &c.

Chief Commissioner to supervise.

11. That the cars and carriages of the said Company, while running on the said railways, or any of them, shall have the right to use the said railways as against all other vehicles whatever; and all other such vehicles using the said railways, whether meeting or proceeding in the same direction of the said cars or carriages, shall turn out of the said track of the said railways and permit the said cars and carriages to pass, and shall in no case and under no pretence whatever obstruct or hinder the passage thereof and the free use of the said railways by the said cars and carriages of the said Company.

Right of company's cars to use of railways against other vehicles.

Stock to be deemed  
personal estate.

**12.** The stock of the said Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by by-law direct.

Power to acquire,  
&c., property.

**13.** The Company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the Company.

Fares.

**14.** The fare shall be due and payable by every passenger on entering the car, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car when requested to do so by the conductor or driver, shall be liable to a fine of not more than twenty dollars, recoverable with costs before any two Justices of the Peace, Police Magistrate, or Stipendiary Magistrate in the said Province, in like manner as fines are recoverable before Justices of the Peace under any Act for the time being in force in this Province.

Penalty for refusing  
to pay fare, &c.

Agreement between  
City Council and  
Company.

**15.** The Council of the said city and said Company are hereby respectively authorized, subject to the provisions of this Act, to make and to enter into any agreement or covenant relating to the construction of the said railway for the paving, macadamizing, repairing, and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway, and the particular streets along which the same shall be laid, the pattern of rails, the time and speed of running the cars, the amount of fares to be paid by passengers, the time in which the works are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic.

City may pass by-  
laws for certain pur-  
poses.

**16.** The said city is hereby authorized to pass any by-law or by-laws, and to amend, repeal, and enact the same for the purpose of carrying into effect any such agreement and covenants containing all necessary clauses, provisions, rules, and regulations for the conduct of all parties concerned, and for the enjoining obedience thereto, and also for the facilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

Right of company to  
enter into agreement  
with other persons  
having power to con-  
struct street rail-  
ways, &c.

**17.** It shall be lawful for the said Company to enter into and carry out to completion any agreement with any person or persons or body corporate now having, or hereafter acquiring, the power or right to construct or work street railways in the said City of New Westminster, or now having, or hereafter acquiring, such power in said adjacent

districts, for leasing, hiring, or purchasing the plant and rolling stock belonging to any such person or persons or body corporate, or for making running arrangements, or amalgamating with any such person or persons or body corporate, such agreement to be approved by a plurality of the shareholders voting in person, or by written proxy, at a special meeting to be held for that purpose in accordance with the by-laws of the Company, and every such agreement when so approved shall be valid and binding according to the terms and tenor thereof, and any Company or individual accepting and executing any such lease or agreement is hereby empowered to exercise all the rights and privileges in respect of such agreement in this charter conferred.

Agreement to be approved by shareholders.

**18.** Nothing in this Act contained shall authorize the said Company to construct a street railway extending beyond a point five miles from the present municipal limits of the City of New Westminster.

Limits of street railway.

**19.** This Act may be cited as the "Westminster Street Railway Act, 1890."

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VICTORIA, B. C. :

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