



## CHAPTER 62.

## An Act to Incorporate the Columbia and Kootenay Railway and Navigation Company.

[26th March, 1890.]

**W**HEREAS a Petition has been presented praying for the incorporation of a company for the purpose of constructing a line of railway from the outlet of Kootenay Lake, through or by the Selkirk Range, to some point on the Columbia River, at or near the junction of the Kootenay and Columbia Rivers, and also for the purpose of building, equipping, and maintaining a line of steamers on the Kootenay Lake and Columbia River: Preamble.

And whereas it is expedient to grant the prayer of such 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. Harry Abbott, John M. Browning, and William F. Salsbury, all of the City of Vancouver, in the Province of British Columbia, and such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body politic and corporate by the name of "The Columbia and Kootenay Railway and Navigation Company," hereinafter called the Company. Incorporation.

2. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, which shall be applied, first, to the payment of all costs and expenses incurred in the passing of this Act, and the remainder for the purpose of the Company's undertaking. Capital stock.

3. So soon as twenty-five per cent. of the capital has been subscribed, and ten per cent. of the amount subscribed has been paid in to some chartered bank in Canada, the Provisional Directors shall call a First meeting for election of directors

meeting of the shareholders of the Company at the place where the head office is situated, at such time as they think proper, giving the notice prescribed by section four of this Act, at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect five Directors, who shall hold office and until others are elected.

Publication of notice of meeting.

4. At least two weeks' public notice of any meeting shall be given by advertisement published in the British Columbia Gazette, and in at least one newspaper published in the place where the head office is situate, in which notice shall be specified the place, and the day, and the hour of the meeting; all such notices shall be published weekly, and a copy of such Gazette containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Provisional directors.

5. The persons named in the first section of this Act shall be and are hereby constituted Provisional Directors of the Company, of whom three shall form a quorum for the transaction of business, and they shall hold office until the first election of Directors under this Act, and shall have power to open stock books and procure subscriptions of stock for the undertaking.

Head office.

6. The head office of the Company shall be in the City of Vancouver, or at such other place in the Province as the Company may from time to time appoint.

Time for holding annual meetings.

7. The subsequent annual general meetings of shareholders shall be held at such times as may be determined by the by-laws of the Company.

By-laws for management of affairs.

8. It shall be lawful for the Company, from time to time, to make such by-laws as they think fit for the purpose of regulating the conduct of the officers and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever, and from time to time to alter or repeal any such by-laws and make others, provided such by-laws be not repugnant to the laws of this Province and to the provisions of this Act.

Power to hold and sell lands, &c.

9. The Company may purchase, hold, receive or take land or other property, and also alienate, sell, or dispose of same.

To borrow money.

10. The Company shall be entitled to borrow money on mortgage and bond, or either.

By-laws fixing tolls and fares.

11. Reasonable and uniform tolls and fares shall be from time to time fixed and regulated by the by-laws of the Company, or by the Directors, if thereunto authorized by the by-laws, or by the share-

holders at any general meeting, and may be determined and received for all passengers and goods transported upon the railway and steamboats, and shall be paid to such person, and at such places, in such manner, and under such regulations as the by-laws direct.

**12.** The Company may acquire, build, equip, and maintain a line of steamers and other vessels for the purpose of carrying freight and passengers to and fro from that point on Kootenay River where the southern boundary line of British Columbia intersects the said river; thence down the said river to Kootenay Lake, and through and throughout the said lake and its navigable tributaries and outlets.

Power to maintain line of steamers on Kootenay River.

**13.** The Company may construct and operate telegraph and telephone lines along and in connection with the railway and its branches and routes travelled by steamboats, and may construct wharves, docks, elevators, warehouses, station houses, offices, and such other buildings as may be found requisite in carrying on the business of the Company.

Telegraph and telephone lines.

Wharves, &c.

**14.** The Company may lay out, construct, acquire, build, equip, maintain, and work a continuous line of railway over the lands of the Crown from the outlet of Kootenay Lake through the Selkirk range of mountains to a point on the Columbia River, as near as practicable, to the junction of the Kootenay with the Columbia River in British Columbia; and such railway may be built either upon the broad or narrow gauge, and may be known as "The Columbia and Kootenay Railway."

Power to construct, &c., line of railway.

**15.** The Company may acquire, build, equip, maintain, run, and navigate a line of steamers, suitable for passenger and freight traffic, and other vessels, upon the Columbia River to and fro from the point on the Columbia River where the Columbia and Kootenay Railway terminates to Revelstoke.

To maintain line of steamers on Columbia River.

**16.** The term "broad gauge" in this Act shall be construed to mean the gauge of the Canadian Pacific Railway; and the term "narrow gauge" shall be construed to mean not less than a three feet gauge.

"Broad gauge" and "narrow gauge."

**17.** The Company shall be entitled to take stone, earth, gravel, and timber from the Crown lands adjoining the line of railway, for the purpose of constructing, completing, and maintaining the same.

Right to take stone, &c., from Crown lands.

**18.** All surveys required shall be at the expense of the Company, and such surveys shall be conducted in accordance with the land laws of the Province.

Surveys at expense of company.

**19.** All existing rights in any of the lands hereinbefore referred to, of all persons and corporations, shall not be affected by this Act.

Existing rights not to be affected.

No authority for company to establish certain line of steamers.

**20.** Nothing in this Act contained shall authorize the Company to establish a line of steamships between the Province of British Columbia and any British or foreign country.

Time for commencement and completion of work.

**21.** The Company shall begin substantial work upon the line of railway within three months from the passage of this Act, and shall proceed vigorously and continuously with the work of construction, and the said railway shall be fully completed and equipped on or before the 31st day of December, 1890: Provided the Lieutenant-Governor in Council is hereby empowered to extend the time not exceeding one year for the completion and equipment of the railway on being satisfied of the inability of the Company to complete and equip the railway within the stipulated time, and that such inability has been occasioned by causes beyond their control. And in default of such completion and equipment before the said 31st day of December, 1890, or within such further time as by the Lieutenant-Governor in Council shall be allowed for the purpose, this Act shall be null and void.

Time may be extended.

Default in completion.

Short title.

**22.** This Act may be cited as the "Columbia and Kootenay Railway and Navigation Company Act, 1890."

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VICTORIA, B. C.

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