



CHAPTER 59.

An Act to Incorporate the Osoyoos and Okanagan
Railway Company.

[12th April, 1893.]

WHEREAS a petition has been presented, praying for the incorporation of a Company for the purpose of constructing, equipping, maintaining and operating a railway from some point at the foot of Okanagan Lake, in the Province of British Columbia, thence running in a southerly and southerly-easterly direction to some point on the Kettle River at or near the place where the said river crosses the International Boundary for the third time on its course towards the Columbia River, with power also to construct, equip and operate a branch line viâ the Okanagan River to Osoyoos Lake, from a point on the main line at the foot of Dog Lake, and with power to build other branch lines of railway, telegraph and telephone lines, and to equip and operate the same in connection with the said line of railway, together with the usual power to acquire privileges, bonuses or other aids from the Dominion or Provincial Governments, and to make traffic or other arrangements with railway, steamboat or other companies, and with the further power to build, equip and operate a tramway between Okanagan Lake and Dog Lake, and also with power to construct a canal between the said lakes, and to reclaim certain lands on Okanagan Lake by lowering the water thereof: Preamble.

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. Andrew Holman, of the City of Vancouver, real estate agent; Edward Ernest Wootton, of the City of Victoria, barrister-at-law; and Peter Curran Dunlevy, of the City of Victoria, gentleman, 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 Osoyoos and Okanagan Railway Company," hereinafter called "the Company."

Power to construct
railway and branch
lines.

2. The Company may construct, equip, maintain and operate a double or single line of railway, of the gauge of four feet eight and one-half inches, from some point at the foot of Okanagan Lake, in the Province of British Columbia, thence running in a southerly and southerly-easterly direction to some point on the Kettle River at or near the place where the said river crosses the International Boundary for the third time on its course towards the Columbia River; with power also to construct, equip and operate a branch line viâ the Okanagan River to some point on Osoyoos Lake, from some point on the main line at or near the foot of Dog Lake, and with power to build other branch lines of railway, not exceeding thirty miles in length, from the main line, and telegraph and telephone lines, and may equip and operate the same in connection with the said line of railway and its branches; together with the usual powers to acquire lands, privileges, bonuses or other aids from the Dominion or Provincial Governments, and to make traffic or other arrangements with railway, steamboat, or other companies; and with the further power to build, equip and operate a tramway between Okanagan Lake and Dog Lake, and also with power to connect Okanagan Lake and Dog Lake by the construction and maintenance of canals, and erect and maintain dams for the purpose of such canals.

Provisional Direc-
tors.

3. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom a majority shall form a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open the stock-book and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscriptions, and to cause plans and surveys to be made, and to acquire any plan and survey now existing, and to deposit in any chartered bank in Canada, having an office in the Province of British Columbia, all moneys received by them on account of stock subscriptions, and to withdraw the same for the purposes of the undertaking, and to receive for the Company any grant, loan, bonus, guarantee or other assistance to the railway, and with all such other powers as, under the "British Columbia Railway Act," are vested in ordinary Directors.

Capital stock.

4. The capital stock of the Company shall be two million five hundred thousand dollars, with power to increase the same in the manner provided in the "British Columbia Railway Act," to be

divided into shares of one hundred dollars each; 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 the organization of the said Company, and for making the surveys, plans and estimates connected with the work hereby authorized for the procuring of any plans and estimates heretofore made, and all the remainder of said moneys shall be applied to the making, equipping, completing, maintaining and operating of the said railway, and to the other purposes of this Act.

5. The Provisional or Elected Directors of the Company may, in their discretion, exclude anyone from subscribing for stock in the said Company, or rescind the subscription and return the deposit of any person, if they are of the opinion that such person would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time, more than the whole stock shall have been subscribed, the said Board of Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the Directors may, in their discretion, exclude any one or more of the subscribers, if, in their judgment, this will best secure the building of the said railway.

Power to exclude persons from subscribing for stock.

6. The head office of the Company shall be at the City of Vancouver.

Head office.

7. The Provisional Directors shall call a general meeting of the shareholders of the said capital stock at the City of Vancouver, not later than the 31st December, 1893, for the purpose of electing Directors of said Company, giving at least two weeks' notice by advertisement in the British Columbia Gazette and in one of the daily papers published in the City of Vancouver, of the time, place and purpose of said meeting.

General meeting to elect Directors.

8. At such general meeting the shareholders assembled in person shall choose not more than five persons to be Directors of the said Company, of whom the majority shall be a quorum, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and with the 'British Columbia Railway Act,' and the said Board of Directors may employ and pay one of their number as Managing Director.

Election of Directors.

Quorum, &c.
By-laws.

9. Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the City of Vancouver, and on such days and at such hours as may be directed by the by-laws of the Company, and public notice thereof shall be given in the British

Annual general meetings.

Columbia Gazette and in one or more newspapers published in the City of Vancouver, during the two weeks preceding the week in which such meeting is to be held; and special general meetings of the shareholders of the Company may be held in such place in the City of Vancouver, and at such time and in such manner, and for such purpose, as may be directed by the by-laws of the Company, upon such notice as is provided in this section.

Power to make certain payments in stock.

10. The said Provisional Directors or Elected Directors may pay, or agree to pay, in paid-up stock or in the bonds of the said Company, such sums as they may deem expedient to engineers or contractors, or for right of way, material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the Directors for the purpose of assisting the Directors in the furtherance of the undertaking, or purchase of the right of way, material, plant, or rolling stock, whether such promoters be Provisional or Elected Directors or not, and any agreement so made shall be binding on the Company.

To agree with other company for running powers.

11 The said Company shall have power to agree for connections and make running arrangements with any railway company, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said Company to enter into any agreement with any railway company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of their railway, or of any portion of their railway, or the use thereof, or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property, or either or both, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensations therefor, if the arrangements and agreement shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies purchasing, leasing, or entering into such an agreement for using the railway may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line.

Aliens may be shareholders.

12. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said Company, and all such shareholders, whether resident in the Province or elsewhere, shall be entitled to vote equally with British subjects, and shall also be eligible to office as Directors in the said Company.

13. The railway may be constructed in sections, and the first section shall be the branch line from Dog Lake to Osoyoos Lake, and shall be commenced within two years and completed within four years from the passing of this Act; the second section shall be from Okanagan Lake to foot of Dog Lake, to be commenced within two years and completed within four years from the passing of this Act; the third section shall be the remainder of the main line, to be commenced within four years and completed within six years from the passing of this Act: but failure to complete any portion of the said railway within the time limited in this section shall not prejudice the rights, powers, and privileges of the Company in respect of so much of the said railway as is constructed at or before the expiration of said time, or their corporate powers hereby granted in respect thereof, and the Company's power may in all respects be exercised as to the portion constructed.

Commencement and completion of railways.

14. All the provisions of the "British Columbia Railway Act," except as varied by this Act, shall apply to the said Company.

Application of 1890, c. 39.

15. The said Company may construct, maintain and operate a single or double line of tramway, with the necessary side tracks and turnouts for the passage of cars, carriages, and other vehicles adapted thereto, from a point at or near the foot of Okanagan Lake to a point on Dog Lake.

Power to construct tramway.

16. The Company are hereby authorized, subject to the approval of the Chief Commissioner of Lands and Works, to erect, construct, and maintain all necessary poles, wires, buildings, works, appliances, and conveniences connected with and incidental to the construction, maintenance, and operation of the said lines of tramway; and the Company may take, transport, and carry passengers and freight upon and over the said lines of tramway by electric, steam, horse, or such other motive power as the Company may deem fit.

To construct buildings, &c.

17. On any and all of the said lines of tramway of the said Company a fare shall be due and payable by every passenger on such passenger entering the car or other conveyance, and any such passenger refusing to pay such fare when demanded by the conductor or driver, and refusing to quit the car or other conveyance when requested to do so by the conductor or driver, shall be liable to a fine not exceeding twenty dollars, with costs, recoverable before any two Justices of the Peace, any Police Magistrate, or Stipendiary Magistrate in the said Province.

Fares.

18. The Company shall be entitled to and shall be accorded the right of way on all roads traversed by their tramway track.

Right of way.

Power to build vessels.

19. The Company may purchase, build, complete, fit out, and charter, sell and dispose of, work and control and keep in repair, steam and other vessels from time to time, to ply on Okanagan and Dog Lakes and Okanagan River in connection with the said railway; and may also make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply upon the said lakes, rivers, and canals in connection with the said railway.

To acquire docks and storehouses, &c.

20. The Company, at any point where the terminus of the railway or any branch thereof reaches navigable water, or where the railway or any branch thereof crosses any navigable water, may, for the necessary purposes of the Company, acquire and hold as its own absolute property, piers, docks, and water lots, and upon the said water lots, and in and over the waters adjoining the same, may build and erect elevators, storehouses, engine-houses, sheds, docks, piers, and other structures for the use of the Company, and of the steam and other vessels owned, worked, or controlled by the Company, or of any other steam or other vessels, and may collect wharfage and store charges for the use of the same; and may erect, build and maintain all moles, piers, wharves, and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading, and unloading within the same, and may dredge, deepen, and enlarge such works; and, in its discretion, may sell, lease, or convey the said piers, docks, water lots, elevators, storehouses, engine-houses, sheds, and other erections, or any thereof or any portion thereof.

Free navigation not to be interfered with.

21. No such work, or any part thereof, shall be constructed so as to cause any obstructions in or impede the free navigation of any navigable water.

Power to issue "canal bonds."

22. Bonds to an amount not exceeding ten thousand dollars per mile may be issued for the construction of the canal, and such bonds shall be called "canal bonds."

Tolls, &c.

23. All tolls and charges levied or imposed by the Company with respect to the canal shall be according to a tariff which shall be approved by the Governor-General in Council before any such tolls or charges shall be exacted or recovered; such tariff may be revised and altered by the Governor-General in Council from time to time, and the tolls and charges imposed thereunder shall be imposed uniformly on all persons and corporations using the canals.

How canal bonds secured.

24. The Company may secure the canal bonds by the assignment of the canal tolls.

25. No canal or work for utilizing or rendering available the water of the said river or lakes shall be commenced or proceeded with until the plans and the site of the said works have been approved of by the Governor-General in Council, and such conditions as he thinks fit to impose for securing the free navigation of the said river and lakes, and the public good, have been complied with; nor shall any such plan be altered, or any deviation therefrom be allowed, except by the permission of the Governor-General in Council, and upon such conditions as may be imposed.

Governor-General
to approve of plan of
works before works
commenced.

26. This Act may be cited as the “Osoyoos and Okanagan Railway Act, 1893.”

VICTORIA, B. C. :

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