



CHAPTER 52.

An Act to Incorporate the Kaslo and Slocan
Tramway Company.

[12th April, 1893.]

WHEREAS the construction of a line of tramway, as hereinafter Preamble.
set forth, is desirable, and a petition has been presented by John
M. Burke, of Kaslo, banker, Henry Anderson, of Kaslo, and Charles
Dubois Mason, of Victoria, barrister-at-law, all of the Province of
British Columbia, praying for the incorporation of a Company to
construct and work the same, and 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 John M. Burke, Henry Anderson, Charles Dubois Incorporation.
Mason, and such other persons as shall hereafter become shareholders
of the said Company, are hereby constituted a body corporate and
politic, under the name of "The Kaslo and Slocan Tramway Com-
pany," hereinafter called "the Company."

2. The several persons named in the first section of this Act shall Provisional Direc-
tors.
be the Provisional Directors of the Company, and they shall hold office
until the first election of Directors under this Act, and shall have
power forthwith to open stock-books, and procure subscribers to stock
for the undertaking, and to receive payments on account of stock
subscribed, and to cause plans and surveys to be made, and to proceed
with all necessary preliminary undertakings.

3. All moneys expended by the Provisional Directors in furtherance To have credit for
moneys expended.
of this undertaking, either before or after the passing of this Act, shall
be considered as cash instalments on stock, and at the first meeting of

Directors a resolution shall be passed giving credit to each Provisional Director in the books of the Company for such amount as he may have so expended.

Head Office.

Head office. **4.** The head office of the Company shall be at Kaslo, West Kootenay, British Columbia, or at such other place as the by-laws of the Company direct.

Capital stock. **5.** The capital stock of the Company shall be three hundred thousand dollars, divided into thirty thousand shares of ten dollars each, with power to increase the same in like manner as hereinafter provided.

Power of Directors to apportion stock. **6.** The Directors, or a majority of them, may, in their discretion, apportion the stock subscribed among the subscribers, as they deem most advantageous and conducive to the furtherance of the undertaking.

Company may acquire and dispose of real estate, &c. **7.** The Company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the Company under this Act.

Board of Directors. **8.** The Board of Directors shall consist of five Directors, of whom three shall form a quorum, who shall be elected at the meeting to be called as provided for in the next succeeding section, each of whom shall be a shareholder of not less than ten shares; such election, and every question to be decided at such election, shall be decided by a plurality of 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

Vacancy, how filled. 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 the President or Directors, the remaining Directors shall supply 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 mentioned.

First annual meeting. **9.** The first annual meeting of the shareholders of the Company for the appointment of Directors, shall be held on the second Wednesday in July, one thousand eight hundred and ninety-three, at the principal office of the Company at Kaslo; and notice of each such meeting shall be given, as shall from time to time be directed by the by-laws.

Failure to elect Directors. **10.** 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 stockholders 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 appointed, shall be valid and binding on the Company.

11. Thereafter the annual general meeting and other general meetings of the shareholders of the Company for the election of Directors and other general purposes, shall be held at such time and place in British Columbia as may be appointed by by-law of the Company, and two weeks' previous notice of such meeting shall be given by notice in writing addressed to each shareholder of the time, place and purpose of such meeting. Meetings after first.

Power to build Tramway.

12. The Company are hereby authorized and empowered to make, construct, maintain and operate a tramway line and street railway with double or single tracks, from some point in or near to the town of Kaslo, or some other point on or near Kootenay Lake, up the valley of Kaslo Creek, to a point at or near Bear Lake, with power to extend said line, or construct and maintain branch lines, to Carpenter Creek, and to or in the vicinity of any mines adjacent to said line and throughout the streets of Kaslo aforesaid, or any additions thereto, subject, in so far as the same passes over or along any highways between the said points and not within the jurisdiction of a municipality, to the supervision of the Chief Commissioner of Lands and Works for the time being of the said Province, who shall fix the location of the tramways over the said highways between the said points, and direct the paving, macadamizing, repairing and grading of such highways, and the construction, opening up and repairing of ditches or drains along or across the said highways, and may make any one or more of such extensions or branch lines, using as a motive power for such tramway and street railway and its branches electricity, horse, or any other animal or motive power; and may make, carry or place the tramway across or upon the lands of any person or corporation; and may make, construct, maintain and operate all buildings, stations, depôts, wharves, fixtures, and other things necessary or convenient for the undertaking, and from time to time alter and enlarge the same; and to make, construct, equip and maintain aerial tramways or tramway from the said tramway or any of its branches to any point that may be deemed expedient, and for the purposes of such branch tramways or aerial tramways, or any of them, to exercise all the powers, privileges and authorities necessary or convenient therefor, in as full and ample a manner as for the tramway; and may construct, maintain and operate, and do all other matters and things necessary or convenient for the making, extending and using the tramway; and may take, transport, carry and convey persons, minerals, ores and

Power to build tramway, &c.

goods on the tramway and its branches, and charge and receive reasonable tolls and compensation therefor, and may fell and remove any trees where the tramway passes to a distance of six rods from either side thereof, and may at any time change the location of its line of tramway: and all the provisions of this Act shall refer as fully to the part of such line of tramway so at any time changed, or proposed to be changed, as to the original line; and may also construct, operate and maintain a system of electric lighting in the vicinity of the said line or the said branches thereof, and for that purpose to take, subject to the provisions of the "Water Privileges Act, 1892," so much of the waters of any river or stream in the vicinity of the said lines or their branches as may be necessary for generating electricity for the purposes of the Company: Provided that any towns or cities that may hereafter be incorporated on or near the line of said railway shall be permitted to acquire the rights of the Company, as regards electric lighting, within the limits of such towns or cities, and the Company shall be bound to sell on such equitable terms as may by arbitration be agreed on. And may enter into any agreement or arrangement with any person or corporation for supplying him or them with electric power and lighting, upon such terms and conditions as the Company shall think fit; and also may construct and maintain telegraph and telephone poles, and construct, operate and maintain telegraph and telephone lines in connection with and along such tramway lines and branches, to connect such telegraph and telephone lines with any mines or towns in what is commonly known as the Kaslo-Slocan District country, and to connect said telegraph and telephone lines with the Town of Ainsworth or any intermediate point.

13. It shall be lawful for the Company, their servants, agents, and workmen, from time to time, and at all times hereafter, as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the land of any person or persons, bodies politic or corporate, lying in or near the proposed line of the tramway, and to survey and ascertain such parts thereof as they may require for the said works, and to contract with the owners and occupiers of the land, and those having any interest in the same, for the purchase of the same, or of any part thereof, or of any privilege that may be required for the purpose of this Act, and for the right to take timber, stone, gravel, sand, and other materials from the aforesaid land, or any lands adjacent thereto, for the use and construction of the said works; and in case of disagreement between the Company and the owners and occupiers of the said lands respecting the amount of the purchase money or value thereof, or as to damages or compensation any appropriation shall cause to them through the construction of the said tramway, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: the Company shall appoint one, the owner or

And system of electric lighting,

And to take waters.

Proviso.

Right to enter upon lands to survey, &c.

Arbitration in case of dispute with owner.

owners shall appoint another, and the two arbitrators so appointed shall, within ten days after their appointment, appoint a third arbitrator; but in the event of the two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such third arbitrator. In case any owner or occupant shall be an infant, or insane, or absent from the Province, or shall refuse to appoint an arbitrator on his behalf, then the said Company may apply to one of the Judges of the Supreme Court of British Columbia, who shall nominate and appoint three disinterested persons as arbitrators.

14. The arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money which the Company shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final.

15. And the said arbitrators shall be and they are hereby required to attend at some convenient place at or near the vicinity of Kaslo aforesaid, to be appointed by the Company after eight days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and each arbitrator shall be sworn before one of Her Majesty's Justices of the Peace: Provided, always, that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case reference may be made again to arbitration, as hereinbefore provided, and that any sums so awarded, and costs, shall be paid within one month from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume occupation of his property, and all his rights shall thereupon revive, and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

16. The lands which shall be ascertained, set out, or appropriated by the Company for the purposes thereof as aforesaid, shall thereupon, and so long as the said Company comply with the provisions of this Act, be vested in the Company; and it shall be lawful for the Company to construct, erect, and maintain in and upon said lands such works as may be requisite for the undertaking and operations of the Company.

17. The "Land Clauses Consolidation Act, 1845," as modified by the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply, but the following sections of the "Land Clauses Consolidation Act, 1845," shall be read with and form part of this Act, so far as

Place and time of arbitration.

Setting aside award.

Payment of award.

Lands vested in Company.

Application of "Land Clauses Consolidation Act, 1845."

the same may be applicable, and except in so far as such sections, or any of them, may be varied or modified by the provisions of this Act, or repugnant thereto: sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, and 79, but in section 69, in lieu of the word "Bank" and next following words, there shall be read the "Treasury of British Columbia, to the account of the District Registrar of the Supreme Court of British Columbia"; and in section 70 and said subsequent sections, in lieu of the words "Court of Chancery in England," there shall be read the "Supreme Court of British Columbia:" and in sections 71, 73, and 76, in lieu of the word "Bank," there shall be read the "Treasury of British Columbia, to the account of the District Registrar of the Supreme Court of British Columbia;" in section 18, by striking out the words "except such as relate to the filing of plans and publications of notices," in the sixth and seventh lines of the said section.

Commencement and completion of works.

18. The works upon the main line of the said tramway shall be commenced within two years and completed within four years from the passing of this Act, provided that failure to complete the said tramway 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 tramway as is constructed on or before the expiration of the said time or their corporated powers hereby granted, and the Company will be entitled to operate the same and have and exercise all the powers hereby granted in respect of the portion so constructed.

Right of way for sidings, &c.

19. Whenever any gravel, stone, earth, sand or water is taken as aforesaid at a distance from the line of the tramway, the Company may lay down the necessary sidings, water pipes or conduits, and tracks, over or through any lands intervening between the tramway and the lands on which such material or water is found, whatever is the distance, and all the provisions of this Act, except such as relate to the filing of plans and publication of notice, shall apply, and the powers thereby granted may be used and exercised to obtain the right of way from the tramway to the land on which such materials are situated; and such right may be acquired for a term of years, or permanently, as the Company thinks proper; and the powers in this and the next preceding section contained, may at all times be exercised and used in all respects after the tramway is constructed, for the purpose of repairing and maintaining the tramway.

President and Directors.

By-laws.

20. The Directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the Company, not inconsistent with the laws of British Columbia, and for the appointment of all officers, servants, and artificers, and prescribing their respective duties.

Calls.

21. The Directors may from time to time make such calls of money, *Calls.* not exceeding twenty per cent. of the amount of the share, upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and at least thirty days' notice shall be given of each call.

(1.) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him, to the persons and at the time and places from time to time appointed by the Company or by the Directors.

(2.) If on or before the day appointed for payment of any call any shareholder does not pay the amount of such call, he shall be liable to pay interest for the same at the rate of twelve per centum per annum from the day appointed for the payment thereof to the time of the actual payment.

Dividends and Interest.

22. At the annual general meeting of the shareholders of the *Dividends.* Company, from time to time holden, a dividend shall be declared out of the clear profits of the undertaking, unless such meeting decide otherwise.

(1.) No dividends shall be declared whereby the capital of the Company is in any degree reduced or impaired or be paid out of such capital, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call has been paid

Increase of Stock.

23. The Directors of the Company may from time to time increase *Increase of capital.* the capital of the said Company for such amount or amounts as occasion may require, and also to raise or borrow for the purpose of the Company, by the issue of bonds or debentures in sums of not less than one hundred dollars each, and on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, and income of the said Company, or any part thereof, for the repayment of the moneys so borrowed and the interest thereon; and the said bonds when issued shall be a first charge on the tramways and the rolling stock and chattels belonging to the Company: Provided, always, that the consent of a majority in value of the stockholders of the Company, present or represented by proxy, shall be first had and obtained at a special meeting to be expressly called by the Directors for either or both of the purposes aforesaid, by giving the notice prescribed by section 11 of this Act; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the Company.

Miscellaneous.

Stock personal
estate, and trans-
ferable.

24 The stock of the Company shall be deemed personal estate, and shall be deemed transferable in such manner as the Directors shall by by-laws direct.

As to goods of dan-
gerous nature.

25. No passenger shall carry, or require the Company to carry, upon its tramway aquafortis, oil of vitriol, gunpowder, nitro-glycerine, or any other goods which, in the judgment of the Company, are of a dangerous nature ; and every person who sends by the tramway any such goods without, at the time of so sending the same, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station-master or other servant of the Company with whom the same are left, shall forfeit to the Company the sum of five hundred dollars for every such offence.

Company may re-
fuse to carry, &c.

(1.) The Company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact: and the Company shall not carry any such goods of a dangerous nature except in cars specially designated for that purpose, on each side of each of which shall be plainly painted in large letters the words " Dangerous Explosives."

Powers with respect
to electric system
subject to following
provisoes.

26. The privileges and powers of this Act granted with respect to the electric system, are subject to the following provisos:—

(a.) The Company shall not, except so far as is expressly authorized by this Act, interfere with the public right of travelling on or using such roads, streets, highways or water-courses, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway, or free access to any building erected in the vicinity; the Company shall not affix any wire less than eighteen feet above the surface of the street or road, nor erect more than one line of poles along any road or street without the consent of the Municipal Council having jurisdiction over the roads or streets of the municipality. In any such municipality the poles shall be as nearly as possible straight and perpendicular, and shall be painted, if so required by any by-law of the Council:

(b.) Whenever in case of fire it becomes necessary, for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the Chief Engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or claim compensation for any damage thereby incurred; the Company shall be re-

sponsible for all damages which its agents, servants, or workmen cause to individuals or property in carrying out or maintaining any of its said works :

- (c.) Within the limits of any municipality the opening up of streets for the erection of any poles, or for carrying the wires underground, shall be subject to the direction or approval of the engineer or such other official as the Council appoints, and shall be done in such manner as the Council directs; the Council may also direct and designate the places where the poles are to be erected in such municipality :
- (d.) The surface of the street shall, in all cases, be restored as far as possible to its former condition by and at the expense of the Company.

27. The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject-matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown, in right of the Province, such rents, royalties, tolls, and charges in respect of the waters, or of the lands of the Crown (if any) rights and privileges which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper; and may likewise make and pass such regulations and rules, as may be deemed necessary and advisable, for the collection and enforcement of such rents, royalties, tolls and charges, or any of them, but so that no increase in the amount of any such rents, royalties, &c., fixed by any such Order in Council, shall be made within the space of five years from the passage of the Order in Council fixing the same.

Powers and privileges subject to rights of Crown and future legislation.

Fares.

28. The fare shall be due and payable by every passenger on entering the car or other conveyance, and any persons refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or other conveyance, shall be liable to a fine of not more than twenty dollars, besides costs, recoverable before any two Justices of the Peace, or any Police Magistrate or Stipendiary Magistrate in the said Province.

Fares.

Actions for Indemnity; Fines and Penalties, and Procedure thereof.

29. All actions or suits for indemnity for any damage or injury sustained by reason of the tramway shall be commenced within one

Actions for indemnity.

year next after the time when such supposed damage was sustained, or if there is continuance of damage, within one year next after the doing or committing of such damage ceases, and not afterwards; and the defendants may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act.

Commencement of
power to construct
tramway.

30. The powers to construct the main line of tramway by this Act granted shall not come into force or be exercised by the Company until on or after the first day of April, 1894.

Short title.

31. This Act may be cited as the “Kaslo and Slocan Tramway Company’s Act.”

VICTORIA, B. C. :

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