



## CHAP. 46.

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

[28th April, 1888]

**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 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. John C. Ainsworth, of Oakland, California, Geo. J. Ainsworth, of Oakland, California, and Jno. S. Baker, of Tacoma, W. T., all of the United States of America, 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 Kootenay Railway and Navigation Company," hereinafter called "the Company." Incorporation.

2. The capital stock of the Company shall be five million dollars, divided into fifty 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, five million dollars.

3. The persons named in the first section of this Act shall be and are hereby constituted Provisional Directors of the Company, of whom two 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. Provisional Directors.

- Head office.**           **4.** The office of the Company shall be in the City of Victoria, and service of any legal process against the Company may be effected by leaving the same at the office of the Company, or in the event of there not being an office there, then by service on the Registrar of the Supreme Court of Victoria; and any such service shall be good and effectual as against the Company for all purposes whatsoever.
- First meeting of shareholders.**   **5.** The first general meeting of shareholders shall be held in Victoria, upon two weeks' notice being given, at such time as the Directors shall specify therein
- Annual meetings of shareholders.**   **6** The subsequent annual general meetings of shareholders shall be held at such times as may be determined by the by-laws of the Company.
- Power to borrow money.**           **7.** The Company shall be entitled to borrow money on mortgage and bond.
- Tolls, how fixed and regulated.**   **8.** 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 shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway and steamboats, and shall be paid to such person, and at such places near to the railway, in such manner and under such regulations as the by-laws direct, and such fares and tolls shall be approved by the Lieutenant-Governor in Council before coming into effect.
- Gives power to run a line of steamers on Kootenay river and lake, &c.**   **9.** 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 said lake and its navigable tributaries.
- Power to operate telegraph and telephone line.**   **10.** 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.
- Power to construct railway from Kootenay lake to Columbia river.**   **11.** 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 shall be built either upon the broad or narrow gauge, and be known as the Kootenay Railway.

**12.** 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 that point on the Columbia River where the Canadian Pacific Railway strikes the said river and crosses the same near the Eagle Pass.

Power to run steamers on the Columbia river between certain points.

**13.** 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; and the railway constructed under this Act shall be well and properly constructed, with easy gradients, properly ballasted and equipped, and suitable in every respect for the transport of freight and passengers.

Meaning of "broad gauge," "narrow gauge."

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

Power to take timber, stone, &c., from Crown Lands.

**15.** The railway and approaches constructed under the terms of this Act shall be the property of the Company, and shall be maintained by the Company at all reasonable times so as to meet the requirements of the public. If the railway shall not be so maintained to the satisfaction of the Lieutenant-Governor in Council, the property therein, together with all the material, plant and machinery pertaining thereto, shall become the property of the Government of British Columbia, and the Company, in operating steamboats and the railway, shall be deemed to be common carriers, subject only to such reasonable restrictions as the Company may by by-law, published in the British Columbia Gazette and one or more newspapers published in the Province, establish.

The railway, &c., to be the property of the Company.

Company to be common carriers.

**16.** 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 to be at cost of the Company.

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

Saves existing rights in lands to be granted.

**18.** The construction and equipment of the line of railway shall be complete, and the route already hereby defined well and properly supplied with steamers, within two years from the passage of this law.

Construction to be complete within two years.

**19.** The right of way of the Company shall not be subject to Provincial taxation for a period of five years from the passing of this Act, and the railway and steamers, and all stations and station grounds, workshops, buildings, yards, rolling stock, appurtenances and other

Right of way exempted from taxation for five years.

All other property exempted from taxation for two years after completion.

property required and used for the construction, equipment and working of the said line of steamers and railway, and the capital stock of the Company, and all personal property owned or possessed by the Company in British Columbia shall be free from Provincial taxation until the lapse of two years after the completion of the line of steamers and railway.

Company to furnish list of persons in their employ to Tax Collector and pay the tax.

**20.** The Company shall furnish to the Collector or Collectors appointed under the provisions of the "Provincial Revenue Tax Act, 1881," or other laws for the time being in force, for the Electoral District of Kootenay, when requested by any such Collector so to do, from time to time, a list of every person in their employ, or directly employed by them, liable to pay the tax imposed by the said Act; and the said Company shall pay to the Collector such tax for every such person, and may deduct the amount so paid on account of such person from the amount of salary or wages due, or to become due, to him from the said Company upon the production and delivery of such tax receipt to such person.

May deduct same from wages.

In default company may be proceeded against.

**21.** In default of the Company furnishing the lists or paying taxes, the Collector may proceed against the Company in respect of such default, in the manner provided by the said laws.

Restrictions as to establishing foreign steamship line.

**22.** 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.

Reserves rights of free miners.

**23.** Nothing contained within this Act shall be construed to interfere with free miners entering upon and searching for precious metals and acquiring claims in accordance with the mining laws of the Province.

Time limit for construction and completion.

**24.** The Company shall begin substantial work upon the line of railway within six months from the passage of this Act, and shall expend not less than one hundred thousand dollars within twelve months from the same date, and the railway and line of steamers hereinbefore mentioned shall be fully completed and equipped within two years of the same date, and in default of compliance with any of the provisions of this section the Act shall be null and void.