



CHAPTER 66.

An Act to Incorporate "The Nanaimo-Alberni Railway Company."

[8th May, 1897.]

WHEREAS a petition has been presented praying for the incorporation of a Company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Preamble.

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 Haslam, Joseph Henderson Davidson, William McGregor, Robert E. McKechnie, Thomas W. Glaholm, William Kirkwood Leighton, Albert Edward Planta, Thomas Kitchen, and John Mahrer, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Nanaimo-Alberni Railway 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, 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 organisation of the Company, and for making the surveys, plans and works of the estimates connected with the work hereby authorised, 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. Capital stock.

3. The chief place of business and head office of the Company shall be at the City of Nanaimo, British Columbia. Chief place of business.

Provisional
Directors.

4. The persons mentioned in section 1 of this Act are hereby constituted the Provisional Directors of the Company, with power to add to their number, but so that the Directors shall not in all exceed fifteen in number. The Board of Directors so constituted shall have all the powers hereby conferred upon the Directors of the Company, and they shall hold office until the first election of Directors under this Act.

Directors.

5. The number of Directors to be hereafter elected by the shareholders shall be such number not exceeding fifteen as shall be fixed by by-law, and subject to the same conditions as the Directors appointed by or under the authority of the last preceding section. The number thereof may be altered hereafter from time to time in like manner. The votes for their election shall be by ballot.

Quorum of.

6. The majority of the Directors shall form a quorum of the Board.

Standard or narrow
gauge railway.

7. The Company, their agents and servants, shall have full power and authority to survey, lay out, construct, complete and operate a standard or narrow gauge railway, as the Company may determine, from a point at or near the Town of Alberni, thence by the most feasible and available engineering route to the City of Nanaimo.

Telegraph and tele-
phone wires.

8. The Company may construct, maintain and work telegraph and telephone lines throughout and along the whole line of railway and its branches, or any part or parts thereof, and may undertake the transmission of messages for the public by any such line or lines of telegraph or telephone, and collect tolls for so doing, or may lease such lines of telegraph or telephone, or any portion thereof, and they may use any improvement that may hereafter be invented (subject to the rights of patentees), and any other means of communication that may be deemed expedient by the Company at any time hereafter. No Act of this Legislature requiring the Company, in case efficient means are devised for carrying telegraph, telephone or electric wires underground, to adopt such means, and abrogating the rights given by this Act to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act.

“V. I. Telegraph
Regulation Act.”

9. The “Vancouver Island Telegraph Regulation Act,” shall apply to the telegraph and telephone lines constructed under the authority of this Act.

Steamers, etc.

10. The Company may acquire, build, equip, maintain and navigate, sell and dispose of, charter and work steamers and other vessels in and upon the waters of British Columbia, and generally do all things necessary and incidental to the exercise of the powers, rights and privileges granted by this Act within the legislative authority of the Provincial Legislature.

11. The capital stock of the Company may be increased from time to time to any amount, if such increase is sanctioned by a vote in person or by proxy of the shareholders who hold at least two-thirds in amount of the subscribed stock of the Company, at a meeting expressly called by the Directors for that purpose by a notice in writing to each shareholder, delivered to him personally or properly directed to him at his last known place of abode and deposited in the post office at least thirty days previously to such meeting, stating the time, place and object of such meeting and the amount of the proposed increase, and the proceedings of such meeting shall be entered in the minutes of the proceedings of the Company, and thereupon the capital stock may be increased to the amount sanctioned by such vote.

Increase of capital stock.

12. No shareholders of the Company shall in any manner be liable to or charged with the payment of any debt or demand due by the Company beyond his or her subscribed shares in the capital stock of the Company.

Liability of shareholder.

13. No failure to elect Directors, or to hold the first or any annual meeting shall operate as a dissolution of the Company, but anything omitted to be done may be afterwards performed at a meeting called in conformity with the by-laws.

Non election of Directors, etc., not to operate as a dissolution.

14. The Provisional Directors shall at such time as may be convenient, but not later than the second day of October, 1897, call a general meeting of the shareholders of the Company at the chief place of business of the Company for the purpose of electing a Board of Directors, giving at least four weeks' previous notice by public advertisement in the British Columbia Gazette, and in some daily newspaper published in the said City of Nanaimo, and also by circular addressed by mail to each shareholder of the time, place and purpose of the said meeting.

First general meeting.

15. Thereafter the annual general meeting of the Company shall be held at the chief place of business of the Company at such time as may be appointed by the by-laws of the Company, and four weeks' previous notice of such meeting shall be given by publication in the British Columbia Gazette and in one newspaper published in the City of Nanaimo, and also by a circular addressed to each shareholder at his last known place of abode.

Annual general meetings.

16. The Company may receive from any government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway, grants of land, premises, loans, gifts of money, guarantees and other securities for money, and hold and alienate the same.

Receiving bonus, aid, etc.

Stone and timber
from public lands.

17. It shall be lawful for the Company, with the consent of the Chief Commissioner of Lands and Works, to take from any public lands adjacent to or near the line of the said railway, its branches or extensions, all stone, timber or gravel and other material which may be necessary or useful for the construction of the railway, and also where necessary to fill in upon any public lands.

Time of commence-
ment and completion
of railway.

18. The Company shall commence construction of said railway within two years from the date hereof, and complete the same within six years from the date hereof, but failure to complete any portion of the said railway within the time limited shall not prejudice the rights and privileges of the Company in respect of so much of the said railway as is constructed within the time hereinbefore limited.

“B. C. Railway Act.”

19. The provisions of the “British Columbia Railway Act,” 53 Victoria, chapter 39, and of the amendments thereto, shall, so far as the same are not inconsistent with this Act, apply to the undertakings of the Company, and shall be incorporated with this Act.

Short title.

20. This Act may be cited as the “Nanaimo-Alberni Railway Company Act, 1897.”

VICTORIA, B. C. :

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