



## CHAPTER 58.

An Act to Incorporate the Nelson and Fort Sheppard  
Railway Company.

[20th April, 1891.]

**WHEREAS** it is in the interest of the public that a Railway should Preamble.  
be constructed and maintained from a point on the outlet of  
Kootenay Lake, in the Province of British Columbia, to a point at or  
near the southern boundary of the said Province:

And whereas Charles Thomas Dupont, Peter Curran Dunlevy, and  
Gustavus Blinn Wright, have presented a Petition praying for their  
incorporation as a Company for the purpose of constructing a line of  
railway from a point on the outlet of Kootenay Lake, near the town  
of Nelson, thence to a point at or near Fort Sheppard, in the said  
Province, by way of the valley of Cottonwood-Smith Creek and the  
Salmon River, with power to construct and maintain branch lines, and  
also to construct and operate telegraph and telephone lines in con-  
nection with the said railway:

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. Charles Thomas Dupont, Peter Curran Dunlevy, Gustavus Blinn Incorporation.  
Wright, Charles George Major and Henry Slye Mason, residents in the  
Province of British Columbia, and such other persons and corporations  
as shall, in pursuance of this Act, become shareholders, are hereby con-  
stituted a body politic and corporate, by the name of "The Nelson and  
Fort Sheppard Railway Company," hereinafter called "the Company."

2. The capital stock of the Company shall be one million and five Capital stock.  
hundred thousand dollars, divided into fifteen 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 purposes of the Company's undertaking.

First election of  
Directors.

3. So soon as one hundred thousand dollars of the capital stock shall have been subscribed, and ten per cent. of the amount subscribed shall have been paid in to some chartered bank in Canada, the Provisional Directors shall call a meeting of the shareholders of the Company at the place where the head office is situate, at such time as they shall think proper, giving the notice prescribed by section four of this Act, at which meeting the shareholders who have paid 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 until others are elected.

Publication.

4. At least two weeks' public notice of any meeting shall be given by advertisement published in the Government 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 hour of 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 Victoria, or at such other place in the Province as the Company may from time to time appoint.

Annual meeting of  
shareholders.

7. The annual general meeting of shareholders shall be held on the second Wednesday of July in each year, at which meeting a Board of five Directors (of whom three shall be a quorum for the transaction of business), for the management of the Company's affairs, shall be elected.

Power to make by-  
laws.

8. It shall be lawful for the Company from time to time to make such by-laws as they may 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 and repeal any such by-laws and make others; provided such by-laws be not repugnant to the provisions of this Act or the "British Columbia Railway Act."

Power to hold  
property.

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

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

**11.** The Company may construct and operate telegraph and tele- Power to construct  
phone lines along and in connection with the railway and its branches, telegraph and tele-  
and may construct wharves, docks, elevators, warehouses, station phone lines.  
houses, offices, and such other buildings as may be found requisite in  
carrying on the business of the Company.

**12.** The Company may lay out, construct, build, equip, maintain, Gauge.  
and continuously work a line of railway, of the gauge of four feet  
eight and one-half inches, from a point on the outlet of Kootenay Lake,  
at or near the town of Nelson, thence by way of the valley of the  
Cottonwood-Smith Creek and the Salmon River to a point at or near  
Fort Sheppard, in the said Province of British Columbia; and such  
railway shall be known as "The Nelson and Fort Sheppard Railway."

**13.** Nothing in this Act shall authorize the Company to connect, Not to connect with  
by its works or undertakings, the Province of British Columbia with lines outside the  
any other or others of the Provinces of Canada, or to extend their said Province.  
works or undertakings beyond the limits of the Province of British  
Columbia.

**14.** No person shall be eligible as a Director of the Company unless Qualification of  
he is the owner and holder of at least ten shares in the capital stock of Directors.  
the Company, and qualified to vote for Directors at the election at  
which he is chosen.

**15.** The Directors of the Company, under authority of the share- Power to issue  
holders to them given by a resolution at a general or special meeting bonds.  
called for that purpose, at which meeting shareholders representing at  
least two-thirds in value of the subscribed stock of the Company are  
present or represented by proxy, may issue bonds under the seal of  
the Company, signed by the President or other presiding officer, and  
countersigned by the Secretary or Treasurer, and such bonds may be  
payable at such time, and in such manner, and at such place or places  
in Canada or elsewhere, and shall bear such rate of interest, not ex-  
ceeding eight per cent. per annum, as the Directors may think proper;  
and the Directors shall have power to issue and sell or pledge all or  
any part of the said bonds, at the best price, and upon the best terms  
and conditions which at the time they are able to obtain, for the pur-  
pose of raising money for prosecuting the said undertaking.

**16.** No calls shall be made at any one time for more than twenty Calls.  
per cent. of the amount subscribed by any one shareholder, nor shall  
a greater amount than fifty per cent. of the amount subscribed be  
called in in any one year.

“B.C. Railway  
Act.”

**17.** The provisions of the “British Columbia Railway Act,” except in so far as they are inconsistent with or repugnant to the express provisions hereof, shall be incorporated with this Act.

Commencement and  
completion of line.

**18.** The Company shall commence the construction of the said railway within two years, and complete the same within three years from the passing of this Act.

Short title

**19.** This Act may be cited as the “Nelson and Fort Sheppard Railway Company Act, 1891.”