



## CHAPTER 78.

### An Act to Incorporate the Kamloops and Atlin Railway Company.

[May 11th, 1901.]

**W**HEREAS a petition has been presented praying for the incorporation of a company to construct and operate railways as hereinafter set forth, and it is expedient to grant the prayer of their petition: Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

**1.** Henry Purdon Bell, of the City of Victoria, in the Province of British Columbia, Civil Engineer; Day Hort Macdowell, of the same place, Commission Merchant; and Theodore Lubbe, of the same place, Merchant; together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of “The Kamloops and Atlin Railway Company,” hereafter called “the company.” Incorporation.

**2.** The head office of the Company shall be in the City of Victoria, but may be changed to such other place in Canada as is fixed by by-law passed at an annual general meeting or at any special meeting. Head office.

**3.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, as described in the Schedule to this Act, and for the purposes of construction the undertaking of the Company shall be divided into three sections or divisions, as shown or particularised in the Schedule hereto, and the said sections or divisions shall be respectively known as the First, Second and Third Sections. Powers.

**4.** The Company shall construct and equip the First Section on or before the 31st day of December, 1904; the Second Section on or Sections when to be completed.

before the 31st day of December, 1906; and the Third Section on or before the 31st day of December, 1908. Nevertheless, the failure to complete any one or more of said sections, or any part thereof, within the time so limited for the completion of the same, respectively, shall not prejudice the Company in respect of such part or parts, if any, of the section or sections as to which such failure shall be made, as shall at the expiration of such limited time be made or completed, or in respect of any section or sections as to which the period so limited for the completion thereof shall not have then expired.

Line of railway.

**5.** The Company may lay out, construct and operate a branch line from a point on the main line of railway, as described in the First Schedule hereto, by the most direct and feasible route to a point at or near Antler or Williams Creek, in Barkerville District, and such other branches as the Company may from time to time deem expedient, to any point or points distant not more than twenty miles in a direct line from the main line of railway.

Additional powers.

**6.** The Company shall also have the following powers —

- (1.) To build, equip, maintain and operate telegraph and telephone lines along any of the lines of the said railway, or any of its branches, and to establish offices thereon, and to transmit messages for the public and charge tolls for the same :
- (2.) To acquire, hold and exercise all the rights, powers, privileges and authorities conferred upon companies incorporated for the purpose of taking the benefit of the provisions contained in Part IV. of the "Water Clauses Consolidation Act, 1897," and for that purpose the Company hereby incorporated shall be deemed to be a power company within the meaning of the said Part IV. of the said "Water Clauses Consolidation Act, 1897" :
- (3.) To acquire and hold lands by way of bonus, privilege, concession or grant from any Government, municipal and other corporations, persons and companies, and to alienate, sell and dispose of the same and of any of the assets of the Company :
- (4.) To carry on generally the business of a colonization and improvement company, and to settle and improve any lands acquired by the Company, and to aid and promote immigration thereon :
- (5.) To carry on generally the business of an exploration company, and for that purpose to organise and maintain, from time to time, parties of surveyors, engineers or scientific men, and to do all things necessary or conducive to the comfort or success of such expeditions :
- (6.) To carry on a general shipping and transportation business, and for that purpose to acquire and hold and to charter or other-

wise deal with steamships and other vessels and boats of any description, and to carry on all or any of the businesses of carriers by land and water :

- (7.) To acquire, construct, maintain and operate wharves, quays docks, warehouses and buildings, and to carry on the business of warehousemen, wharfingers and forwarding agents :
- (8.) To carry on a general express business for reward, and generally to do all things necessary for, or incidental to, the carrying on of such business.

7. The Company may enter into any agreement or agreements for conveying or leasing to any other railway, steamship, transportation, telegraph or telephone company, in whole or in part, the lines of railway or branches, telegraph or telephone lines, which the Company by this Act is empowered to construct and operate, or for an amalgamation with any other such company if lawfully empowered to enter into such agreement, or for forming any traffic or other arrangements with any railway or steamboat or transportation company, the whole upon such terms and conditions as may be agreed upon by the contracting parties ; provided that each such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and provided also that each such agreement shall be assented to by the Lieutenant-Governor in Council :

Company may acquire or lease franchises of other companies.

- (1.) Such assent shall not be signified until after notice of the proposed application therefor has been published for thirty days in the Provincial Gazette and also in one newspaper circulating in the district in which the railway Company runs :
- (2.) A duplicate of each agreement referred to in this section shall, within thirty days after its execution, be filed in the office of the Provincial Secretary, and notice thereof shall be given by the Company in the Provincial Gazette ; and the production of the Provincial Gazette containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

8. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and may be called up by the Directors from time to time as they deem necessary.

9. So soon as one hundred thousand dollars of the capital stock shall have been subscribed and allotted, and ten per cent. of the amount shall have been paid into some chartered bank in Canada, the

First general meeting.

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 10 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 (of whom three shall form a quorum for the transaction of business), who shall hold office until others are elected.

Notice of first  
general meeting.

**10.** At least thirty days' notice of the first meeting of the shareholders of the Company shall be given by advertisement published in the British Columbia Gazette, and at least for thirty days in one newspaper published in the place where the head office is situate, and by a twenty days' notice in writing to each shareholder, delivered to him personally or mailed properly directed to him at his last known place of abode, in which notice shall be specified the place and the day and the hour of meeting. All such notices shall be published at least weekly, and a copy of such Gazette and newspaper containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Provisional Direc-  
tors.

**11.** 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 the said Provisional Directors shall have all the powers by this Act and by the British Columbia Railway Act conferred upon the Directors of the Company, and they shall hold office until the first election of Directors under this Act.

Annual general  
meetings.

**12.** The first annual general meeting of the Company shall be held at such time as the Directors of the Company may determine, and all subsequent annual general meetings shall be held at such time as may be prescribed by the Company in general meeting; and if no other time is prescribed, the annual general meeting shall be held on the third Wednesday of October in each year, at which annual general meetings a Board of five Directors, of whom three shall form a quorum for the transaction of business, for the management of the Company's affairs, shall be elected.

Bonding powers.

**13.** The Company may issue bonds, debentures or other securities to the extent of thirty-five thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed: Provided, however, that no such bonds, debentures or other securities shall be issued unless the Directors have been authorised so to do by a resolution passed by a two-thirds majority at any general or special meeting for that purpose

Proviso.

among others called, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present or are represented by proxy.

**14.** The Company shall have power to promote any other company or incorporation or association of persons for any purposes which may seem directly or indirectly calculated to benefit the Company, and for that purpose to obtain any Act of Parliament which may seem expedient, and to oppose any proceedings or applications which may seem calculated, directly or indirectly, to prejudice the Company's interests. Power to promote other companies.

**15.** The Company may from time to time, for advances of money, pledge any stock, debentures or bonds which, under the powers of this Act, can be issued for the construction of the railway, or other purposes of the Company hereby authorised. Pledges of stock, etc.

**16.** 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 to fill in upon any public lands. Stone, timber, etc., required for construction.

**17.** The said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Collection of charges on goods.

**18** The clauses or sections of the "British Columbia Railway Act," and all future amendments thereto, shall apply to this Company, in the same manner and to the extent as if the same had been set forth clause by clause in this Act. "B. C. Railway Act" to apply.

**19.** The Company shall, within six months after the coming into force of this Act, deposit with the Minister of Finance and Agriculture the sum of five thousand dollars, either in cash or securities approved by said Minister, as security that the Company will expend not less than ten thousand dollars in surveys or construction of the railway hereby authorised to be built, before the first day of October, 1902; and in default of such expenditure the aforesaid deposit of money or securities shall be forfeited to and become the property of the Government; and should such security not be deposited as aforesaid, all the rights and privileges conferred by this Act shall be null and void. Deposit to secure expenditure of \$10,000 on construction before the 1st October, 1902.

Liability of Company.

**20.** The Company shall be liable for and shall discharge all the debts and liabilities of the two following companies, viz.: The Kamloops and Atlin Railway Company, which company was incorporated by the "Kamloops and Atlin Railway Act, 1899"; and of the Kamloops and Atlin Railway Company, which company was incorporated by the "Kamloops and Atlin Railway Act, 1900."

Future legislation to apply.

**21.** Any Act hereafter passed for the purpose of controlling, regulating or affecting railway companies incorporated by the Legislature of British Columbia with regard to any matter or thing, shall apply to the Company from the time such Act goes into effect, and this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

As to employment of aliens.

**22.** No aliens shall be employed on the railway during construction, unless it is demonstrated to the satisfaction of the Lieutenant-Governor in Council that the work cannot be proceeded with without the employment of such aliens.

When Act to take effect.

**23.** This Act shall not come into force or effect until such time as the Company shall give security to the satisfaction of the Lieutenant-Governor in Council—

- (1.) That the Lieutenant-Governor in Council shall have the right from time to time to fix maximum rates for freight and passenger traffic, and the Company shall not charge rates higher than those so fixed:
- (2.) That in the event of Dominion legislation bringing this railway company under the exclusive jurisdiction of the Parliament of Canada, the foregoing conditions shall be carried out by the Company so incorporated, as a contract and obligation of said Company prior to any other charge thereon.

Short title.

**24.** This Act may be cited as the "Kamloops and Atlin Railway Act, 1901."

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## SCHEDULE.

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### THE FIRST SECTION.

A line of railway from some point at or between the Town of Ashcroft and the outlet of Kamloops Lake; thence by the most direct and feasible route to the summit between the forks of the Bonaparte River and Bridge Creek.

THE SECOND SECTION.

A line of railway from the last point named in the first section to a point at or about one hundred and forty miles from the southern terminus of the railway.

THE THIRD SECTION.

A line of railway from the point last named in the second section to a point at or near the confluence of the Quesnel with the Fraser River.



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VICTORIA, B.C.:

Printed by RICHARD WOLFENDEN, Printer to the King's Most Excellent Majesty.  
1901.