



## CHAPTER 55.

An Act to amend “An Act to incorporate the Consolidated Railway and Light Company,” and to consolidate certain Acts relating thereto, and to change the name thereof to the “Consolidated Railway Company.” 1894, c. 56.

[17th April, 1896.]

**W**HEREAS the Consolidated Railway and Light Company has by its petition set forth that it was incorporated by the Legislature of British Columbia by 57 Victoria, chapter 56, being the “Consolidated Railway and Light Companies Act, 1894,” and that by its said Act of Incorporation it was given power to acquire the franchises, rights, properties, and privileges of other companies, that it has acquired the property, real and personal, rights, privileges, powers, and franchises of “The Westminster and Vancouver Tramway Company,” “The Vancouver Electric Railway and Light Company, Limited Liability,” and “The North Vancouver Electric Company,” and that it is expedient that such purchases should be confirmed, and the property, real and personal, and all the rights, privileges, powers, and franchises of the said companies, and every of them, should be vested in the Consolidated Railway and Light Company, under the name of the Consolidated Railway Company, and consolidated in one Act: Preamble.

And whereas the Consolidated Railway and Light Company has prayed for such confirmation, change of name, and consolidation, and also to have its said Act so amended and consolidated as to give it all the franchises, rights, and powers granted by Statute to the several companies referred to, or to any other company or companies purchased, taken over, leased, or otherwise acquired by the Consolidated Railway and Light Company, and hereafter leased, or otherwise acquired, under the name of the Consolidated Railway Company, and also for power to purchase, lease, take over, or otherwise acquire the

franchises, rights, and powers of any company in any part of British Columbia having similar objects to those of the Consolidated Railway and Light Company, and to operate and carry on the business of any such company so purchased, leased, or otherwise acquired, and also for power, subject to the conditions hereinafter set forth, to expropriate lands, and to open and break up the soil and pavements of roads, streets, or bridges in any municipality, city, or town in British Columbia for the purpose of laying rails or erecting poles:

And whereas 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:—

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| Short title.                | <b>1.</b> This Act may be cited as the “Consolidated Railway Company’s Act, 1896.”   |
| Change of name.             | <b>2.</b> The name of the Consolidated Railway and Light Company is hereby changed to and the said Company shall hereafter be known and designated as the Consolidated Railway Company, and the said Company shall have perpetual succession.  |
| Effect of change.           | <b>3.</b> The Company, under its name changed as aforesaid, shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers, and privileges that, prior to the passing of this Act, under the provisions of the Acts incorporating the said companies in the preamble of this Act mentioned, or otherwise, have been held, exercised, and enjoyed by the Consolidated Railway and Light Company in as full and ample manner as if the Company had continued under its original name, and all real and personal property, franchises, statutory and municipal, and all contracts and privileges, of whatsoever nature or kind, and all shares, stocks, obligations, debts, claims, rights, powers, and privileges of the Consolidated Railway and Light Company shall, after the passing of this Act, be held and vested in and devolve upon the Company under the name of the Consolidated Railway Company, and all the shareholders of the Consolidated Railway and Light Company shall continue shareholders in all respects as before the change of name aforesaid, but all legal and other proceedings prior to the passing of this Act begun by or against the Consolidated Railway and Light Company may be continued under the name or under the style of cause in which they have begun. |
| Right, privileges, etc.     |  |
| Real and personal property. |  |
| Legal proceedings.          |  |
| Interpretation.             | <b>4.</b> Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless the contrary intention appears:—  |
| “Company.”                  | (1.) “The Company” shall mean the Consolidated Railway Company:  |

- (2.) "The undertaking" shall mean the lines of railway or tramway "Undertaking." and the works, of whatever description, authorized by this Act or any of the Acts hereinafter mentioned, to be executed or purchased, leased, taken over, or otherwise acquired by the Consolidated Railway and Light Company, and hereinafter executed or purchased, leased, taken over, or otherwise acquired under the changed name aforesaid by the Company :
- (3.) "Lands" shall include all real estate, messuages, lands, tene- "Lands." ments, and hereditaments of any tenure :
- (4.) In this Act, unless the context otherwise requires, the expres- "Electric line." sion "electric line" shall mean and include, in addition to any of the electrical appliances specifically mentioned in this Act, wire or wires, cables, conductors, or other means which are now in use or hereafter may be used for the purpose of conveying, transmitting, or distributing electricity, with any casing, coating, covering, post, tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith, for the purpose of conveying, transmitting, or distributing electricity, electric power, or electric current, or any apparatus for converting electrical into mechanical power, or for converting mechanical into electrical power :
- (5.) "Municipality" shall include city, town, or district munici- "Municipality." pality.

**5.** The provisions of Part I. of the "British Columbia Railway Act," B. C. Railway; ap-  
 53 Victoria, chapter 39, being sections four to forty-four, inclusive plication of.  
 (with the exception of sections 32, 33, 34, 35, 36, 37, 38, and 40, which shall not apply hereto, nor be incorporated herewith), shall, so far as such provisions are applicable and are not inconsistent with nor contrary to the provisions of this Act, or any of the Acts hereinafter mentioned and incorporated herewith and not herein specifically dealt with, apply to the undertaking and be deemed to be incorporated with this Act.

**6.** The purchase, lease, or other acquisition by the Consolidated Validation of pur-  
 Railway and Light Company of the property, real and personal, chase of other com-  
 powers, rights, privileges, and franchises, both statutory and municipal, panies' properties.  
 of the Westminster and Vancouver Tramway Company, the Vancouver Electric Railway and Light Company, Limited Liability, and the North Vancouver Electric Company, all of which said companies have corporate powers under Acts of the Legislative Assembly of the Province of British Columbia, and may be respectively cited as the "Westminster and Vancouver Tramway Company Amalgamation Act, 1891," the "Vancouver Electric Railway and Light Company's

1891, c. 71;  
1890, c. 67;  
1892, c. 71.

Act, 1890," and the "North Vancouver Electric Company's Incorporation Act" (1892), are hereby declared to be good and valid purchases, and the property, real and personal, and all the rights, agreements, estate, effects, franchises, both statutory and municipal, and the privileges and powers of each of the companies in this section mentioned are, together with the right of exercising the same, hereby vested in the Company.

Incorporation.

7. The Consolidated Railway and Light Company, under the name of the Consolidated Railway Company, with such persons and corporations as now are or may hereafter become shareholders thereof, shall continue to be a body corporate under the name of the "Consolidated Railway Company," with the powers of the "Consolidated Railway and Light Companies Act, 1894," and as herein granted and consolidated, and the Acts relating to the companies mentioned in section 6, and all Acts consolidated therewith and all amendments thereof, in so far as they are not inconsistent with this Act, shall be considered and construed as a part of this Act, and all the powers and franchises, both statutory and municipal, or otherwise held, and all privileges and rights of each of the said companies shall be vested in the Company so that any powers, franchises, privileges, and rights of any of the said companies not inconsistent with this Act, even though not specially set out or referred to in this Act, shall be held, exercised, and enjoyed by the Company as if specially conferred hereby, and all other Acts inconsistent with this Act and the powers conferred thereby, to the extent of such inconsistency, are hereby repealed.

Head office.

8. The head office of the Company shall be at the City of Vancouver, in the Province of British Columbia, with power in the Directors to change the head office from the City of Vancouver to any other city in the Province of British Columbia, and, if changed, such change shall be duly notified by publication in four issues of the British Columbia Gazette.

Capital stock.

9. The capital stock of the Company is increased from that of the Consolidated Railway and Light Company, viz.: one million dollars (composed of five thousand preference shares of one hundred dollars each, and five thousand ordinary shares of one hundred dollars each), to one million five hundred thousand dollars (\$1,500,000), divided into five thousand (5,000) preference shares of one hundred dollars (\$100) each and ten thousand (10,000) ordinary shares of one hundred dollars (\$100) each; and such preference shares shall confer the right to a preferential dividend at the rate of not less than four per cent. (4 per cent.) per annum on the capital paid up thereon (such preferential dividend to be cumulative), and shall rank, both as to dividends and capital, in priority to the ordinary shares.

**10.** All shareholders in the Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal right to hold stock in the Company, and shall be eligible to office in the Company, and foreign corporations may hold stock in the Company. Shareholders; who may be, etc.

**11.** All stock in the Company issued, or which may hereafter be issued, to any person or persons, corporation or corporations, in payment for or in part consideration for the purchase or acquisition by the Company of the property, real and personal, rights, powers, privileges, and franchises of any of the said companies purchased, leased, or otherwise acquired by the Company under the powers given in any Act relating thereto, or which may hereafter be purchased, leased, or otherwise acquired, and declared between the parties to such contract to be fully paid up and unassessable, is hereby declared fully paid up and unassessable stock in the Company, and the holders thereof shall not be liable for any calls whatsoever or in any manner liable for the debts and liabilities of the Company thereon. Payment by unassessable stock; liability of holders of.

**12.** 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 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 and deposited in the post office, postage prepaid, at least twenty 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, with such approval, be increased to the amount authorized by such vote. The new shares, being increase of capital stock of the Company, shall be issued upon such terms and conditions and with such rights and privileges as the shareholders at any such meeting shall determine; and, in particular, such shares may be issued with a preferential or qualified right to dividends, or at a discount, and may be issued as paid-up or non-assessable shares when issued in consideration for the transfer of any property or for work and services rendered to the Company. Increase of stock.

**13.** The Directors may from time to time sell and dispose of fully paid and non-assessable preference or ordinary shares of the Company at such less sum than the face value thereof as may be authorized by a majority in value of the shareholders present or represented by written proxy at any special meeting to be called and held for that purpose. And the purchaser or purchasers of such preference or ordinary shares shall not on that account be in any manner liable or charged with the payment of any debt or demand due by the Company. Preference or ordinary shares sold at less than face value.

Issue of preference or ordinary shares.	<b>14.</b> The Company may issue out of the capital stock such shares, being preference shares or ordinary shares thereof, as the Directors may in their discretion see fit, or certificates of preference or ordinary shares, without subscription therefor by any person or persons, and without allotment to any person or persons, with power to the Directors to pledge the same for advances of money made to the Company in the carrying on of the undertaking, and such shares are to be fully paid up and non-assessable in the hands of the pledgees; and in the case of default of payment of the advances made thereon, the pledgees thereof, or any pledgee of any said shares, shall be entitled, upon request and production of the share or shares or certificate of shares, to be registered as the owner or owners thereof, without subscription therefor, and any such registered holder of any such shares, and his assignees, shall be deemed and considered to be the registered holder of any such shares as fully paid up, and the said shares shall be non-assessable for any cause :
Pledge of, etc.	
Share warrant.	(a.) The Board may issue, under the common seal of the Company, share warrants to bearer in respect of any fully paid up shares, and all shares, while represented by warrants, shall be transferable by delivery of the warrants relating thereto. Before the issue of a share warrant, the certificate (if any) then outstanding in respect of the shares intended to be included in it, shall be delivered up to the Board unless this condition is dispensed with. Each share warrant shall contain such number of shares and be in such language and form as the Board may think fit. The number originally attached to each shall be stated in the share warrant :
Stamp duty on.	(b.) Any person applying to have a share warrant issued to him shall, at the time of application, pay, if so required by the Board, the stamp duty (if any) payable in respect thereof, or if the Company shall have previously compounded for such stamp duty, then such sum (if any) as the Board may determine in respect of the amount payable by the Company for such composition, and also such fee, not exceeding one shilling, for each share warrant, as the Board shall from time to time fix :
Rights of holder of.	(c.) The bearer of a share warrant shall be deemed to be a member of the Company to the full extent, but he shall not be entitled to attend or vote at any general meeting, or to sign a requisition for a meeting, or join in convening a meeting, unless two clear days previously he shall have deposited the warrant relating to the shares in respect of which he proposes to vote or act at the registered office of the Company. No shares represented by warrants shall be reckoned in the qualification of a Director :
Holder of share warrants voting.	(d.) The Company shall deliver to a member depositing a share warrant in the manner above mentioned a certificate, stating

his name and address, and the number of shares represented by such share warrant, and the certificate shall entitle him to attend and vote at a general meeting in respect of the shares specified therein, in the same way in all respects as if he were a registered member. Upon delivery up of the certificate, the Company shall return him the share warrant in respect of which such certificate shall have been given :

- (e.) No person as bearer of a share warrant shall be entitled to exercise any of the rights of a member (save as hereinbefore expressly provided in respect of general meetings) without producing such share warrant, and stating his name, address, and occupation. The names of more than one as joint holders of a share warrant shall not be received : Bearer of share warrant to state his name, etc.
  
- (f.) The Company shall not be bound by, or be compelled in any way to recognize, even when having notice thereof, any other right in respect of the share represented by a share warrant than an absolute right thereto in the bearer thereof for the time being : How far Company bound to recognize holder of share warrant.
  
- (g.) The Board may provide, by coupons or otherwise, for the payment of the future dividends on the share included in any share warrant, and the delivery up of a coupon shall be a good discharge to the Company of the dividend thereby represented : Future dividends on warrants.
  
- (h.) If any share warrant be worn out, destroyed, or lost, it may be renewed on payment of one shilling (or such less sum as the Company in general meeting may prescribe), upon the production of such evidence of its having been worn out, destroyed, or lost, and of the title of the person claiming the share represented by it, as the Board may consider satisfactory, and upon such indemnity, with or without security, as the Board may require. All expenses incurred by the Company in procuring or investigating such evidence and obtaining such indemnity shall be paid by the person availing himself of the provisions of this section : Renewal of warrant when lost, etc.
  
- (i.) If the bearer of a share warrant shall surrender it to be cancelled, together with all outstanding dividend coupons issued in respect thereof, and shall therewith deposit with the Company an application in writing, signed by him, in such form and authenticated in such manner as the Board requires, requesting to be registered as a member in respect of the share specified in the said share warrant, and stating in such application his name, address, and occupation, he shall be entitled to have his name entered as a member in the Register of Members of the Company in respect of the share specified in the share warrant so surrendered. Surrender of warrant on becoming a member.

First Directors.

**15.** The Directors of the Consolidated Railway and Light Company shall continue to be Directors of the Company until new Directors are appointed at the next annual meeting of the shareholders.

Annual general meeting.

**16.** The next annual general meeting of the shareholders of the Company shall be held on the third day of August, A.D. 1896, and thereafter the annual general meeting of the shareholders of the Company shall be held on the first Monday of August in each year, or on such other day as may be fixed by the by-laws or regulations of the Company, and at such annual general meeting of the Board Directors shall be chosen.

Board of Directors.

**17.** The Board of Directors shall consist of not less than three persons nor more than nine, of whom a majority shall form a quorum, and who shall be elected at the meetings to be called as provided for in the next preceding section, each of whom shall be a shareholder of the Company of not less than ten shares. Such election, and every question to be decided at such election, shall be decided by a majority of the votes of the shareholders present in person at such meeting, or represented by written proxy, each share to have one vote, and the persons receiving the greatest number of votes shall be the Directors. The Directors so chosen shall, immediately after the close of such meeting, elect one of their number to be President of the Company, which President and Directors shall continue in office for one year and until others shall be chosen in their places; and if any vacancy shall at any time happen by death, resignation, or otherwise during the said year in the office of President or Directors, the remaining Directors shall elect a qualified person to fill such vacancy for the remainder of the year.

Election of Directors on day other than the one appointed.

**18.** If the election of Directors be not held on the day appointed by this Act, the Company shall not for that reason be dissolved, but it shall be lawful to hold the election on any other day in the manner provided for by any by-law or regulation of the Company, and the Directors shall continue in office until new Directors are elected; and all acts of the Directors in accordance with this Act shall be valid and binding on the Company until their successors are elected.

Powers of Directors.

**19.** The Directors shall exercise all the powers of the Company, except as hereinafter provided, and shall have full power from time to time to pass, amend, or repeal by-laws or resolutions for the management of the Company: (1) the acquirement, management, or disposition of its shares, stocks, property, and effects, and of its affairs and business: (2) the entering into agreements and contracts; (3) the declaration and payment of dividends out of the profits of the Company, and no larger dividend shall be declared than is recommended by the Directors; (4) the form and issuing of shares and share



certificates and the transfer of shares; (5) the calling of special and general meetings of the Company: (6) the appointment and remuneration and removal of all officers, agents, clerks, workmen, and servants of the Company, the rules to be observed by the officers and servants of the Company and all other persons using the tramways, railways, rails, electrical lines, electricity, electrical or other lighting, or other appliances or property of the Company whatever; (7) the fares to be paid or received for the carriage of passengers over any of its lines, or any part thereof, and the rates and tolls to be charged for electric light and power: and (8) the remuneration for the transfer and delivery of all or any goods, chattels, or effects transferred and delivered through the agency of the Company, and in general to do all things that may be necessary to carry out the objects and exercise any and all powers incident to the Company: Provided that no Director shall be disqualified from holding office by reason of or on account of his being concerned, directly or indirectly, or as a partner in any other company or association, in any contract with the Company, or on account of his acting as Managing Director or General Manager or other officer of the Company, and receiving a salary, pay, or remuneration for attending to the affairs of the Company.

**20.** The liability of the shareholders shall be limited to the amount unpaid on their shares: Provided that all shares heretofore subscribed for or allotted without subscription and issued as paid-up shares, or that may hereafter be so issued under the authority of this Act, are hereby declared to be fully paid up and non-assessable for any cause whatsoever, and shareholders holding the same shall be subject to no liability thereon. Liability of shareholders.

**21.** Unless otherwise provided by the by-laws, the person holding the proxy of a shareholder shall himself be a shareholder. Proxy.

**22.** All persons subscribing for shares or stock shall pay ten per cent. on allotment, or such sums as the Directors may determine; and the Directors may from time to time make calls on such shares, payable at such times, in such amounts, at such places, and in such manner as they shall from time to time determine; but an interval of at least thirty days shall intervene between the time fixed for the payment of any one call and that fixed for the payment of the succeeding call. Shares, subscription, allotment, calls, etc.

**23.** A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed, and if a shareholder fails to pay any call due from him before or on the day appointed for the payment thereof, he shall be liable to pay interest for the same at the rate of nine per cent. per annum from the day appointed for payment to the time of actual payment thereof. Call; when due, etc.

Notices of calls.

**24.** All notices of calls upon the shareholders shall be given by sending a notice of such call, by registered letter, addressed to each shareholder liable to pay the same, at his post office address (as recorded in the books of the Company), at least three weeks before the time appointed for payment thereof.

Forfeiture of share for non-payment, etc.

**25.** If after such demand or notice as hereinbefore provided, any call made upon any share or shares be not paid within such time as may be limited in that behalf, the Directors in their discretion, by vote to that effect duly recorded in the minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the Company, and may be disposed of as the by-laws of the Company shall ordain; but notwithstanding such forfeiture the holders of such shares, at the time of such forfeiture, shall continue liable to the then creditors of the Company for the full amount unpaid on such shares at the time of forfeiture, less any sum which may have been subsequently realized by the Company in respect thereof.

Action for amount due.

**26.** The Company may, if it sees fit, instead of declaring forfeited any share or shares, enforce payment of all calls and interest thereon, by action in any Court of competent jurisdiction; and a certificate under its seal, and purporting to be signed by any officer of the Company, to the effect that defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received against the defendant in all Courts as *prima facie* evidence to that effect.

Deduction from dividends to pay calls.

**27.** The Directors may deduct from the dividends payable to any shareholder all such sums of money as may be due from him to the Company on account of calls or otherwise.

Registration of transfers.

**28.** No assignment or transfer of any shares shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose by such officer as the Directors may from time to time designate: Provided that whenever any shareholders shall transfer, in manner aforesaid, all his stock or shares in the Company, such shareholder shall cease to be a member of the said Corporation. The Directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the Company.

Borrowing powers.

**29.** The Directors of the Company may from time to time raise and borrow, for the purposes of the Company, such sum or sums of money, upon such terms and in such manner, as they may consider expedient, and may issue bonds or debentures of the Company in sums of not less than fifty dollars, or ten pounds sterling, each, and on such terms and credit and at such prices as they may think proper, and may pledge or mortgage all the tolls, incomes, franchises, uncalled

capital and property, both real and personal (whether then acquired or that may hereafter be acquired), of the Company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest thereon; and any such mortgaged deed may contain such description of the property, tolls, incomes, franchises, uncalled capital and property, real and personal (acquired or to be acquired), mortgaged by such deed, and upon such conditions respecting the payment of the bonds or debentures secured thereby, and of the interest thereon, and the remedies which shall be enjoyed by the holder of such bonds, or by any Trustee or Trustees for them, in default of such payment, and the enforcement of such remedies; and may provide for such forfeitures and penalties in default of such payment as may be approved by the Directors; and may also contain, with the approval aforesaid, authority to the Trustee or Trustees upon such default, as one of such remedies, to take possession of the said property so mortgaged, and to hold and run the same for the benefit of the bondholders thereof; or to lease or sell the said property so mortgaged after such default, and upon such terms and conditions as may be stated in such deed; and in case of any such lease or sale, the lessee or purchaser shall have the right to exercise all the powers and franchises by this Act conferred upon the Company, and the said property may continue to be held and operated under the provisions of this Act, with the corporate name and powers of the Company; and such lessee or purchaser shall have the same rights, powers, privileges, and franchises, and shall stand in the same position, as regards the said tolls, incomes, franchises, powers, uncalled capital and property, real and personal, as the Company itself under this Act.

**30.** The bonds, debentures, or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the Company, and the franchises, undertakings, tolls, incomes, rents and revenues, and real and personal property thereof at any time acquired, save and except any charges existing thereon at the date of the passage of this Act, or such acquisition respectively; and each holder of the said bonds, debentures, and other securities shall be deemed to be a mortgagee or incumbrancer upon the said securities pro rata with all the other holders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures, or other securities, or of the interest thereon, when any instrument securing the same is in the name of a trustee or trustees appointed by or under any mortgage or trust deed, save through the trustee or trustees so appointed, or for the time being acting in the trusts thereof.

Bonds and debentures, etc., charge on franchise and assets, etc., of Company.

**31.** A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of the Company, under this Act, if made, accepted, or endorsed in the name of the Company

Promissory notes, etc.

by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf or on account of the Company by any person acting under the authority of the Company.

Real and personal estate.

**32.** The Company may purchase, lease, hold, or acquire and transfer any real or personal estate.

Building powers.

**33.** The Company is hereby authorized and empowered to construct, maintain, complete, and operate a single or double track street railway, tramway, or railway, with all necessary switches, side tracks and turn outs, and all other requisite appliances in connection therewith, upon and along such streets within the Cities of Vancouver and New Westminster as the Mayor and Council of the said Cities respectively may direct, and under and subject to any by-laws of the Corporation of the said Cities made in that behalf, and also to construct and maintain a tramway or tramways, railway or railways, between the said Cities of Vancouver and New Westminster, and in the Districts adjacent to the said Cities, and over and upon such lands as the Company may acquire, and along such road or roads between the limits of the said Cities as may be specified by any municipality through which the same may be constructed, and in case of unorganized districts as may be specified by the Chief Commissioner of Lands and Works for the time being of the said Province, who shall respectively fix the location and terms of user of the tramway or railway over the said highways of said districts, and direct the repairing and grading of such highways and the erection of poles, and to take, transport, and carry passengers upon the same, by the force or power of animals or electricity, or such other motive power as the Company may from time to time deem expedient, except that steam locomotives or motors shall not be used for such purpose upon the streets or roads of any municipality without the consent of such municipality, and to supply electricity for lighting, heating, or other purposes, and to maintain and construct all necessary buildings, appliances, and conveniences connected therewith.

Telegraph and telephone.

**34.** The Company shall have all necessary powers to construct, erect, operate, and protect telegraph and telephone lines on their line of railway, or any part thereof.

Expropriation of land.

**35.** It shall be lawful for the Company, its servants, agents, and workmen, from time to time, and at all times hereafter, as it shall see fit, and it is hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, and to survey, set out, and ascertain such parts thereof as it may require for the said works, and to contract with the owners and occupiers of lands, 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 the damages any such appropriation shall cause to them through the construction of the said street tramway or tramways, street railway or railways, or any of the works in this Act authorized, the same shall be decided in the manner set out in section 20 of the "British Columbia Railway Act," so far as the same is applicable. The notice mentioned in sub-section (1) of section 20 of the said Act shall be given after the said disagreement has arisen: Provided that this section shall not be construed so as to give the Company power to expropriate the lands forming any part of a street or highway in a municipality without the consent of such municipality being first had and obtained.

**36.** The Company is authorized and empowered to make necessary arrangements to contract and agree with any other railway company, if lawfully authorized to enter into such arrangements, for amalgamation, provided that the terms of such amalgamation are approved of by a plurality of the shareholders, voting either in person or represented by proxy, at a special meeting to be held for that purpose.

Other railway companies.

**37.** The Company shall have power to enter into and conclude any agreement with the proprietors of carriages for passengers or freight, or express conveyances, for the delivery of passengers, freight, or express, or to purchase or equip passenger, freight, mail or express conveyances for the aforesaid purpose.

Passenger, freight, and mail conveyances.

**38.** The cars and carriages of the Company, while running on the said railways, or any of them, shall have the right to use the said railways as against all other vehicles whatever; and all other such vehicles using the said railways, whether meeting or proceeding in the same direction as the said cars or carriages, shall turn out of the said track of the said railways and permit the said cars and carriages to pass, and shall in no case and under no pretence whatever obstruct or hinder the passage thereof and the free use of the said railways by the said cars and carriages of the Company.

Right of way on railway.

**39.** The Councils of any municipality in the Province of British Columbia and the Company are hereby respectively authorized, subject to the provisions of this Act, to make and to enter into any agreement or covenant relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of, and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways, the location of the railway, and the particular streets along

Agreement with Municipal Councils as to paving, repairing, etc., roads and streets.

Sewers.

Gas and water pipes.

which the same shall be laid, the pattern of rails, the time and speed of running the cars, the amount of fares to be paid by passengers, the time in which the works are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic.

Company may agree to guarantee bonds of other company.

**40.** It shall be lawful for the Company to enter into and to carry out to completion any agreement in the nature of guaranteeing interest on bonds or debentures, or for such other consideration as may be agreed upon, with any person or persons or body corporate, now having or hereafter acquiring the power or right to construct or work street railways, tramways or railways, in any part of the Province of British Columbia, and for the leasing, hiring, or purchasing the plant and rolling stock belonging to any such person or persons, or body corporate, or for making running arrangements, such agreement to be approved by a plurality of the shareholders voting in person, or by written proxy, at a special meeting to be held for that purpose in accordance with the by-laws of the Company; and every such agreement when so approved shall be valid and binding according to the terms and tenor thereof; and any company or individual accepting and executing any such lease or agreement is hereby empowered to exercise all the rights and privileges in respect to such agreement in this charter conferred.

Acquire their plant, etc.

Special meeting therefor.

Use of streets.

**41.** The Company shall have full power and authority to use and occupy any, and such parts of any, streets and roads and highways as may be required for the purposes of its railway track, the laying of the rails and the running of its cars: Provided, always, that the consent of the Council of any municipality, when within such municipality, and of the Chief Commissioner of Lands and Works for the time being of the Province of British Columbia, when the streets, roads, and highways are not within a municipality, respectively, shall be first had and obtained, who are hereby respectively authorized to grant permission to the Company to construct its railway as aforesaid within their respective limits across and along, and to use and to occupy the said streets or highways, or any part of them, for that purpose, upon such conditions as to plan of construction, and for such period or periods as may be respectively agreed upon between the Company and such Council or the Chief Commissioner of Lands and Works aforesaid: Provided that this section shall not interfere with any existing agreements entered into allowing the use of any streets or highways in any municipality, city, or town; and provided further that the Company shall be entitled to the benefit of any and all agreements given by or made with the Chief Commissioner of Lands and Works, notwithstanding the subsequent formation of a municipality embracing within its boundaries any lands, roads, or streets referred

Consent of Councils in municipalities.

Of Chief Commissioner of Lands and Works.

Existing agreements.

to in any such agreement, and such contract or agreement shall be binding on such municipality in so far as necessary to preserve the rights of the Company thereunder.

**42.** The Company is hereby authorized and empowered to take and divert at such point or points on Seymour Creek and Capilano River, as it shall judge suitable and proper, and to appropriate and use for the purpose of generating electricity so much of the waters of either or both of the said streams as to the Company may seem necessary, with power to the Company to construct and maintain all erections, weirs, wheels, dams, raceways, flumes or other works necessary for making the water power available, with the right to improve and increase the same; provided that the powers herein contained shall be subject to the provisions contained in section 61 of this Act: Provided that the Company shall so far complete their works as to be able to supply electricity and power to other corporations, companies, and persons within two years from the passage of this Act:

Diversion of water from Seymour and Capilano Creeks for electric works.

(a.) The Company shall not, in the exercise of the said powers, unnecessarily waste or diminish the natural flow of the said Capilano River or Seymour Creek, or either of them, and shall at all parts where the said works are erected, provide all usual and proper means for returning the waters used by them to the said river or creek from which the said waters are so taken in the first instance.

Restrictions.

**43.** The Company is hereby authorized and empowered to erect, construct, operate and maintain electric works, power houses, generating plant, and such other appliances and conveniences as are necessary and proper for the generating of electricity or electric power, and for transmitting the same to be used by the Company as a motive power for the operation of motors, machinery, or electric lighting or other works of the Company, or to be supplied by the Company to consumers for heating, or as a motive power for propelling tramways or railways, or for driving, hauling, lifting, pumping, lighting, crushing, smelting, drilling, and milling, or for any other operations to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which electricity or electric power may be applied or required, and for any of the above purposes the Company is hereby authorized and empowered by its servants, agents, contractors, and workmen from time to time to make and erect such electric works, and to sink, lay, place, fit, maintain, and repair such electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connections, branches, electric motors, dynamos, engines, machines, cuts, drains, water courses, pipes, buildings, and other devices; and to erect and place any electric line, cable, main, wire, or other electric apparatus above or below ground, along or over or across any street, and to erect poles for the purpose of placing the

Powers of constructing, operating, etc., of electric works.

same in such manner as the Company shall think fit, necessary or proper for the purpose of carrying out the operations of the Company in respect of and incidental to the making, generating, or supplying of electricity; and also for all such purposes to open and break up the soil and pavement of the streets or bridges, and to open and break up any sewers, drains, or tunnels within or under such streets and bridges, and to erect poles, posts, pillars, lamps, globes, or other apparatus in or upon the said streets and bridges, or against any wall or walls erected on the same or adjoining thereto, and to dig and sink trenches and drains, and to lay electric lines, cables, and mains, and to put electric lines, wires, switches, and connection branches from such electric lines, cables, and mains in, under, across, or along such streets and bridges, and from time to time to cut, remove, alter, repair, replace, and relay such electric lines, cables, mains, wires, switches, and connection branches or other apparatus:

- |                                |  |
|--------------------------------|--|
| In municipalities.             | (a.) Provided that all such powers shall, so far as regards any lands included within the area incorporated as a municipality, be subject to such conditions as the Council of such municipality may impose; provided, however, that the Company shall have a right of appeal to a Judge of the Supreme Court of British Columbia from the conditions imposed by any Municipal Council (other than that of the City of Vancouver or of New Westminster), or from any regulation thereof under this section, or under section 39, and he shall thereupon prescribe under what regulations and conditions the Company shall be allowed to exercise the powers hereby conferred within the limits of such municipality: |
| Other places.                  | (b.) And provided also that in places other than municipalities the powers shall be subject to such regulations as the Chief Commissioner of Lands and Works may impose:   |
| Vancouver and New Westminster. | (c.) Provided, further, that in the said Cities of Vancouver and New Westminster such powers shall be exercised only with the consent of the Council by by-law, which by-law shall contain such conditions respecting the exercise of such powers as to the Council affected shall seem proper; except that the Council of either of the said cities shall not object to the Company using electricity in either city generated by water, or other power, in lieu of steam power:  |
| Existing contracts.            | (d.) Nothing contained in this Act shall be held or construed to alter or affect any existing contracts of the Company with any municipality, or any of the rights and privileges that may be now held and enjoyed thereunder by the Company.  |

Supplying of electricity.

**44.** It shall be lawful for the Company to contract with any person, corporation, or company for supplying with electricity any



such person, corporation, or company upon or in any streets, ways, lanes, passages, tramways, railways, manufactories, shops, warehouses, public or private houses, buildings, and places, and for such purposes may from time to time lay down, carry, fit up, connect, and furnish any electric accumulator, storage battery, electric line, cable, wire, pipe, switch, connection, branch, burner, lamp, meter, or other apparatus for or in connection with any electric line, main, lead, or cable, or to lay down any new electric line, main, lead, or cable which for such purposes may be required, and to let any such apparatus for hire or for such sum as may be agreed upon. The Company shall from time to time supply electricity to any premises lying within fifty yards of any main supply wire or cable suitable for that purpose on being required by the owner or occupier of such premises: Provided, however, the Company before supplying electricity or making such connection, or as a condition to the Company continuing to supply the same, may require any customer to give reasonable security for the repayment to the Company of the costs of making such connection, and for the payment of the proper charges for electric supply and for rent of instruments: Provided, however, that all parties supplied with electric light by the Company may be required to place and use only such lamps as may be approved of by the Company.

**45.** Any person appointed by the Company may at all reasonable times enter any premises, to which electricity is or has been supplied by the Company, in order to inspect the electric lines, accumulators, fittings, works and apparatus for the supply or application of electricity belonging to the Company, and therein and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of electricity is no longer required, or where the Company is authorized to take away or cut off the supply of electricity from any premises, for the purpose of removing any electric lines, accumulators, transformers, motors, distribution boards, meters, fittings, lamps, works or apparatus belonging to the Company.

*Inspection of lines, apparatus, etc.*

*Cutting off supply.*

**46.** Where any electric lines, meters, accumulators, transformers, generators, distribution boards, lamps, fittings, works or apparatus belonging to the Company are placed in or upon any premises, not being in the possession of the Company for the purpose of supplying electricity, such electric lines, meters, accumulators, transformers, motors, generators, distribution boards, lamps, fittings, works or apparatus shall not be subject to distress for rent for the premises where the same may be, nor be taken in execution under any process of a Court of Law or Equity against the person in whose possession the same may be.

*Company's property in premises for purpose of supplying electricity not subject to distress.*

**47.** If any corporation, company or person neglect to pay any charge for electricity, or any other sum due from them to the Com-

*On non-payment of charges by consumers.*

pany, either in respect of the supply of electricity to such company or person, or in respect of the rent reserved by the Company for the use of electric lines, meters, accumulators, transformers, motors, distribution boards, lamps, fittings, works or apparatus lent or supplied for hire to such corporation, company or persons, the Company may cut or disconnect any such electric line or other work through which the electricity may be supplied, and remove such articles and works above mentioned as were lent for hire to such company or person.

Acquisition, etc., of land, tramway and railway systems, etc.

**48.** The Company may purchase, acquire, or lease and hold, and may sell, dispose of, or surrender any lands, buildings, or tenements, and may purchase or lease, for any term of years, any electric light system or any tramway or railway system established or to be established, and may enter into working arrangements with, or may enter into a lease of, or acquire the right to work, the line or lines of any such other tramway or railway, or use the property and plant of such electric light system; and may sell or lease to any company, authorized to operate tramways or railways either wholly or in part, the rights hereby granted, upon such terms and conditions as may be agreed upon by the board of directors of the respective companies: Provided, however, that every such transaction shall be subject to the approval of two-thirds of the votes of the shareholders of the Company present or represented by proxy at a special general meeting called for that purpose, and after any such agreement shall be made with any other company, the Company may acquire and hold shares, bonds or securities of such other company.

Approval of two-thirds of shareholders.

Validation of rights, etc., of Companies consolidated.

**49.** The Company shall be deemed to have had, from the date of the respective purchases or acquisitions by the Consolidated Railway and Light Company of the property, powers, rights, contracts, privileges and franchises of any or all companies mentioned in section 6, all the powers which the said companies had prior to the said acquisitions.

Power to take over, etc., the franchises of any other electric tramways, etc.

**50.** The Company shall have the power to purchase, take over, lease or otherwise acquire, all or any part of the property, real and personal, rights, contracts, privileges and franchises of any other lighting company or companies, or of any other electric tramway or tramways, railway or railways or power company in the Province of British Columbia, and shall have, when the same are acquired, all the powers, contracts, privileges, rights and franchises of any such company or companies that may have been conferred upon any such company or companies by charter, Acts of incorporation, by-laws or contracts with any municipality, so that the same shall be held, exercised and enjoyed by the Company as fully as if specially conferred hereby, and the Company, in the exercise of any of its powers of acquirement of electric tramways and railways, or railways using other motive power than

electricity, shall become possessed of all the property, rights, contracts, privileges, and franchises of such other companies, and the right to exercise all such powers and franchises, and to operate the tramways or railways so acquired, and after having acquired the property, rights, contracts, privileges, and franchises of any such company or companies by purchase under any power of sale or trust for sale contained in any trust deed securing debentures or having purchased from any person or persons, or corporation or corporations, who may have been the purchaser or purchasers at any such sale or otherwise, shall stand possessed of the title to all the property, rights, contracts, privileges, and franchises as previously held by such other company or companies so purchased or acquired, with all the powers, statutory, municipal and otherwise, for the due operation of the same, and the company shall have power to carry on the business of such other company or companies so acquired in the name or names of the companies so acquired, if thought fit: Provided, that the Company may lease the property, rights, contracts, privileges and franchises of any company, from any such purchaser or purchasers, under the power of sale, or trust for sale contained in any trust deed, securing debentures, and in such case the Company as lessee shall have the right to exercise all the powers, rights, contracts, privileges and franchises, conferred originally upon any such company.

**51.** The Company may unite, amalgamate, and consolidate its stock, property, business, and franchises with those of any other lighting company or companies, or any other electric railway or railways or power company, and may enter into working engagements with, or may enter into a lease of, or take and hold shares in, or acquire the right to operate the works of, any other company which has been or may hereafter be empowered to generate or supply electricity or light in any form or for any purpose, or to construct and operate tramways or railways within the Province of British Columbia, upon such terms and conditions as may be agreed upon by the Board of Directors of the respective companies.

Company may amalgamate with other companies.

**52.** The Company shall have the power to enter into and conclude any agreement with any other tramway or railway company, or any corporation, for leasing or selling to them the property, real or personal, rights, contracts, privileges, powers, and franchises of the Company, or any part thereof, or for the working or managing of any of its lines of railway, or for running powers over the same, or any part thereof: Provided that such agreement shall be approved of by two-thirds in value of the shareholders at any special meeting called for that purpose.

Agreements with other companies.

**53.** The Company shall have power to enter into contracts with any person or persons, corporation or corporations, and with any municipality in the said Province, for building and equipping street

Power to contract for street railways and supplying light, power, and heat to persons and corporations.

railways and for lighting the streets of any municipality and supplying it or them with power and heat, and any such contract shall be valid and binding for the term of years thereby agreed upon on the Company and any such person or persons, or any municipality, corporation or corporations, so contracted with.

Other persons and corporations may bonus, etc.

**54.** It shall be lawful for any person or corporation, municipal or otherwise, within the legislative authority of the Legislative Assembly of the Province of British Columbia, to make grants of land, privileges, bonuses, guarantees of bonds or interest, loans or gifts of money, or securities for money to the Company, and to subscribe for any number of shares in the Company, or for bonds or debentures of the Company, or exempt the Company from any tax or impost, or to aid the Company by all or any of such means as may by them be deemed advisable.

Company may take gifts, bonus, exemption from taxation, etc.

**55.** The Company may receive, take, hold, enjoy, or lease from any Government, person, corporation, municipal or otherwise, any lands, bonus, donations, loans, gifts of money, bonds, guarantee of bonds, or interest guarantees, exemption from taxes or other impost, or any or all of the same, and generally any benefit or advantage to the Company or in aid of the same, of any nature or kind whatsoever; and may sell, lease, or otherwise dispose of the same, either conditionally or absolutely, or for any limited estate or interest therein, and upon such terms and conditions as the Directors may deem proper, and the generality of the latter part of this clause is not to be held to be restricted by the specific mention of the foregoing ways and means.

When fares payable by passengers.

**56.** The fare shall be due and payable by every passenger on entering the car, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car when requested to do so by the conductor or driver, shall be liable to a fine of not more than twenty dollars, recoverable, with costs, before any two Justices of the Peace, Police Magistrate, or Stipendiary Magistrate in the said Province, in like manner as fines are recoverable before Justices of the Peace under any Act for the time being in force in this Province.

Passengers to show ticket or pay fare when required.

**57.** Every passenger shall show and deliver up his ticket or pay his fare to any duly authorized servant of the Company when required to do so for any purpose, and any passenger failing or refusing to deliver up his ticket or pay his fare as aforesaid shall be required to pay the fare from the station whence the car originally started to the end of his journey.

In case of refusal.

**58.** Passengers refusing to pay their fare may, by the conductor of the train or the servants of the Company, be, with their baggage, put out of the car, using no unnecessary force, at any usual stopping place or near any dwelling-house, as the conductor shall elect, the conductor first stopping the car.

**59.** Any person who shall maliciously or wilfully injure, molest, or destroy any of the lines, posts, or other material or property of the Company, or post up any advertisement, or print anything on any of the posts or other property of the Company, or in any way wilfully obstruct or interfere with the undertaking and working of the said electric plant or property, shall, on conviction thereof before any two Justices of the Peace, or functionary having the power of two Justices of the Peace, be by such Justices or functionary adjudged and condemned to pay a penalty for every such offence not exceeding one hundred dollars, together with costs; and such Justices or functionary may, on default of payment, condemn such person to be confined in any common gaol in the Province of British Columbia for a space not exceeding one calendar month, with or without hard labour.

Injury to property of the Company.

**60.** All actions or suits for indemnity for any damage or injury sustained by reason of the tramway or railway, or the works or operations of the Company, shall be commenced within six months next after the time when such supposed damage is sustained, or if there is continuance of damage, within six months next after the doing or committing of such damage ceases, and not afterwards, and the defendant 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 authority of this Act.

Actions for damage against the Company for injury sustained.

**61.** Nothing in this Act contained shall be deemed or taken to abrogate or interfere in any way with the rights, powers, and privileges vested in or granted or transferred to the City of Vancouver under the provisions of any of the enactments following, that is to say: the "Vancouver Incorporation Act, 1886," and amending Acts, the "Vancouver Water Works Act, 1886," and an Act passed in the fifty-fourth year of Her Majesty's reign, chapter 73, and intituled "An Act to amend the 'Vancouver Water Works Act, 1886,'" or to alter or affect any existing contracts between the Company, or any other of the hereinbefore mentioned companies, and the City of Vancouver, or any of the rights and privileges that may now be held and enjoyed thereunder by the said city, or to grant to the Company any franchises empowering the building of tramways or railways within the City of Vancouver which the said Company had not acquired prior to the passage of and which are confirmed by this Act.

"Vancouver Incorporation Acts" and "Water Works Acts" not abrogated.

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VICTORIA, B. C.:

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

1896.