



CHAPTER 35

An Act to Incorporate the Columbia and Kootenay Railway and Navigation Company.

[6th April, 1889.]

WHEREAS a Petition has been presented praying for the incor- Preamble
poration of a Company for the purpose of constructing a line of
railway from the outlet of Kootenay Lake, through or by the Selkirk
Range, to some point on Columbia River, at or near the junction of
the Kootenay and Columbia Rivers, and also for the purpose of building,
equipping, and maintaining a line of steamers on the Kootenay Lake
and Columbia River:

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. Richard Plunkett Cooke, George Turner, and Alfred Graham Incorporation.
Ferguson, all of the City of Vancouver, in the Province of British
Columbia, and such other persons and corporations as shall, in pur-
suance of this Act, become shareholders, are hereby constituted a body
politic and corporate by the name of "The Columbia and Kootenay
Railway and Navigation Company," hereinafter called the Company.

2. The capital stock of the Company shall be five million dollars Capital stock.
divided into fifty thousand shares of one hundred dollars each, which
shall be applied, first, to the payment of all costs and expenses incurred
in the passing of this Act, and the remainder for the purpose of the
Company's undertaking.

3. The persons named in the first section of this Act shall be and Provisional
directors.
are hereby constituted Provisional Directors of the Company, of whom
two shall form a quorum for the transaction of business, and they shall

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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.

4. The head office of the Company shall be in the City of Vancouver, or at such other place in the Province as the Company may from time to time appoint.

First meeting of shareholders.

5. The first general meeting of shareholders shall be held in Vancouver, upon two weeks' notice being given, at such time and place as the Directors shall specify therein.

Annual meetings of shareholders.

6. The subsequent annual general meetings of shareholders shall be held at such times as may be determined by the by-laws of the Company.

Power to borrow money.

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

Tolls and fares.

8. Reasonable and uniform tolls and fares shall be from time to time fixed and regulated by the by-laws of the Company, or by the Directors, if thereunto authorized by the by-laws or by the shareholders at any general meeting, and may be determined and received for all passengers and goods transported upon the railway and steamboats, and shall be paid to such person, and at such places, in such manner, and under such regulations as the by-laws direct.

Power to run a line of steamers on Kootenay river and lake.

9. The Company may acquire, build, equip, and maintain a line of steamers and other vessels, for the purpose of carrying freight and passengers to and fro from that point on Kootenay River where the southern boundary line of British Columbia intersects the said river; thence down the said river to Kootenay Lake and through and through-out the said lake and its navigable tributaries.

Power to construct and operate telegraph and telephone lines.

10. The Company may construct and operate telegraph and telephone lines along and in connection with the railway and its branches and routes travelled by steamboats, and may construct wharves, docks, elevators, warehouses, station houses, offices, and such other buildings as may be found requisite in carrying on the business of the Company.

Power to construct railway from Kootenay Lake to Columbia River.

11 The Company may lay out, construct, acquire, build, equip, maintain and work a continuous line of railway over the lands of the Crown from the outlet of Kootenay Lake through the Selkirk range of mountains to a point on the Columbia River, as near as practicable, to the junction of the Kootenay with the Columbia River in British Columbia; and such railway may be built either upon the broad or narrow gauge, and may be known as "The Columbia and Kootenay Railway."

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12. The Company may acquire, build, equip, maintain, run and navigate a line of steamers, suitable for passenger and freight traffic, and other vessels, upon the Columbia River to and fro from the point on the Columbia River where the Columbia and Kootenay Railway terminates to Revelstoke.

Power to run line of steamers on Columbia River to Revelstoke.

13. The term "broad gauge" in this Act shall be construed to mean the gauge of the Canadian Pacific Railway; and the term "narrow gauge" shall be construed to mean not less than a three feet gauge.

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

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

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

15. All surveys required shall be at the expense of the Company, and such survey shall be conducted in accordance with the land laws of the Province.

Surveys to be at expense of the Company.

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

Preserves existing rights in lands affected.

17. The construction and equipment of the line of railway shall be complete within two years from the passage of this law.

Construction to be complete within two years.

18. Nothing in this Act contained shall authorize the Company to establish a line of steamships between the Province of British Columbia and any British or foreign country.

Company not to run steamships to places outside the Province.

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

Construction to be commenced within six months and completed in two years.

20. Sections 194, 195, 196, 197, 198, 199, and 287 of the 51 Vic., chap. 29, of the Dominion Statutes, known as the "Railway Act," shall be read as part of this Act so far as the same is not inapplicable to the undertaking hereby authorized.

Certain sections of the Railway Act of Canada to apply.

21. The "Vancouver Island Land Clauses Consolidation Act, 1863," as modified by the provisions hereafter contained shall be read with and form part of this Act.

The Vancouver Island Land Clauses Consolidation Act, 1863 to apply.

22. All such parts of the "Vancouver Island Railway Clauses Consolidation Act, 1863," and the Act therein referred to as the principal Act, which refers to the depositing of plans, sections, and books of reference, and to the construction of the railway according to such plans and sections or over the land referred to in the book of reference,

Certain sections of the said Act and the Vancouver Island Railway Clauses Consolidation Act, 1863, to apply.

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and sections 6, 7, 8, and 11 of the "Vancouver Island Railway Clauses Consolidation Act, 1863," and sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 36, 37, 38, 39, 42, 46, 47, 49, 50, 51, 54, 57, 59, 63, 64, 65, 66, 67, 68, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 93, 94, 95, 107, 110, 111, 114, 159, 161, 163, 164, and 165 of the Act referred to in the "Vancouver Island Railway Clauses Consolidation Act, 1863," as the principal Act, shall not apply to the undertaking authorized by this Act, but the remainder thereof shall apply.

Definition of terms
and expressions.

23. The following expressions wherever appearing in the clauses of the "Vancouver Island Land Clauses Consolidation Act, 1863," and the "Vancouver Island Railway Clauses Consolidation Act, 1863," incorporated with this Act shall, in the construction and for the purpose of this Act, have the several meanings hereby assigned to them, that is to say:—

"Vancouver Island
and its dependen-
cies."

"Vancouver Island and its Dependencies" shall mean the Province of British Columbia:

"Governor."

The "Governor" shall mean the Lieutenant-Governor or other Officer for the time being Administering the Government of the Province of British Columbia:

"Colonial Secreta-
ry."

The "Colonial Secretary" shall mean the Provincial Secretary:

"Treasury."

The "Treasury" shall mean the Treasury of the Province of British Columbia:

"Supreme Court of
Civil Justice."

The "Supreme Court of Civil Justice" shall mean the Supreme or any Superior Court of British Columbia.

"Board of Trade."

24. Whenever in any of the clauses referred to in this Act the Board of Trade is mentioned, or Court of Petty or Quarter Sessions is referred to, in lieu thereof there shall be read the Chief Commissioner of Lands and Works, for the Board of Trade, and the Supreme or any Superior Court of British Columbia, or a Judge thereof, for the Court of Petty or Quarter Sessions, as the case may be.

"Court of Petty or
Quarter Sessions."

Short title.

25. This Act may be cited as the "Columbia and Kootenay Railway and Navigation Company Act, 1889."

VICTORIA, B. C.:

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