



CHAPTER 63.

An Act to Incorporate the Skeena River Railway, Colonization and Exploration Company.

[*May 20th, 1898.*]

WHEREAS a petition has been presented by Sir Charles Ross, Preamble.
Baronet; Joseph Benjamin McArthur, and Thomas Mayne Daly,
praying for their incorporation as a Company for the purpose of constructing and operating a line of railway from some point near the head of steamboat navigation on the Skeena River, thence by the most feasible route to a point at or near Yellow Head Pass, or, in the alternative, to some point on the eastern boundary of the Province of British Columbia, by way of the Parsnip River, with power to extend the said line from the starting point down to the mouth of the Skeena River, and also to authorise and empower the Company to build branch lines to a point or points not exceeding twenty miles in a direct line from the main line of said railway, and also with power to build telegraph and telephone lines, and to erect and maintain all necessary works for the generation and transmission of electricity or power within the area of the operations of the Company, and with power to build, maintain and operate wharves, docks, steamboats, saw-mills, and to acquire water privileges, and to make traffic or other arrangements with railways, steamboats or other companies, and to have all other usual and necessary powers, rights and privileges appertaining to a railway and colonization company :

And whereas it is expedient to grant the prayer of said petition :

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

1. Sir Charles Ross, Baronet; Joseph Benjamin McArthur, and Thomas Mayne Daly, and such other persons and corporations as shall

Incorporation.

in pursuance of this Act become shareholders in the Company hereby incorporated, are hereby constituted a body politic and corporate, by the name of the "Skeena River Railway, Colonization and Exploration Company," hereinafter called "the Company."

Capital.

2. The capital stock of the Company shall be two million five hundred thousand dollars, divided into 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.

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 into some chartered bank of Canada, the Provisional Directors of the Company 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, elect five Directors, who shall hold office until others are elected.

Notice of meetings, how given.

4. At least thirty days' public notice of any meeting shall be given by advertisement published in the British Columbia Gazette, and by notice in writing mailed to each shareholder addressed to his last known place of abode, in which notice shall be specified the place, and the day and hour of meeting. A copy of such Gazette containing such notice shall, on production thereof, be conclusive evidence of the publication 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 general meeting.

7. The annual general meeting of the shareholders shall be held on the first Monday in the month of February in each year, at which meeting a Board of five Directors, of which three shall be a quorum for the transaction of all business, shall be elected for the management of the Company's affairs.

8. The Company shall have power and authority—

Power to construct line, and time for completion.

(1.) To lay out, construct, build, equip, maintain and continuously operate the lines of railway mentioned and described in the

Schedule to this Act, and for the purposes of construction the undertaking of the Company shall be divided into two sections or divisions, as shown and particularized in the Schedule hereto, and the said sections or divisions shall be respectively known as the First and Second Sections. The Company shall commence the undertaking authorised by this Act on or before the 31st day of December, 1899, and shall complete and equip fifty miles of the railway hereby authorised within three years from the date of the passage of this Act, and shall complete and equip the whole of the same on or before the 31st day of December, 1903. Nevertheless, the failure to complete either 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. The Company shall, within one year from the date of the passing of this Act, by notice in writing addressed to the Lieutenant-Governor in Council, elect which of the alternative routes they shall adopt:

- (2.) To build branch lines from any of such main line or lines of railway, not exceeding twenty miles in length in any direction, to farming lands or groups of mines, concentrators, or to any concentrator, situate upon or adjacent to the said main line or lines of railway : Branch lines.
- (3.) 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. No Act of this Legislature requiring the Company, in case efficient means are devised for carrying telegraph, telephone or electric wires under ground, to adopt such means and abrogating the right given by this Act to continue carrying lines on poles, shall be deemed an infringement of the privileges granted by this Act : Telegraph and telephone lines.
- (4.) 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" : Part IV. of "Water Clauses Consolidation Act, 1897."
- (5.) To acquire, purchase, hold, receive or take land or other property, and to receive concessions or grants of land from any powers or authorities, and to alienate, sell or dispose of any lands or property acquired in any manner by the Company : Purchase, hold, etc., land concessions, etc.

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| Colonization and improvement. | (6.) 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 : |
| Exploration company. | (7.) 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 and success of such expeditions : |
| Shipping and transportation. | (8.) To carry on a general shipping and transportation business, and for that purpose to acquire and hold and to charter or otherwise 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 : |
| Wharves, etc. | (9.) To acquire, construct, maintain and operate wharves, quays, docks, warehouses and buildings, and to carry on the business of warehousemen, wharfingers and forwarding agents : |
| Amalgamation and other agreements with other companies. | (10) To enter into an agreement or agreements for conveying or leasing to any other railway, steamship or transportation company, in whole or in part, any of the main lines of the railway or branches which the Company by this Act is empowered to construct and operate, or any rights or powers acquired by this Company under this Act, as also surveys, plans, works, plant, materials, machinery and other property to the said railway or its branches belonging, or for an amalgamation with any other Company having the like objects and purposes as the Company hereby incorporated, or for forming any traffic or other arrangements with any railway or steamboat company whose undertaking joins the railway or branches, or which may be operated in connection with the undertaking of the Company hereby incorporated, the whole upon such terms and conditions as are agreed upon, and subject to such restrictions as to the Directors seem fit; provided that each 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. |

By-laws.

9. The Directors of the Company may from time to time 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 providing for the due management of the affairs of the Company in all respects whatever, and may from time to time alter and repeal any such by-laws and make others: Provided always, that such by-laws, in so far as

they relate to the conduct and operation of the railway hereby incorporated, shall not be repugnant to the provisions of this Act or the "British Columbia Railway Act."

10. The Directors of the Company may make and issue, as paid-up Paid-up shares, etc. stock, shares in the Company, whether subscribed for or not, and may select and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors, engineers and any other person or persons who have been or are engaged in promoting the undertaking, and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

11. The provisions of the "British Columbia Railway Act," except "B. C. Railway Act." in so far as they are inconsistent with or repugnant to the express provisions hereof, shall be incorporated with this Act.

12. No Chinese or Japanese person shall be employed in the construction of the undertaking hereby authorised, under a penalty of five Chinese and Japanese. dollars per day for each and every Chinese or Japanese person employed in contravention of this section, to be recovered upon complaint of any person under the provisions of the "Summary Convictions Act."

13. The Company shall, within six months after the passage of this Security. Act, deposit with the Provincial Government the sum of five thousand dollars, either in cash or approved bonds, 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 30th June, 1899, and in default of such expenditure the aforesaid sum of five thousand dollars shall be forfeited to and become the property of the Government, as liquidated and ascertained damages, and not as a penalty; and should such security not be deposited with the Government within the aforesaid time, all the rights and privileges conferred by this Act shall be null and void.

14. This Act may be cited as the "Skeena River Railway, Coloniza- Short title. tion and Exploration Company Act, 1898."

SCHEDULE.

Schedule

THE FIRST SECTION.

A line of railway and steamboats from some point at or near the head of steamboat navigation on the Skeena River, thence by the most feasible route to a point at or near the Yellow Head Pass.

Or, in the alternative, a line of railway from a point at or near Hazelton, or from the head of steamboat navigation on the Skeena River, thence by way of the Parsnip River to a point on the eastern boundary of the Province of British Columbia.

THE SECOND SECTION.

A line of railway and steamboats from a point at or near the head of steamboat navigation on the Skeena River, following the course of the said river to its mouth.

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